

# **Appendix H**

## **Existing Rules, Comments on Rules and ORC Section 343.01 (G) Rule Making Authority**

**The District Rules: Narrative to describe how the currently effective rules have complemented District strategies and programs**

Definitions: The definitions are an important part of the rules. The definitions section of the 1996 was revised in 2005. Additional definitions were added and serve to clarify the specifics of the "Designated Solid Waste Facility." Note that additional facilities may be designated or that facilities may be removed from designation by action of the District Board of Directors. The list that is included in the definitions section of the rules is up-to-date as of November 2005. A list of facilities designated as of August 2007 is included in the Plan Update in Appendix H.

Rule Number 2-96 and 3-96: Assures that the construction or modification of any solid waste facility in the District will comply with the solid waste plan.

Rule 4-96, and 5-96: Compliments the District's recycling programs by prohibiting the disposal of separated recyclable materials. In 2004, Rule 5-96 was amended to make it clear that it is not permissible to deposit non-recyclable material such as garbage and trash in bins intended for recycling. The rule provides a basis for enforcement of the prohibition against putting unacceptable material in the District's recycling bins.

Rule 6-96, and rule 7-96: Compliments the District plan by providing the framework for enforcement of the facility designation which is a requirement of the plan. Rule 7-96 provides a uniform method for the waiver of designation.

Rule number 8-96: Supports the District's drop-off and curbside recycling programs by prohibiting the removal of recyclable materials or solid waste by any unauthorized person or entity. This rule is important because it provides a mechanism to keep valuable recyclable materials from being pilfered and reduces the potential for illegal dumping and litter.

Rule number 9-96: Supports the District's need to gather up-to-date and accurate information regarding to amount of materials collected for disposal and recycling to allow the District to monitor waste generation and recycling rates and to monitor revenue from the District's contract fee.

Rule 10-96: Compliments the District's waste reduction programs by prohibiting the disposal of separated yard waste.

Rule 11-96: Compliments the District's interest in maintaining in good condition the solid waste facilities and services needed to implement the plan.

Rule 12-96: Provides the penalties for the violation of the above listed rules.

**DARKE COUNTY SOLID WASTE DISTRICT RULES AND REGULATIONS**  
**October 25, 2005**

WHEREAS, on April 22, 1982, the Board of Commissioners of the Darke County, Ohio (the "Board"), pursuant to O.R.C. 343.01 as amended effective June 24, 1988, by amended Sub. H.B. 592, established the Darke County Solid Waste Management District (the "Solid Waste District"); and

WHEREAS, Sections 343.01 (A) and 3734.52(A) the Solid Waste District is comprised of all incorporated and unincorporated territory within Darke County, Ohio, for the purpose of preparing, adopting, submitting and implementing the Darke County Solid Waste Management Plan, ("Plan") and for the purpose of providing for, or causing to be provided for, the safe and sanitary management of solid waste within the Solid Waste District; and

WHEREAS, the Board has determined that the Solid Waste District must provide for, or cause to be provided for, the diligent supervision, maintenance and protection of the solid waste collection system and solid waste facilities within the Solid Waste District, and regulation of the use thereof, in order to assure the safe and sanitary management of solid waste within all of the incorporated and unincorporated territory of the Solid Waste District and to assure that the Plan is properly implemented; and

WHEREAS, the Board has determined that the Solid Waste District's supervision, maintenance, and protection of the solid waste collection system and solid waste facilities within the Solid Waste District and regulation of the use thereof, can be more effectively and satisfactorily exercised when solid waste that is generated and intended for disposal within the Solid Waste District is required to be taken to the thirteen (13) designated solid waste facilities as the only solid waste facilities under contract with the Board for the disposal or transfer for disposal of solid waste generated within the Solid Waste District; and

WHEREAS, the Board has determined that in order for the Solid Waste District to effectively maintain, protect, monitor and control the manner of use of solid waste collection, storage, processing, transfer, disposal and resource recovery within the Solid Waste District, it is necessary for the Solid Waste District to obtain information regarding the quantity and type of materials being generated, collected, stored, transferred, processed and disposed of within the Solid Waste District from persons that conduct such activities within the Solid Waste District; and

WHEREAS, the Board has determined that to protect the public health and welfare by preventing unsanitary, unsafe, improper, unsupervised or poorly managed collection, storage, transfer, processing and disposal of solid waste within the Solid Waste District, it is necessary to require the collection, storage, transfer, processing and disposal of solid waste generated within the Solid Waste District to conform to uniform rules and regulations; and

WHEREAS, the following rules and regulations are authorized by the Revised Code and the Plan, and the Board has determined that such rules and regulations are necessary to provide for the safe and sanitary management of solid waste within all of the incorporated and unincorporated territory of the Solid Waste District, and to protect the public health and welfare as assure proper implementation of the Plan:

IT HAS BEEN RESOLVED, by the Board of Commissioners of Darke County, Ohio, that the following Rules be, and the same hereby are adopted:

THE DARKE COUNTY SOLID WASTE DISTRICT  
RULE NUMBER 1-96  
DEFINITIONS

As used in the rules adopted by the Darke County Solid Waste Management District:

(A) "Acceptable Waste" means that portion of solid waste that is disposed of by the persons and entities located within the Solid Waste District which is appropriate for Processing at a designated Solid Waste Facility, but does not include any Separated Recyclable Materials, Separated Yard Waste, Construction and Demolition Debris, or Unacceptable Waste. If any governmental agency or unit having the appropriate jurisdiction determines that substances which are not, as of the date of this rule, considered harmful, toxic, or dangerous, are in fact harmful toxic or dangerous or are hazardous or harmful to health, then any such substances or materials shall thereupon constitute Hazardous Waste or Unacceptable Waste for purposes of this rule.

(B) "Board" means the Board of County Commissioners of Darke County, Ohio.

(C) "Collection" or "Collect" means the removal, conveyance or transportation of Solid Waste.

(D) "Commercial Hauler" means any person who engages in collection of Solid Waste as a for-profit business activity and subject to registration by regulations of the Darke County General Health District.

(E) "Composting" means the controlled biological decomposition of organic solid wastes including, but not limited to, Separated Yard Waste, under predominately aerobic conditions, and which stabilizes the organic fraction of a material. Fermentation and/or putrefaction, the decomposition under predominantly anaerobic conditions resulting in the production of leachate and odor, is not composting.

(F) "Construction and Demolition Debris" means those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. Construction and Demolition Debris does not include materials identified or listed as solid wastes or hazardous waste pursuant to Chapter 3734. of the Revised Code and rules adopted under it; materials from mining operations, nontoxic fly ash, spent nontoxic foundry sand, and slag; or reinforced or nonreinforced concrete, asphalt, building or paving brick, or building or paving stone that is stored for a period of less than two years for recycling into a usable construction material.

(G) "Designated Solid Waste Facility" shall mean any Solid Waste Facility designated in the Plan or hereafter designated pursuant to Sections 343.013, 343.014 or 343.015 of the Revised Code. The designated solid waste facility of the Solid Waste District, as of the date of this rule are:

1. Celina Sanitary Landfill (Countryside)  
6141 Depweg Road, Celina, OH 45822

2. Cherokee Run Landfill  
2946 US Route 68, N., Bellfontaine, OH 43311

3. Randolph Farms, Inc. Sanitary Landfill  
(Best Way) 7256 West C.R. 600 South Modoc,  
IN 47358

4. Rumpke Sanitary Landfill  
10795 Hughes Road, Cincinnati, OH 45251

5. Rumpke's Greenville Transfer Station  
5474 Jaysville/St. Johns Rd.  
Greenville, OH 45331

6. Rumpke Richmond Transfer Station  
275 Ft. Wayne Ave., Richmond, IN 47374

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| 7. Montgomery County Transfer Station<br>2550 Sandridge Drive, Dayton, OH 45419                   | 11. Miami County Transfer Station<br>2200 N. CR. 25-a, Troy, OH 45373                                     |
| 8. Waste Management's Koogler Transfer Station, 1700 North Broad St., Fairborn, OH 45324          | 12. Preble County Sanitary Landfill<br>4239 US 127 South, Eaton, OH 45320                                 |
| 9. Waste Management's Lima Transfer Station, 1555 Buckeye Rd., Lima, OH 45802                     | 13. Hemmelgarn Services, Inc.<br>Shelby County Transfer Station<br>1604 Riverside Drive, Shelby, OH 45365 |
| 10. Waste Management's Stoney Hollow (RDF) Landfill, 2460 South Gettysburg Ave., Dayton, OH 45418 | 14. Maharg, Inc. Transfer Station<br>3726 Monroe Road, P.O. Box 510<br>Celina, OH 45822                   |

(H) "Solid Waste District" means the Darke County Solid Waste Management District with its principal offices located at 115 West Fourth Street, Suite 1, Greenville, Ohio, 45331.

(I) "Hazardous Waste" means any waste which, by reason of its listing, composition or characteristics is a hazardous waste (as defined in the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended (including, but not limited to, amendments thereto made by the Solid Waste Disposal Act Amendments of 1980) and related federal, state and local laws and regulations, or in any additional or substitute federal, state or local laws and regulations pertaining to the identification, treatment, storage or disposal of toxic substances or hazardous wastes as any of the foregoing is from time-to-time amended or replaced.

(J) "Person" includes the state, any political subdivision of the state or other state or local body, the United States and any agency or instrumentality thereof, and any legal entity or organization defined as a person under sections 1.59 and 3734.01 of the Revised Code.

(K) "Plan" means the Darke County Solid Waste Management Plan approved by the Director of the Ohio Environmental Protection Agency on April 4, 1996, and again on August 22, 2002, and as may from time-to-time be amended.

(L) "Process" means collection, sorting, cleansing, and treating of Acceptable Waste, that would otherwise be disposed in a Solid Waste Facility, for the purpose of recovering Recyclable Material and returning Recyclable Material into commerce.

(M) "Recyclable Material" means any material that is capable of being Processed at a recycling or material recovery facility, for which there is a resale market, and which is identified by the Solid Waste District in writing from time-to-time. Such materials typically include, but are not necessarily limited to, glass bottles and jars, paper, metal products and containers, plastics, fiber material and other similar materials.

(N) "Rule" means any rule promulgated, adopted and published by the Board, within its power to adopt rules reserved in the Plan, and authorized by Sections 343.01(G) and 3734.53(C) OF THE Ohio Revised Code, as now existing or hereafter amended.

(O) "Separated Recyclable Material" means a Recyclable Material which has been separated at the point of generation or at the point of collection from other Solid Waste, and includes, but is not limited to, the placement of Recyclable Material or Yard Waste in portable containers, compartments of portable containers, or vehicles dedicated to Separated Recyclables Material collection.

(P) "Solid Waste" means such unwanted residual solid or semisolid material as results from residential, industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining or demolition operations, or other waste materials of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, tires, combustible and non-combustible material, street dirt, and debris. Solid Waste does not include any material that is an infectious waste or a Hazardous Waste.

(Q) "Solid Waste Facility" means any solid waste transfer facility, solid waste disposal facility, recycling facility, resource recovery facility, material recovery facility, yard waste composting facility, scrap tire facility, or construction and demolition debris facility.

(R) "Unacceptable Waste" means that portion of solid waste which is not permitted by the Solid Waste District or by applicable law to be delivered or disposed of at a Designated Solid Waste Facility as originally designed. Unacceptable waste also shall include medical waste, ashes, foundry sand, asbestos, sealed drums/barrels, white goods, motor vehicles (including such major motor vehicles parts as automobile transmissions, rear ends, springs and fenders), agricultural and farm machinery and equipment, marine vessels and major parts thereof, any other type of machinery or equipment, liquid wastes, or other wastes which have a reasonable possibility of adversely affecting the operation of the Solid Waste District's designated solid waste facility, unless such unacceptable waste is delivered in minimal quantities and concentrations as a part of normal collections in which case it shall constitute Acceptable Waste. Any source, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended, and related regulations; or any other material posing a threat to health or safety, including, without limitation, infectious waste, pathological or biological wastes, septic, cesspool or other human wastes, human and animal remains, cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, explosives and drugs shall be included in this definition as Unacceptable Waste.

(S) "Separated Yard Waste" means Solid Waste That includes only leaves, grass clippings, brush, garden waste, tree trunks, holiday trees, tree trimmings, and/or prunings, and that has been separated at the point of generation or at the point of collection from other Solid Wastes.

(T) "Commercial Hauler" means any private person, firm, Corporation, association, or partnership that provides the regular or systematic collection and transportation of Solid Wastes and Recyclable Materials for compensation, utilizing Commercial Collection Vehicles for delivery to a facility for disposal, treatment, processing, and/or recycling. This definition includes, but is not limited to, private trash and garbage collection services, solid waste collection services and recyclables collection.

(U) "Solid Waste Collection Vehicles" means vehicles used for the collection and transportation of Solid Waste and/or Recyclable Materials, which shall have enclosed loads or suitable provisions for covering and securing the loads, unless all of the Solid Waste or Recyclable Materials are kept in watertight covered containers, and shall be within vehicles which are leak proof, of easily cleanable construction, and shall be cleaned at sufficiently frequency to prevent odor, nuisance, litter or insect breeding, and shall be maintained in good repair.

(V) "Commercial Solid Waste Collection Vehicles" Means vehicles operated by Commercial Haulers, which shall, in addition to meeting the requirements set forth in Definition (U), Shall (1) be approved, licensed and inspected by the Darke County General Health District, shall (2) operate in accordance with the Rules and Regulations set forth by the Darke County Solid Waste District and the District Plan, and shall (3) be designed and constructed specifically for Solid Waste Collection, such as packer-type trucks, compaction-type trucks, rear-end loaders, front-end loaders, side-end loaders, side-end arm loaders, roll off, etc. The only exception to Section (3) of this rule would be during a special collection of a specific material or materials such as large furniture or large appliances, where the material or materials being hauled would not fit into vehicles specifically designed for Solid Waste Collection. In this case, the material or materials must be firmly secured, tarped or covered to prevent endangerment to human health and to the environment, and must be of such nature as to preclude leakage, spillage of liquid or solid waste from the vehicle being used to collect it.

(W) "Contractor" means the owner or operator of any Solid Waste Facility which has entered into a Designation Agreement with The Solid Waste District.

**DARKE COUNTY SOLID WASTE MANAGEMENT DISTRICT  
RULE NUMBER 2-96  
CONSTRUCTION OR IMPROVEMENT OF SOLID WASTE FACILITIES**

No Person shall construct, enlarge or modify any Solid Waste Facility, until general plans and specifications for the proposed improvement have been submitted to and approved by the Board as complying with the Plan. In evaluating whether such plans and specifications comply with the Plan, the Board shall consider the facility's compliance or prospective compliance with every part of the Plan including, but not limited to, the implementation schedule, waste projections, management strategies, siting strategies, waste reduction, and finances. In conducting its evaluation, the Board may obtain such assistance as it deems necessary or appropriate including, but not limited to, the assistance of private consultants.

General plans and specifications shall be submitted to the Darke County Solid Waste Management District, attention: Solid Waste Coordinator, County Administration Building, 520 South Broadway, Greenville, Ohio, 45331. All such general plans and specifications shall be clearly marked as complying with the requirements of this Rule Number 2-96 and Section 343.01(G)(2) of the Revised Code.

**DARKE COUNTY SOLID WASTE MANAGEMENT DISTRICT  
RULE NUMBER 3-96  
COMPLIANCE OF IMPROVEMENTS TO SOLID WASTE PLAN**

No Person shall construct, modify or enlarge any Solid Waste Facility that does not comply with the Plan.

**DARKE COUNTY SOLID WASTE MANAGEMENT DISTRICT  
RULE NUMBER 4-96  
PROHIBITION ON DISPOSAL OF RECYCLABLE MATERIAL**

No Person shall incinerate or landfill Separated Recyclable Materials without the prior written consent of the Solid Waste District.

**DARKE COUNTY SOLID WASTE MANAGEMENT DISTRICT  
RULE NUMBER 5-96  
AMENDED SEPTEMBER 22, 2004  
PROHIBITION ON COMBINING RECYCLABLE MATERIAL WITH SOLID WASTE**

No Person shall combine Separated Recyclable Materials with Solid Waste that is intended for processing or landfilling without the prior consent of the Solid Waste District. No person shall throw Solid Waste, yard waste, brush, ash, Construction and Demolition Debris, Hazardous Waste or any other waste material not intended for recycling into any Solid Waste District sponsored portable containers, compartments or portable containers, vehicles, rear-end loaders or roll offs for the collection of Recyclable Materials.

**DARKE COUNTY SOLID WASTE MANAGEMENT DISTRICT  
RULE NUMBER 6-96  
DELIVERY OF SOLID WASTE TO DESIGNATED FACILITIES**

No Person shall deliver Acceptable Waste to any Solid Waste Facility other than a Designated Solid Waste Facility except pursuant to a waiver granted to such Person by the Solid Waste District.

**DARKE COUNTY SOLID WASTE MANAGEMENT DISTRICT  
RULE NUMBER 7-96  
WAIVER FROM DESIGNATION**

Any Person may request, in writing, that the Solid Waste District grant a waiver permitting the delivery of Solid Waste to a Solid Waste Facility other than a Designated Solid Waste Facility. All written waiver requests shall include such information and explanation as are required to demonstrate that the requested waiver, if granted, (1) is not inconsistent with the projections contained in the Plan and will not adversely affect the implementation and financing of the Plan as provided in the implementation schedule contained in the Plan; or (2) that the Solid Waste, which is the subject of the waiver request is exempt from delivery to a Designated Solid Waste Facility pursuant to applicable law or rules of the District. All such waiver requests shall be submitted to the Darke County Solid Waste Management District, attention: Solid Waste Coordinator, County Administration Building, 520 South Broadway, Greenville, Ohio, 45331. All such waiver requests shall be clearly marked as complying with the requirements of this Rule Number 7-96.

**DARKE COUNTY SOLID WASTE MANAGEMENT DISTRICT  
RULE NUMBER 8-96  
COLLECTION OF SOLID WASTE**

No Person shall remove Solid Waste or Recyclable Materials from any Solid Waste Facility, or from any Solid Waste or Recyclable Material collection site including residential property unless that person is a Commercial Hauler, Contractor, or a Person transporting Solid Waste that was generated by that Person, or transporting Solid Waste on behalf of a generator of the Solid Waste without compensation to a Designated Solid Waste Facility in an appropriate Waste Collection Vehicle.



**DARKE COUNTY SOLID WASTE MANAGEMENT DISTRICT  
RULE NUMBER 9-96  
ANNUAL REPORTS TO BE SUBMITTED BY  
CONTRACTORS AND COMMERCIAL HAULERS**

Each Commercial Hauler that engages in collection activities within the Solid Waste District shall maintain a daily log of its collection activities that specifies the quantity of Solid Waste, Construction and Demolition Debris, and/or Separated Recyclable Material that was collected. A copy of the log shall be available for inspection by authorized representatives of the Solid Waste District during regular business hours. Each Commercial Hauler that engages in collection activities within the Solid Waste District shall submit to the Solid Waste District on or before February 1 of each year, an annual summary of its daily logs for January through December of the preceding year. A Commercial Hauler that maintains a daily log of operations pursuant to a rule promulgated by the Ohio Environmental Protection Agency, or the Darke County General Health District will be deemed to be in compliance with the requirement to maintain a daily log under this Rule.

Any Commercial Hauler accepting recyclable materials from within the District for the purposes of materials recovery, processing into materials for manufacturing purposes, reuse, or recycling in general, must also submit monthly, quarterly or annual reports to The District, upon The District's request, the amounts and tonnages of the recyclable materials collected and separated according to the description of Recyclable Materials named herein and where they are taken to be recovered, processed, recycled, remanufactured, or reused.

The Contractor of each Solid Waste Facility located within or without the Solid Waste District, which has been designated to accept solid waste generated within the District must enter into a Designation Agreement with the Solid Waste District, which includes but is not limited to paying the District's established Contractor Fee on all waste that is received at The Contractor's facility. Before the end of each calendar month, the contractor shall submit to the District a monthly certified Contract Fee Statement on a Form or Forms prescribed by the District, in which the Contractor shall separately identify the tonnage (expressed in tenths of a ton) of solid waste generated within the District that was delivered to The Contractor's Facility during the preceding calendar month, and the amount of the Contract Fee due on that tonnage. The Contractor shall forward payment to the District of the total amount of the Contract Fee identified in the monthly report at the same time the Contractor submits the monthly report to the District.

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**DARKE COUNTY SOLID WASTE MANAGEMENT DISTRICT  
RULE NUMBER 10-96  
DISPOSAL OF SEPARATED YARD WASTE**

No Person shall dispose of Separated Yard Waste generated within the Solid Waste District in a Solid Waste Facility other than an indicated Solid Waste Facility registered by the Ohio Environmental Protection Agency as a Yard Waste composting facility.

This rule does not preclude separated Yard Waste that is generated on a residential premises from being used as compost by the owner or inhabitant of such premises in noncommercial gardening or horticultural activities that are conducted on the premises.

**DARKE COUNTY SOLID WASTE MANAGEMENT DISTRICT  
RULE NUMBER 11-96  
PROHIBITION AGAINST TAMPERING OR DAMAGING FACILITIES**

No Person shall tamper with or damage any Solid Waste Facility located within the Solid Waste District or any appliance, appurtenance, accessory, or fixture used in conjunction with such facility.

**DARKE COUNTY SOLID WASTE MANAGEMENT DISTRICT  
RULE NUMBER 12-96  
PENALTIES FOR VIOLATION OF RULES**

Any Person who violates rules 1,2,5,7,10, 11 shall be subject to a fine not to exceed five thousand dollars \$5000.00. Each separate act or violation shall constitute a separate offense. Each day of violation shall constitute a separate violation.

Any Person who violates rules 3,4,8, or 9 shall be subject to a fine not to exceed one thousand dollars \$1,000.00.

**DARKE COUNTY SOLID WASTE MANAGEMENT DISTRICT  
RULE 13-96  
SEVERABILITY**

If any provision, section or subsection of these Rules is held invalid, the other provisions of these Rules shall not be affected thereby and shall remain in full force and effect. If the application of these rules, or any section or subsection thereof, to any Persons or circumstances is held invalid, the application of these rules, or any section or subsection thereof, to other Persons or any section or subsection thereof, to other persons or circumstances shall not be affected thereby.

**NOTE:** The above stated Rules and Regulations was signed by the three Darke County Commissioners, Terry Haworth, Robert Downing, and Michael Rhoades, on November 9, 2005, and is on file at the office of the Darke County Commissioners.

**The District Rules:** Narrative to describe how the currently effective rules have complemented District strategies and programs

**Definitions:** The definitions are an important part of the rules. The definitions section of the 1996 was revised in 2005. Additional definitions were added and serve to clarify the specifics of the "Designated Solid Waste Facility." Note that additional facilities may be designated or that facilities may be removed from designation by action of the District Board of Directors. The list that is included in the definitions section of the rules is up-to-date as of November 2005. An list of facilities designated as of August 2007 is included in the Plan Update in Appendix H.

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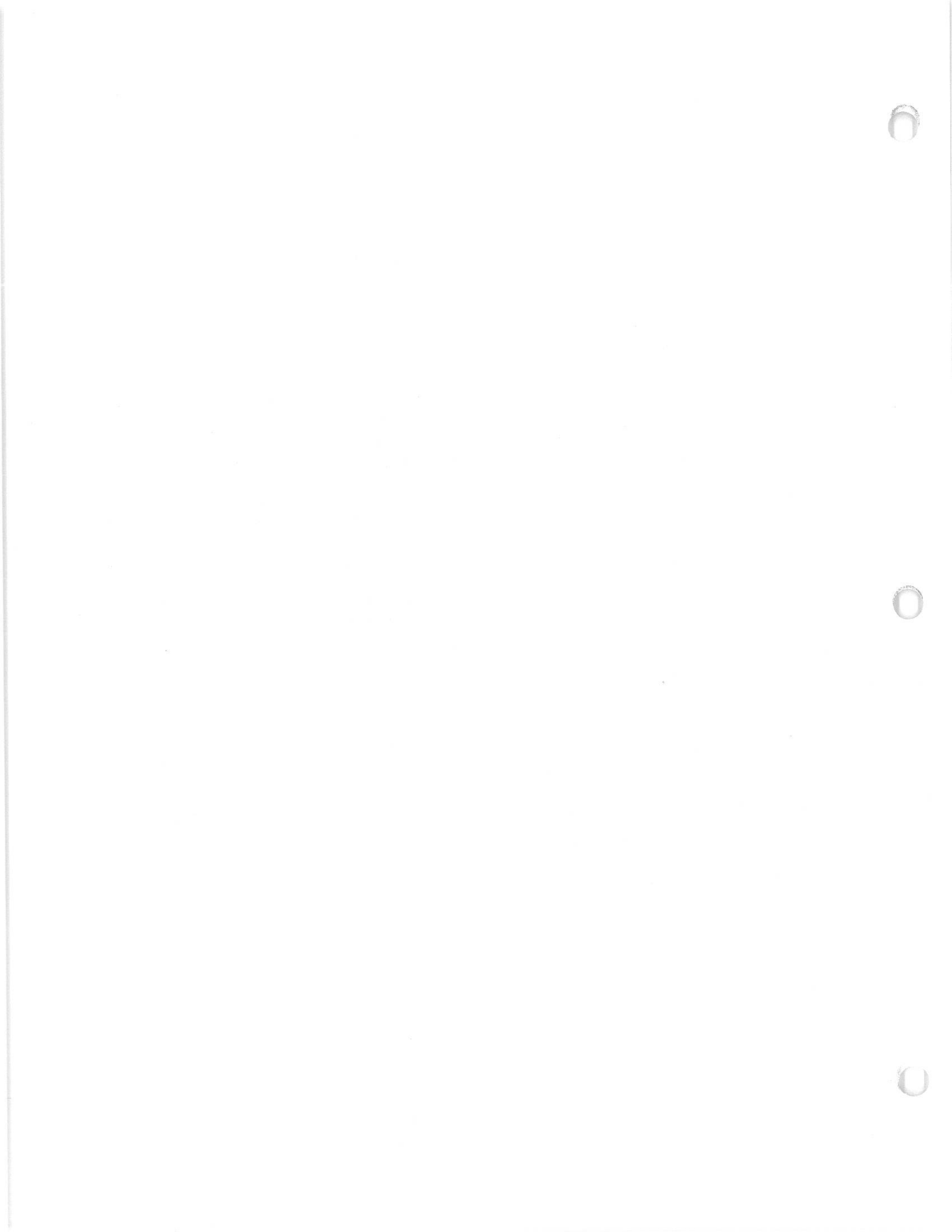
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**Rule 11-96:** Compliments the District's interest in maintaining in good condition the solid waste facilities and services needed to implement the plan.

**Rule 12-96:** Provides the penalties for the violation of the above listed rules.



### **343.01 Establishment and maintenance of county or joint solid waste management district.**

(A) In order to comply with division (B) of section 3734.52 of the Revised Code, the board of county commissioners of each county shall do one of the following:

(1) Establish, by resolution, and maintain a county solid waste management district under this chapter that consists of all the incorporated and unincorporated territory within the county except as otherwise provided in division (A) of this section;

(2) With the boards of county commissioners of one or more other counties establish, by agreement, and maintain a joint solid waste management district under this chapter that consists of all the incorporated and unincorporated territory within the counties forming the joint district except as otherwise provided in division (A) of this section.

If a municipal corporation is located in more than one solid waste management district, the entire municipal corporation shall be considered to be included in and shall be under the jurisdiction of the district in which a majority of the population of the municipal corporation resides.

A county and joint district established to comply with division (B) of section 3734.52 of the Revised Code shall have a population of not less than one hundred twenty thousand unless, in the instance of a county district, the board of county commissioners has obtained an exemption from that requirement under division (C)(1) or (2) of that section. Each joint district established to comply with an order issued under division (D) of that section shall have a population of at least one hundred twenty thousand.

(B) The boards of county commissioners of the counties establishing a joint district constitute, collectively, the board of directors of the joint district, except that if a county with a form of legislative authority other than a board of county commissioners participates, it shall be represented on the board of directors by three persons appointed by the legislative authority.

The agreement to establish and maintain a joint district shall be ratified by resolution of the board of county commissioners of each participating county. Upon ratification, the board of directors shall take control of and manage the joint district subject to this chapter, except that, in the case of a joint district formed pursuant to division (C), (D), or (E) of section 343.012 of the Revised Code, the board of directors shall take control of and manage the district when the formation of the district becomes final under the applicable division. A majority of the board of directors constitutes a quorum, and a majority vote is required for the board to act.

A county participating in a joint district may contribute lands or rights or interests therein, money, other personal property or rights or interests therein, or services to the district. The agreement shall specify any contributions of participating counties and the rights of the participating counties in lands or personal property, or rights or interests therein, contributed to or otherwise acquired by the joint district. The agreement may be amended or added to by a majority vote of the board of directors, but no amendment or addition shall divest a participating county of any right or interest in lands or personal property without its consent.

The board of directors may appoint and fix the compensation of employees of, accept gifts, devises, and bequests for, and take other actions necessary to control and manage the joint district. Employees of the district shall be considered county employees for the purposes of Chapter 124. of the Revised Code and other provisions of state law applicable to employees. Instead of or in addition to appointing employees of the district, the board of directors may agree to use employees of one or more of the participating counties in the service of the joint district and to share in their compensation in any manner that may be agreed upon.

The board of directors shall do one of the following:

(1) Designate the county auditor, including any other official acting in a capacity similar to a county auditor under a county charter, of a county participating in the joint district as the fiscal officer of the district, and the county treasurer, or other official acting in a capacity similar to a county treasurer under a county charter, of that county as the treasurer of the district. The designated county officials shall perform any applicable duties for the district as each typically performs for the county of which he is an official, except as otherwise may be provided in any bylaws or resolutions adopted by the board of directors. The board of directors may pay to that county any amount agreed upon by the board of directors and the board of county commissioners of that county to reimburse that county for the cost properly allocable to the service of its officials as fiscal officer and treasurer of the joint district.

(2) Appoint one individual who is neither a county auditor nor a county treasurer, and who may be an employee of the district, to serve as both the treasurer of the district and its fiscal officer. That individual shall act as custodian of the funds of the board and the district and shall maintain all accounts of the district. Any reference in this chapter or Chapter 3734. of the Revised Code to a county auditor or county treasurer serving as fiscal officer of a district or custodian of any funds of a board or district is deemed to refer to an individual appointed under division (B)(2) of this section.

The fiscal officer of a district shall establish a general fund and any other necessary funds for the district.

(C) A board of county commissioners of a county district or board of directors of a joint district may acquire, by purchase or lease, construct, improve, enlarge, replace, maintain, and operate such solid waste collection systems within their respective districts and such solid waste facilities within or outside their respective districts as are necessary for the protection of the public health. A board of county commissioners may acquire within its county real property or any estate, interest, or right therein, by appropriation or any other method, for use by a county or joint district in connection with such facilities. Appropriation proceedings shall be conducted in accordance with sections 163.01 to 163.22 of the Revised Code.

(D) The sanitary engineer or sanitary engineering department of a county maintaining a district and any sanitary engineer or sanitary engineering department of a county in a joint district, as determined by the board of directors, in addition to other duties assigned to that engineer or department, shall assist the board of county commissioners or directors in the performance of their duties under this chapter and sections 3734.52 to 3734.575 of the Revised Code and shall be charged with any other duties and services in relation thereto that the board prescribes. A board may employ registered professional engineers to assist the sanitary engineer in those duties and also may employ financial advisers and any other professional services it considers necessary to assist it in the construction, financing, and maintenance of solid waste collection, or other solid waste facilities. Such contracts of employment shall not require the certificate provided in section 5705.41 of the Revised Code. Payment for such services may be made from the general fund or any other fund legally available for that use at times that are agreed upon or as determined by the board of county commissioners or directors, and the funds may be reimbursed from the proceeds of bonds or notes issued to pay the cost of any improvement to which the services related.

(E)(1) The prosecuting attorney of the county shall serve as the legal advisor of a county district and shall provide such services to the board of county commissioners of the district as are required or authorized to be provided to other county boards under Chapter 309. of the Revised Code, except that, if the board considers it to be necessary or appropriate, the board, on its own initiative, may employ an attorney or other legal counsel on an annual basis to serve as the legal advisor of the district in place of the prosecuting attorney. When the prosecuting attorney is serving as the district's legal advisor and the board considers it to be necessary or appropriate, the board, on its own initiative, may employ an attorney or other legal counsel to represent or advise the board regarding a particular matter in place of the prosecuting attorney. The employment of an attorney or other legal counsel on an annual basis or in

a particular matter is not subject to or governed by sections 305.14 and 309.09 of the Revised Code.

Notwithstanding the employment of an attorney or other legal counsel on an annual basis to serve as the district's legal advisor, the board may require written opinions or instructions from the prosecuting attorney under section 309.09 of the Revised Code in matters connected with its official duties as though the prosecuting attorney were serving as the legal advisor of the district.

(2) The board of directors of a joint district may designate the prosecuting attorney of one of the counties forming the district to serve as the legal advisor of the district. When so designated, the prosecuting attorney shall provide such services to the joint district as are required or authorized to be provided to county boards under Chapter 309. of the Revised Code. The board of directors may pay to that county any amount agreed upon by the board of directors and the board of county commissioners of that county to reimburse that county for the cost properly allocable to the services of its prosecuting attorney as the legal advisor of the joint district. When that prosecuting attorney is so serving and the board considers it to be necessary or appropriate, the board, on its own initiative, may employ an attorney or other legal counsel to represent or advise the board regarding a particular matter in place of the prosecuting attorney.

Instead of designating the prosecuting attorney of one of the counties forming the district to be the legal advisor of the district, the board of directors may employ on an annual basis an attorney or other legal counsel to serve as the district's legal advisor. Notwithstanding the employment of an attorney or other legal counsel as the district's legal advisor, the board of directors may require written opinions or instructions from the prosecuting attorney of any of the counties forming the district in matters connected with the board's official duties, and the prosecuting attorney shall provide the written opinion or instructions as though he had been designated to serve as the district's legal advisor under division (E)(2) of this section.

(F) A board of county commissioners may issue bonds or bond anticipation notes of the county to pay the cost of preparing general and detailed plans and other data required for the construction of solid waste facilities in connection with a county or joint district. A board of directors of a joint solid waste management district may issue bonds or bond anticipation notes of the joint solid waste management district to pay the cost of preparing general and detailed plans and other data required for the construction of solid waste facilities in connection with a joint district. The bonds and notes shall be issued in accordance with Chapter 133. of the Revised Code, except that the maximum maturity of bonds issued for that purpose shall not exceed ten years. Bond anticipation notes may be paid from the proceeds of bonds issued either to pay the cost of the solid waste facilities or to pay the cost of the plans and other data.

(G) To the extent authorized by the solid waste management plan of the district approved under section 3734.521 or 3734.55 of the Revised Code or subsequent amended plans of the district approved under section 3734.521 or 3734.56 of the Revised Code, the board of county commissioners of a county district or board of directors of a joint district may adopt, publish, and enforce rules doing any of the following:

(1) Prohibiting or limiting the receipt of solid wastes generated outside the district or outside a service area prescribed in the solid waste management plan or amended plan, at facilities covered by the plan, consistent with the projections contained in the plan or amended plan under divisions (A)(6) and (7) of section 3734.53 of the Revised Code, except that the director of environmental protection may issue an order modifying a rule adopted under division (G)(1) of this section to allow the disposal in the district of solid wastes from another county or joint solid waste management district if all of the following apply:

(a) The district in which the wastes were generated does not have sufficient capacity to dispose of solid wastes generated within it for six months following the date of the director's order;

(b) No new solid waste facilities will begin operation during those six months in the district in which the wastes were generated and, despite good faith efforts to do so, it is impossible to site new solid waste facilities within the district because of its high population density;

(c) The district in which the wastes were generated has made good faith efforts to negotiate with other districts to incorporate its disposal needs within those districts' solid waste management plans, including efforts to develop joint facilities authorized under section 343.02 of the Revised Code, and the efforts have been unsuccessful;

(d) The district in which the wastes were generated has located a facility willing to accept the district's solid wastes for disposal within the receiving district;

(e) The district in which the wastes were generated has demonstrated to the director that the conditions specified in divisions (G)(1)(a) to (d) of this section have been met;

(f) The director finds that the issuance of the order will be consistent with the state solid waste management plan and that receipt of the out-of-district wastes will not limit the capacity of the receiving district to dispose of its in-district wastes to less than eight years. Any order issued under division (G)(1) of this section shall not become final until thirty days after it has been served by certified mail upon the county or joint solid waste management district that will receive the out-of-district wastes.

(2) Governing the maintenance, protection, and use of solid waste collection or other solid waste facilities located within its district. The rules adopted under division (G)(2) of this section shall not establish design standards for solid waste facilities and shall be consistent with the solid waste provisions of Chapter 3734. of the Revised Code and the rules adopted under those provisions. The rules adopted under division (G)(2) of this section may prohibit any person, municipal corporation, township, or other political subdivision from constructing, enlarging, or modifying any solid waste facility until general plans and specifications for the proposed improvement have been submitted to and approved by the board of county commissioners or board of directors as complying with the solid waste management plan or amended plan of the district. The construction of such a facility shall be done under the supervision of the county sanitary engineer or, in the case of a joint district, a county sanitary engineer designated by the board of directors, and any person, municipal corporation, township, or other political subdivision proposing or constructing such improvements shall pay to the county or joint district all expenses incurred by the board in connection therewith. The sanitary engineer may enter upon any public or private property for the purpose of making surveys or examinations necessary for designing solid waste facilities or for supervising the construction, enlargement, modification, or operation of any such facilities. No person, municipal corporation, township, or other political subdivision shall forbid or interfere with the sanitary engineer or his authorized assistants entering upon such property for that purpose. If actual damage is done to property by the making of the surveys and examinations, a board shall pay the reasonable value of that damage to the owner of the property damaged, and the cost shall be included in the financing of the improvement for which the surveys and examinations are made.

(3) Governing the development and implementation of a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's solid waste management plan or amended plan. A board of county commissioners or board of directors or its authorized representative may enter upon the premises of any solid waste facility included in the district's solid waste management plan or amended plan for the purpose of conducting the inspections required or authorized by the rules adopted under division (G)(3) of this section. No person, municipal corporation, township, or other political subdivision shall forbid or interfere with a board of county commissioners or directors or its authorized representative entering upon the premises of any such solid waste facility for that purpose.

(4) Exempting the owner or operator of any existing or proposed solid waste facility provided for in the plan or amended plan from compliance with any amendment to a township zoning resolution adopted



under section 519.12 of the Revised Code or to a county rural zoning resolution adopted under section 303.12 of the Revised Code that rezoned or redistricted the parcel or parcels upon which the facility is to be constructed or modified and that became effective within two years prior to the filing of an application for a permit required under division (A)(2)(a) of section 3734.05 of the Revised Code to open a new or modify an existing solid waste facility.

(H) A board of county commissioners or board of directors may enter into a contract with any person, municipal corporation, township, or other political subdivision for the operation and maintenance of any solid waste facilities regardless of whether the facilities are owned or leased by the county or joint district or the contractor.

(I)(1) No person, municipal corporation, township, or other political subdivision shall tamper with or damage any solid waste facility constructed under this chapter or any apparatus or accessory connected therewith or pertaining thereto, fail or refuse to comply with the applicable rules adopted by a board of county commissioners or directors under division (G)(1), (2), (3), or (4) of this section, refuse to permit an inspection or examination by a sanitary engineer as authorized under division (G)(2) of this section, or refuse to permit an inspection by a board of county commissioners or directors or its authorized representative as required or authorized by rules adopted under division (G)(3) of this section.

(2) If the board of county commissioners of a county district or board of directors of a joint district has established facility designations under section 343.013 , 343.014 , or 343.015 of the Revised Code, or the director has established facility designations in the initial or amended plan of the district prepared and ordered to be implemented under section 3734.521 , 3734.55, or 3734.56 of the Revised Code, no person, municipal corporation, township, or other political subdivision shall deliver, or cause the delivery of, any solid wastes generated within a county or joint district to any solid waste transfer, disposal, recycling, or resource recovery facility other than the facility designated under section 343.013 , 343.014 , or 343.015 of the Revised Code, or in the initial or amended plan of the district prepared and ordered to be implemented under section 3734.521 , 3734.55, or 3734.56 of the Revised Code, as applicable. Upon the request of a person or the legislative authority of a municipal corporation or township, the board of county commissioners of a county district or board of directors of a joint district may grant a waiver authorizing the delivery of all or any portion of the solid wastes generated in a municipal corporation or township to a solid waste transfer, disposal, recycling, or resource recovery facility other than the facility designated under section 343.013 , 343.014 , or 343.015 of the Revised Code, or in the initial or amended plan of the district prepared and ordered to be implemented under section 3734.521 , 3734.55, or 3734.56 of the Revised Code, as applicable, regardless of whether the other facility is located within or outside of the district, if the board finds that delivery of those solid wastes to the other facility is not inconsistent with the projections contained in the district's initial or amended plan under divisions (A)(6) and (7) of section 3734.53 of the Revised Code as approved or ordered to be implemented and will not adversely affect the implementation and financing of the district's initial or amended plan pursuant to the implementation schedule contained in it under divisions (A)(12)(a) to (d) of that section. The board shall act on a request for such a waiver within ninety days after receiving the request. Upon granting such a waiver, the board shall send notice of that fact to the director. The notice shall indicate to whom the waiver was granted. Any waiver or authorization granted by a board on or before October 29, 1993, shall continue in force until the board takes action concerning the same entity under this division or until action is taken under division (G) of section 343.014 of the Revised Code.

(J) Divisions (G)(1) to (4) and (I)(2) of this section do not apply to the construction, operation, use, repair, enlargement, or modification of either of the following:

(1) A solid waste facility owned by a generator of solid wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated;

(2) A facility that exclusively disposes of wastes that are generated from the combustion of coal, or from

the combustion of primarily coal in combination with scrap tires, that is not combined in any way with garbage at one or more premises owned by the generator.

(K)(1) A member of the board of county commissioners of a county solid waste management district, member of the board of directors of a joint solid waste management district, member of the board of trustees of a regional solid waste management authority managing a county or joint solid waste management district, or officer or employee of any solid waste management district, for the purposes of sections 102.03, 102.04, 2921.41, and 2921.42 of the Revised Code, shall not be considered to be directly or indirectly interested in, or improperly influenced by, any of the following:

(a) A contract entered into under this chapter or section 307.15 or sections 3734.52 to 3734.575 of the Revised Code between the district and any county forming the district, municipal corporation or township located within the district, or health district having territorial jurisdiction within the district, of which that member, officer, or employee also is an officer or employee, but only to the extent that any interest or influence could arise from his public office or employment with the political subdivision or health district;

(b) A contract entered into under this chapter or section 307.15 or sections 3734.52 to 3734.575 of the Revised Code between the district and a county planning commission organized under section 713.22 of the Revised Code, or regional planning commission created under section 713.21 of the Revised Code, having territorial jurisdiction within the district, of which that member also is a member, officer, or employee, but only to the extent that any interest or influence could arise from his public office or employment with the commission;

(c) An expenditure of money made by the district for the benefit of any county forming the district, municipal corporation or township located within the district, or health district or county or regional planning commission having territorial jurisdiction within the district, of which that member also is a member, officer, or employee, but only to the extent that any interest or influence could arise from his public office or employment with the political subdivision, health district, or commission;

(d) An expenditure of money made for the benefit of the district by any county forming the district, municipal corporation or township located within the district, or health district or county or regional planning commission having territorial jurisdiction within the district, of which that member also is a member, officer, or employee, but only to the extent that any interest or influence could arise from his public office or employment with the political subdivision, health district, or commission.

(2) A solid waste management district, county, municipal corporation, township, health district, or planning commission described or referred to in divisions (K)(1)(a) to (d) of this section shall not be construed to be the business associate of a person who is concurrently a member of the board of county commissioners, directors, or trustees, or an officer or employee, of the district and an officer or employee of that municipal corporation, county, township, health district, or planning commission for the purposes of sections 102.03, 2921.42, and 2921.43 of the Revised Code. Any person who is concurrently a member of the board of county commissioners, directors, or trustees, or an officer or employee, of a solid waste management district so described or referred to and an officer or employee of a county, municipal corporation, township, health district, or planning commission so described or referred to may participate fully in deliberations concerning and vote on or otherwise participate in the approval or disapproval of any contract or expenditure of funds described in those divisions as a member of the board of county commissioners or directors, or an officer or employee, of a county or joint solid waste management district; member of the board of trustees, or an officer or employee, of a regional solid waste management authority managing a county or joint solid waste management district; member of the legislative authority, or an officer or employee, of a county forming the district; member of the legislative authority, or an officer or employee, of a municipal corporation or township located within the district; member of the board of health, or an officer or employee, of a health district having territorial jurisdiction within the district; or member of the planning commission, or an officer or employee, of a county or regional planning commission having territorial jurisdiction within the district.

(3) Nothing in division (K)(1) or (2) of this section shall be construed to exempt any member of the board of county commissioners, directors, or trustees, or an officer or employee, of a solid waste management district from a conflict of interest arising because of a personal or private business interest.

(4) A member of the board of county commissioners of a county solid waste management district, board of directors of a joint solid waste management district, or board of trustees of a regional solid waste management authority managing a county or joint solid waste management district, or an officer or employee, of any such solid waste management district, neither shall be disqualified from holding any other public office or position of employment nor be required to forfeit any other public office or position of employment by reason of his serving as a member of the board of county commissioners, directors, or trustees, or as an officer or employee, of the district, notwithstanding any requirement to the contrary under the common law of this state or the Revised Code.

(L) As used in this chapter:

(1) "Board of health," "disposal," "health district," "scrap tires," and "solid waste transfer facility" have the same meanings as in section 3734.01 of the Revised Code.

(2) "Change in district composition" and "change" have the same meaning as in section 3734.521 of the Revised Code.

(3)(a) Except as provided in division (L)(3)(b) or (c), and (d), of this section, "solid wastes" has the same meaning as in section 3734.01 of the Revised Code.

(b) If the solid waste management district is not one that resulted from proceedings for a change in district composition under sections 343.012 and 3734.521 of the Revised Code, until such time as an amended solid waste management plan is approved under section 3734.56 of the Revised Code, "solid wastes" need not include scrap tires unless the solid waste management policy committee established under section 3734.54 of the Revised Code for the district chooses to include the management of scrap tires in the district's initial solid waste management plan prepared under sections 3734.54 and 3734.55 of the Revised Code.

(c) If the solid waste management district is one resulting from proceedings for a change in district composition under sections 343.012 and 3734.521 of the Revised Code and if the change involves an existing district that is operating under either an initial solid waste management plan approved or prepared and ordered to be implemented under section 3734.55 of the Revised Code or an initial or amended plan approved or prepared and ordered to be implemented under section 3734.521 of the Revised Code that does not provide for the management of scrap tires and scrap tire facilities, until such time as the amended plan of the district resulting from the change is approved under section 3734.56 of the Revised Code, "solid wastes" need not include scrap tires unless the solid waste management policy committee established under division (C) of section 3734.521 of the Revised Code for the district chooses to include the management of scrap tires in the district's initial or amended solid waste management plan prepared under section 3734.521 of the Revised Code in connection with the change proceedings.

(d) If the policy committee chooses to include the management of scrap tires in an initial plan prepared under sections 3734.54 and 3734.55 of the Revised Code or in an initial or amended plan prepared under section 3734.521 of the Revised Code, the board of county commissioners or directors shall execute all of the duties imposed and may exercise any or all of the rights granted under this section for the purpose of managing solid wastes that consist of scrap tires.

(4)(a) Except as provided in division (L)(4)(b) or (c), and (d) of this section, "facility" has the same meaning as in section 3734.01 of the Revised Code and also includes any solid waste transfer, recycling, or resource recovery facility.

(b) If the solid waste management district is not one that resulted from proceedings for a change in district composition under sections 343.012 and 3734.521 of the Revised Code, until such time as an amended solid waste management plan is approved under section 3734.56 of the Revised Code, ""facility"" need not include any scrap tire collection, storage, monocell, monofill, or recovery facility unless the solid waste management policy committee established under section 3734.54 of the Revised Code for the district chooses to include the management of scrap tire facilities in the district's initial solid waste management plan prepared under sections 3734.54 and 3734.55 of the Revised Code.

(c) If the solid waste management district is one resulting from proceedings for a change in district composition under sections 343.012 and 3734.521 of the Revised Code and if the change involves an existing district that is operating under either an initial solid waste management plan approved under section 3734.55 of the Revised Code or an initial or amended plan approved or prepared and ordered to be implemented under section 3734.521 of the Revised Code that does not provide for the management of scrap tires and scrap tire facilities, until such time as the amended plan of the district resulting from the change is approved under section 3734.56 of the Revised Code, ""facility"" need not include scrap tires unless the solid waste management policy committee established under division (C) of section 3734.521 of the Revised Code for the district chooses to include the management of scrap tires in the district's initial or amended solid waste management plan prepared under section 3734.521 of the Revised Code in connection with the change proceedings.

(d) If the policy committee chooses to include the management of scrap tires in an initial plan prepared under sections 3734.54 and 3734.55 of the Revised Code or in an initial or amended plan prepared under section 3734.521 of the Revised Code, the board of county commissioners or directors shall execute all of the duties imposed and may exercise any or all of the rights granted under this section for the purpose of managing solid waste facilities that are scrap tire collection, storage, monocell, monofill, or recovery facilities.

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