

**IX. District Rules
[ORC Section 3734.53(C)]**

A. Existing Rules

SWACO reserved the right to adopt rules pursuant to ORC Section 343.01 (G) in the following areas:

- prohibiting or limiting the receipt of waste generated outside the District;
- governing the maintenance, protection, and use of solid waste collection, disposal, transfer, recycling, or resource recovery facilities;
- governing a program to inspect out-of-state waste; and
- exempting an owner or operator of a solid waste facility from compliance with local zoning requirements.

SWACO has adopted the following rules. The rules are all adopted by resolution of SWACO's Board and contain the resolution number and date adopted or amended:

RESOLUTION NO. 110-08

Adopting District Rules 1-2008 through 18-2008 pursuant to Ohio Revised Code Chapter 343.01(G).

Administrative Services Committee

SWACO is granted the Authority to adopt rules for the establishment and maintenance of the solid waste management district, pursuant to Ohio Revised Code Chapter 343. SWACO has exercised this authority to regulate the conduct of activities, facilities, and users, in the district. SWACO's rules have not been the subject of any updates in nearly a decade. This updated Rules package creates a simplified format for the compliance and enforcement of SWACO's District Rules, and eliminates certain rules which are no longer relevant, such as rules related to acceptance of materials at the former Waste-To-Energy Facility.

BE IT RESOLVED by the Board of Trustees of the Solid Waste Authority of Central Ohio that:

1. The Board herewith adopts the following rules:

RULE 1-2008: DELIVERY OF SOLID WASTE TO DESIGNATED FACILITIES

Except as otherwise permitted by Rule, no Person shall deliver, or cause the delivery of, any Solid Waste generated within the District to any Solid Waste Facility other than a Designated Solid Waste Facility.

RULE 2-2008: DELIVERY OF SOURCE SEPARATED RECYCLABLE MATERIALS TO DESIGNATED FACILITIES

All Source Separated Recyclable Materials shall be delivered for Recycling to a Designated Solid Waste Recycling Facility, Designated Legitimate Recycling Facility or Designated Resource Recovery Facility.

RULE 3-2008: PROHIBITION ON COMBINING SOURCE SEPARATED RECYCLABLE MATERIALS WITH OTHER SOLID WASTE

No Person shall combine Source Separated Recyclable Materials with other Solid Waste intended for disposal without the prior written consent of the Board.

RULE 4-2008: ACCEPTANCE OF SOURCE SEPARATED RECYCLABLE MATERIALS

No Person, other than a Person operating a Solid Waste Recycling Facility, Legitimate Recycling Facility or Resource Recovery Facility, may accept Source Separated Recyclable Materials from a Generator unless such Solid Waste Recycling Facility, Legitimate Recycling Facility or Resource Recovery Facility is Designated by the Board. This Rule shall not apply to a Charitable Organization.

RULE 5-2008: PROHIBITION ON DISPOSAL OF SOURCE SEPARATED SOLID WASTE RECYCLABLE MATERIAL

No Person shall deliver Source Separated Recyclable Materials for disposal at a Solid Waste Disposal Facility without the prior written consent of the Board.

RULE 6-2008: PROHIBITION ON DISPOSAL OF PROCESSED SOLID WASTE RECYCLABLE MATERIAL

No Person, without the prior written consent of the Board, shall deliver for disposal at a Solid Waste Disposal Facility, Solid Waste Recyclable Material that has been separated, processed or Recycled at a Solid Waste Recycling Facility, Legitimate Recycling Facility or Resource Recovery Facility.

RULE 7-2008: DELIVERY OF WHITE GOODS

No person shall deliver any White Goods for disposal or Recycling except as in compliance with the Code of Federal Regulations, 40 CFR 82.152-156. The Board may waive this requirement during planned community collection events as part of the implementation of the Plan.

RULE 8-2008: WAIVER FROM DESIGNATION

Any Person or Applicant may request a waiver from the Board authorizing the delivery of all or any portion of the Solid Waste generated within the District to a Solid Waste Facility other than a Designated Solid Waste Facility. The Board may grant a waiver from the obligation to deliver Solid Waste generated within the District to a designated Solid Waste Facility if the Board finds that issuance of a waiver for the Solid Waste, the subject of the waiver request: (a) is not inconsistent with projections contained in the Plan; (b) will not adversely affect the implementation and financing of the Plan pursuant to the implementation schedule contained in the Plan; and (c) assures the Maximum Feasible Utilization of existing in-District designated Solid Waste Facilities. Any Person or Applicant who submits a waiver request pursuant to Rule 8-2008 shall submit documents and information for consideration by the Board that support the issuance of the requested waiver. Any waiver granted by the Board shall be the subject of a waiver agreement between the Board and the Applicant setting forth the terms of such waiver and Waiver Fee, if any. Rule 1-2008 does not apply to: (1) any contract by and between the Board and any Person relating to the transportation, delivery, disposal or processing of Solid Waste or Solid Waste Recyclable Materials generated within the District; or (2) Unacceptable Waste.

RULE 9-2008: UNACCEPTABLE WASTE RULE

No Person shall deliver for disposal any Unacceptable Waste to the Franklin County Sanitary Landfill unless the Executive Director, upon request, approves in writing that such wastes are acceptable for disposal at the Franklin County Sanitary Landfill. The Executive Director shall report any such approvals or rejections to the Board. Unacceptable Waste, unless otherwise exempted, is subject to a Generation Fee.

RULE 10-2008: CONSTRUCTION, MODIFICATION AND IMPROVEMENTS TO SOLID WASTE FACILITIES

No Person shall construct, enlarge, improve, Modify or replace any Solid Waste Facility until General Plans and Specifications of the proposed improvement or Modification have been submitted to and approved by the Board as complying with the Plan. General Plans and Specifications shall be submitted to the Board, attention: Executive Director, 4239 London-Groveport Road, Grove City, Ohio 43123. All such General Plans and Specifications shall be clearly marked as complying with the requirements of Rule Number

10-2008 and Section 343.01(G)(2) of the Revised Code. Rule 10-2008 does not apply to a Solid Waste Facility owned, operated, or to be owned or operated, by SWACO.

RULE 11-2008: COMPLIANCE OF IMPROVEMENTS WITH DISTRICT SOLID WASTE MANAGEMENT PLAN

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

RULE 12-2008: MAXIMUM FEASIBLE UTILIZATION

No Applicant, for a waiver from designation or a determination by the Board that a proposal to Modify or construct a Solid Waste Facility complies with the Plan, shall Modify, construct or operate a Solid Waste Facility unless the Board has determined that the issuance of the waiver or determination that the proposed construction or Modification of a Solid Waste Facility assures the Maximum Feasible Utilization of any Designated Solid Waste Facility located within the District.

RULE 13-2008: EXEMPTION OF AUTOMOTIVE SHREDDER RESIDUE FROM THE GENERATION FEE ESTABLISHED BY OHIO REVISED CODE SECTION 3734.573

Automotive Shredder Residue generated within the District is hereby exempt from the Generation Fee established by section 3734.573 of the Revised Code. The Executive Director is authorized by and on behalf of the Board to apply the procedures and requirements necessary for the administration and enforcement of the exemption established by this Rule, including the development of any reporting obligations to verify and maintain the exemption. The Executive Director is hereby authorized by and on behalf of the Board, to give notice of this exemption to the owner or operator of each Solid Waste Disposal Facility or Transfer Facility that collects and remits Generation Fees to SWACO.

RULE 14-2008: EXEMPTION OF AUTOMOTIVE SHREDDER RESIDUE FROM WAIVER FEE

Automotive Shredder Residue generated within the District is exempt from the obligation to request a Waiver or remit a Waiver Fee to SWACO.

RULE 15-2008: USE OF SWACO FACILITIES

No Person shall violate any term or condition, as adopted by the Board, for access to and relating to the use of Facilities owned or leased by SWACO.

RULE 16-2008: DEFINITIONS

All capitalized terms used in the Rules adopted by the Authority shall have the meanings established herein:

“Acceptable Solid Waste” means that portion of Solid Waste that is generated within the District, which is appropriate for delivery to a Designated Solid Waste Facility, but does not include Hazardous Waste or Unacceptable Waste. If any governmental agency or unit having appropriate jurisdiction determines that substances which are not, as of the date of the adoption of this definition, 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 definition.

“Applicant” means a Person proposing to construct or Modify a Solid Waste Facility within the District that requires a determination by the Board that a proposal to construct or Modify a Solid Waste Facility complies with the Plan; or a Person requesting a waiver by the Board from application of a Rule adopted by the Board or from the obligation to deliver Solid Waste generated within the District to a Designated Solid Waste Facility.

“Authority” or “Board” or “SWACO” means the Board of Trustees of the Solid Waste Authority of Central Ohio with its principal offices located at 4239 London-Groveport Road, Grove City, Ohio 43123.

“Charitable Organization” means any tax exempt religious, educational, veteran’s, fraternal, sporting, service, nonprofit medical, volunteer rescue service, volunteer firefighter’s, senior citizen’s, historic railroad educational, youth athletic, amateur athletic, or youth athletic park organization as such terms are defined in Revised Code Chapter 2915. An organization is tax exempt if the organization has received from the Internal Revenue Service a determination letter that currently is in effect stating that the organization is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code.

“Designated Solid Waste Facility” means those Solid Waste Facilities designated in the initial or amended Plan or as may hereafter become designated pursuant to Sections 343.013, 343.014 or 343.015 of the Revised Code.

“District” means the Franklin County Solid Waste Management District and includes the territory of Franklin County and portions of Delaware, Fairfield, Licking, Pickaway, and Union Counties. Section 3734.52(A) requires that if a municipal corporation is located within more than one solid waste management district, the entire municipal corporation is included in the district where the majority of its population resides.

“Electronic Waste” or “E-Waste” means unwanted electronic appliances and devices, including but not limited to: computers, monitors, fax machines, copy machines, televisions, stereo/audio equipment, phones, cellular phones, personal digital assistants (PDAs), game consoles, video recorders, and electronics from industrial sources.

“Executive Director” means that Person employed by the Board with the title of Executive Director.

“Facility” or “Facilities” or “Solid Waste Facility or Facilities” means any site, location, tract of land, installation, or building used for: incineration, composting, sanitary landfilling, or other method of disposal of Solid Waste; the collection, storage, or processing of Scrap Tires; and includes any Solid Waste Disposal Facility, Solid Waste Energy Recovery Facility, Solid Waste Composting Facility, Solid Waste Transfer Facility, Solid Waste Recycling Facility, Legitimate Recycling Facility, or Resource Recovery Facility including Solid Waste Facilities as defined in Section 6123.01 of the Revised Code.

“Franklin County Sanitary Landfill” means the sanitary landfill owned and operated by the Authority located at 3851 London-Groveport Road in Jackson Township, and includes any vertical or horizontal expansion of that landfill.

“General Plans and Specifications” means that information required to be submitted to the Board for review for the construction or Modification of any proposed Solid Waste Facility and includes, but is not limited to, a site plan for the proposed Solid Waste Facility, architectural drawings or artist’s renderings of the proposed Solid Waste Facility, the projected size and capacity of the proposed Solid Waste Facility and all other information required by the siting strategy contained in the Plan.

“Generator” means a person who produces or creates Solid Waste.

“Generation Fee” means a fee established pursuant to section 3734.573(A) of the Revised Code and assessed upon each ton of Solid Waste generated within the District.

“Hazardous Waste” means Solid 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.

“Legitimate Recycling Facility” means an engineered facility or site where Recycling of material other than scrap tires is the primary objective of the

Facility, including: (a) Facilities that accept only Source Separated Recyclable Materials, except scrap tires, and/or commingled Recyclables which are currently recoverable utilizing existing technology; and (b) Facilities that: (i) accept mixed or Source Separated Solid Waste; (ii) recover for beneficial use not less than sixty per cent (60%) of the weight of Solid Waste brought to the Facility each month (as averaged monthly) for not less than eight (8) months in each calendar year, and (iii) dispose of not more than forty per cent (40%) of the total weight of Solid Waste brought to the Facility each month (as averaged monthly) for not less than eight (8) months in each calendar year.

“Maximum Feasible Utilization” means the use of a Designated Solid Waste Facility that operates at not less than ninety five percent (95%) of its designed capacity and/or Ohio EPA-permitted allowable maximum daily waste receipts at the Board-approved rates and charges to be paid by any Person that delivers Solid Waste or Recyclable Materials to the Designated Solid Waste Facility.

“Modify” or “Modification” means a change in the operation of an existing in-District Solid Waste Facility that requires the approval of the Director of the Ohio Environmental Protection Agency; or, that involves a change in the type of material, manner of operation or activities conducted at the Solid Waste Facility that may directly or indirectly affect the Maximum Feasible Utilization of existing in-District designated Solid Waste Facilities.

“Person” means a natural person, partnership, association, firm, corporation, limited liability company, municipal corporation, township, government unit or other political subdivision.

“Plan” means the Solid Waste Management Plan of the Authority initially approved by the Director of the Ohio Environmental Protection Agency on May 14, 1993 and as amended.

“Processed Infectious/Pathological Waste” means a portion of Solid Waste consisting of Infectious/Pathological Waste which has been rendered non-infectious by sterilization, incineration or other equally effective processing technique.

“Process” or “Processed” means incineration for resource recovery of Solid Waste or removal of Recyclable Materials, other than Source Separation at a Designated Solid Waste Facility.

“Recyclable Material” means Solid Waste that is, or may be, collected, sorted, cleansed, treated, or reconstituted for return to commerce. Recyclable Materials are identified in the Plan and include, but are not limited to: corrugated cardboard, office paper, newspaper, fiber materials, glass containers, steel containers, aluminum containers, plastic containers, wood packaging and pallets, lead-acid batteries, major appliances, electronic devices and Yard Waste.

“Recycle” or “Recycled” or “Recycling” means the process of collecting, sorting, cleansing, treating and reconstituting Solid Waste that would otherwise be disposed in a Solid Waste Disposal Facility and returning reconstituted materials to commerce as commodities for use or exchange.

“Recycling Services” means the collection, transportation, and delivery for processing of Solid Waste Recyclable Materials.

“Retired Facility Fee” means a portion of a rate or charge for the use of SWACO’s landfill used to pay for all or a portion of the costs associated with the closure of the solid waste incinerator previously operated as the waste to energy facility.

“Rule” means the action of the Board in promulgating, adopting and publishing such action as a rule of the Authority as reserved in the Plan and authorized by Sections 343.01 (G) and 3734.53 of the Revised Code, as now existing or hereafter amended.

“Scrap Tire” means an unwanted or discarded tire.

“Solid Waste” means such unwanted residual solid or semisolid material as results from 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.

“Solid Waste Collection Service” means the process, system, or service of collecting Solid Waste, including Recyclable Materials.

“Solid Waste Collection Facility” means any site, location, tract of land, installation, or building used for collection of Solid Wastes including Recyclable Materials.

“Solid Waste Composting Facility” means any site, location, tract of land, installation, or building used for composting Solid Waste where the owner or operator has met all registration, licensing, or permitting requirements of rule 3745-27-41 of the Administrative Code.

“Solid Waste Disposal Facility” means any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other approved methods of disposal of Solid Waste.

“Solid Waste Energy Recovery Facility” means any site, location, tract of land, installation, or building where mixed Solid Waste or select sources of

Solid Waste, including scrap tires, is used as or intends to be used as fuel to produce energy, heat, or steam.

“Solid Waste Facilities” include Solid Waste: Disposal Facilities, Energy Recovery Facilities, Resource Recovery Facilities, Composting Facilities, Transfer Facilities, Legitimate Recycling Facilities, Recycling Facilities, and Collection Facilities.

“Solid Waste Recycling Facility” means any site, location, tract of land, installation, or building used for Recycling Solid Waste.

“Solid Waste Resource Recovery Facility” includes Solid Waste Energy Recovery Facilities, Legitimate Recycling Facilities, and Solid Waste Recycling Facilities.

“Solid Waste Transfer Facility” means any site, location, tract of land, installation, or building that is used or intended to be used primarily for the purpose of transferring Solid Waste that is generated off the premises of the Facility from vehicles or containers into other vehicles for transportation to a Solid Waste Disposal Facility.

“Source Separate” or “Source Separation” means the process of separating, or the separation of, Solid Waste, including Yard Waste and Recyclable Materials, from other Solid Waste at the location where such materials are generated for the purpose of Recycling.

“Source Separated Recyclable Materials” means Solid Waste Recyclable Materials that are separated from other Solid Waste at the location where such materials are generated for the purpose of Recycling.

“Special Handling Waste” means a portion of Solid Waste which consists of sludge, treated infectious/pathological waste, ash residue, petroleum contaminated soils or other Unacceptable Wastes accepted for disposal at the Franklin County Sanitary Landfill pursuant to Rule 9-2008 and requiring additional handling prior to disposal. Special Handling Waste includes Solid Waste that requires additional handling prior to disposal based upon the condition or composition of the waste, including but not limited to mattresses. Special Handling Waste includes Solid Waste that requires additional handling prior to disposal based upon the method of delivery of the waste. Special Handling Waste includes “Automotive Shredder Residue” or “Shredder Fluff” consisting of non-recyclable residue that is generated as a direct result of processing automobiles, light duty trucks, appliances (including White Goods), sheet steel, and other ferrous and nonferrous scrap metals through a hammermill shredder for purposes of Recycling and that meets all of the following requirements:

- (a) The residue is solid waste.
- (b) The residue is not hazardous waste.
- (c) The residue created during the recycling process comprises not more than thirty-five per cent (35%) of the total weight of material that is Processed for Recycling.
- (d) The residue is generated by Processing Recycled Materials that are to be sold, used, or reused within ninety (90) days of the time when the material is Processed. Special Handling Waste are subject to a Special Handling Waste rate or charge established by the Board.

“Unacceptable Waste” means:

- (i) asbestos
- (ii) automotive Waste including any non-liquid, unwanted and discarded automobile parts weighing in excess of fifty (50) pounds as well as Scrap Tires
- (iii) untreated chemotherapeutic waste
- (iv) contaminated soil - soil which contains petroleum based products
- (v) drums, barrels, buckets and other containers unless lids have been removed and interiors are cleaned and free of residue in accordance with applicable law and regulations
- (vi) explosive and ordnance materials
- (vii) gas cylinders, unless empty and delivered separate from other Solid Waste
- (viii) Hazardous Waste
- (ix) infectious/pathological or biological waste
- (x) lead acid batteries
- (xi) liquid waste including used motor oil
- (xii) motor vehicles and major motor vehicle parts as transmissions, rear ends, frames, springs and fenders, agricultural and farm machinery and equipment, marine vessels and major parts thereof, and any other types of large equipment or machinery
- (xiii) radioactive materials
- (xiv) Solid Waste generated outside of the District, unless approved in writing by the Executive Director
- (xvi) whole and shredded tires
- (xvii) Yard Waste

“Unwanted” means to discard, abandon, or deliver to any location, for subsequent collection and removal, any residual solid or semisolid material as results from 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, Scrap Tires, combustible and non-combustible material, street dirt, and debris without payment to the Generator. For purposes of this definition, “payment” means money received

by a Generator, in excess of the cost incurred, attributed or imputed to the Generator, relating to the collection or removal of such materials.

“Waiver Fee” is a fee payable to SWACO relating to any waiver granted by the Board.

“White Goods” means a portion of Solid Waste consisting of a large appliance (i.e., weighing more than fifty (50) pounds) including the following:

- (i) air conditioners;
- (ii) clothes and drying machines;
- (iii) dish washers;
- (iv) furnaces and electric heaters;
- (v) hot water heaters;
- (vi) refrigerators and freezers;
- (vii) stoves, ovens, cook surfaces and microwave ovens; and
- (viii) residential trash compactors.

“Yard Waste” means all garden residues, leaves, grass clippings, shrubbery and tree prunings less than one-quarter inch in diameter, and similar material. Yard Waste collected for residents by political subdivisions or their contractors is considered municipal Yard Waste. All other yard waste is non-municipal Yard Waste.

RULE 17-2008: ENFORCEMENT

The Board may enforce these Rules pursuant to Revised Code Chapter 343.

RULE 18-2008: ADOPTION; SAVINGS CLAUSE

- A. Following the adoption of Rules 1-2008 through 18-2008 by the Board and upon the effective date of the Rules, all pre-existing rules shall be repealed.
 - B. Notwithstanding paragraph (A), above, this Rule shall have no effect on existing litigation or on any action or proceeding pending on the effective date of these Rules, or any enforcement involving violations of pre-existing rules.
 - C. If any Rule, or part thereof, shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining Rules. Should any Rule, or part thereof, be rendered invalid by reason of any existing or subsequently enacted legislation, such invalidation of any Rule, or part thereof, shall not affect the validity of the remaining Rules.
2. The Executive Director is directed to publish the Rules in a newspaper of general circulation within the District.

3. This resolution shall be in full force and effect from and immediately upon its adoption.

B. Proposed Rules

SWACO reserves the right to promulgate rules in accordance with 343.01(G) to assist in implementing any or all strategies necessary to achieve the waste management goals of this amended *Plan Update*.