

2017 DISTRICT RULES

July 11, 2017

Section 1: Administrative Information

1-1 Scope

The Solid Waste Authority of Central Ohio (“SWACO”) is vested with the authority to prescribe reasonable, rules, definitions, and regulations necessary to perform the duties imposed on it by the Ohio Revised Code, including but not limited to reasonable procedures relating to solid waste planning, facility operational requirements, reporting requirements, and the safe and sanitary management of all solid wastes generated in the SWACO District. These District Rules establish definitions, set minimum standards for the storage, collection, transportation, processing, recycling, and disposal of solid waste materials, outline record keeping and reporting requirements, and provide for enforcement of violations. The District Rules (“Rules”) also serve to assist the SWACO District in achieving compliance with the reduction and recycling goals and strategies as contained in the Ohio EPA State Solid Waste Management Plan. Any rules, definitions, or regulations issued by SWACO in accordance with its rule-making authority shall be maintained by SWACO and made readily available to the public and posted on the SWACO website.

1-2 Intent

The intent and purpose of the following rules for the SWACO District is to protect and promote the health, safety, and welfare of the residents and environment of the District and establish requirements for the safe and sanitary management, handling, disposal, reuse, and recycling of all solid wastes generated within its jurisdiction.

1-3 Definitions

The following definitions shall apply in the interpretation and application of the SWACO District Rules, as well as to the operations of SWACO, including but not limited to the Solid Waste Management Plan and procedures/guidelines.

ACCEPT OR ACCEPTANCE in the context of material acceptance, handling, and disposal activities means to record material in the log of operations or to place material on the materials placement area at a Solid Waste Facility.

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

BOARD means the Board of Trustees of the Solid Waste Authority of Central Ohio.

COMMINGLED RECYCLABLE MATERIALS means Recyclable Materials of more than one type that are combined together and have been separated from all but residual Solid Waste at the point of generation.

COMPOST means the material or product which is developed under controlled conditions and which results from biological degradation processes by which Organic Wastes decompose.

COMPOSTING means a controlled process of biological decomposition which transforms Solid Wastes into products useful as soil amendments. Controlled conditions include but are not limited to grinding, shredding, piling, physical turning, aerating, adding moisture, or other processing of Solid Wastes.

COMPOSTING FACILITY means any building, portion of a building, or area in which Organic Waste, animal waste, and/or Yard Wastes are collected, stored, or processed which is permitted or required to be permitted by the Ohio EPA.

DESIGNATED SOLID WASTE FACILITY means those Solid Waste Facilities designated in the initial or amended SWACO Plan or as may hereafter become designated pursuant to Sections 343.013, 343.014, or 343.015 of the Revised Code.

DISTRICT means the SWACO 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) of the Revised Code 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, tablets, e-readers, cell phones, fax machines, copy machines, televisions, stereo/audio equipment, 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.

FOOD WASTES means (i) waste material of plant or animal origin, or a combination thereof, that results from the preparation or Processing of food for animal or human consumption, (ii) that is separated by the Generator from the Municipal Solid Waste stream, and (iii) managed separately from other Solid Waste materials, including but not limited to materials not capable of decomposing to Compost. Food Wastes may also include packaging, utensils, and food containers composed of readily biodegradable material capable of decomposition in accordance with the ASTM D6400 standard required for use.

FRANKLIN COUNTY SANITARY LANDFILL OR FC SL means the sanitary landfill owned and operated by SWACO, 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 and all other information required by the Siting Strategy contained in the SWACO Plan.

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.

GENERATOR means any Person, by site location, whose act or Process produces waste or first causes a waste to become subject to these regulations.

HAZARDOUS WASTE means a Solid Waste with properties that make it dangerous or potentially harmful to human health and/or the environment. In accordance with the Resource Conservation and Recovery Act, Hazardous Waste is a waste that appears on one, or more, of the four Hazardous Waste lists (F-list, K-list, P-list, or U-list) or exhibits at least one of the four characteristics (ignitability, corrosivity, reactivity, or toxicity).

HOUSEHOLD HAZARDOUS WASTE means hazardous products that are used and disposed of by residential, as opposed to industrial or commercial, consumers. Household Hazardous Wastes are exempted from Hazardous Waste regulations.

ILLEGAL DUMPING means causing Solid Waste to be placed, deposited, or dumped in or upon any street, alley, public highway, or road in common use, or upon any private property, public park, or other public property other than properly designated or set aside for such purpose by the government for proper land disposal. Illegal Dumping may be referred to as unlawful dumping.

LANDFILL means an area of land or an excavation in which wastes are placed for permanent disposal.

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 percent (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 percent (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.

MANIFEST means the document for identifying the quantity, composition, origin, routing, and destination of Special Handling Wastes during its transportation from the point of generation to the point of storage, treatment, or disposal.

MATERIALS RECOVERY FACILITY (MRF) means a Solid Waste Management Facility that provides for the extraction from Solid Waste of Recyclable Materials, materials suitable for use as a fuel or soil amendment, or any combination of those materials. This term does not include facilities that recover less than sixty percent (60%) of Recyclable Material from the Solid Waste received on an annual average.

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 a Solid Waste Facility.

MUNICIPAL SOLID WASTE OR MSW means Solid Waste from household, community, commercial, and agricultural, and/or industrial sources that does not contain Hazardous Waste as defined in 40 CFR Part 261 unless it is Household Hazardous Waste as defined in 40 CFR §261.4(b)(1).

NOTICE OF VIOLATION OR NOV means a written notice that may be issued by SWACO if a Person, Owner, Operator, or responsible Person is alleged to be in violation of a condition or section of these regulations, presents a threat to human health, public safety or the environment.

OPEN DUMP means a site that is not licensed as a Solid Waste Facility where Solid Wastes, including scrap tires or infectious wastes, are deposited into a body or stream of water or onto the surface of the ground.

OPERATOR means the Person responsible for the overall operation of a disposal site, Solid Waste Facility, or any part of that site.

ORGANIC WASTE means Food Wastes, Yard Waste, uncontaminated wood waste, animal waste, crop residue, paper waste, or other non-hazardous carbonaceous waste, such as paper, corrugated paper or cardboard, that is collected and Processed separately from the rest of the Municipal Waste Stream.

OWNER means the Person who owns a disposal site, Solid Waste Facility, or any part of the site.

PERSON means an individual, partnership, firm, company, corporation, association, sole proprietorship, joint venture, Owner, Operator, Generator, government unit, or any other legal entity.

PLAN means the SWACO Solid Waste Management Plan initially approved by the Director of the Ohio Environmental Protection Agency on May 14, 1993, and as subsequently amended thereafter.

PROCESS OR PROCESSED means manual, mechanical, or automated separation of Recyclable Material from other materials; separation of Recyclable Materials from each other; cleaning, bundling, compacting, cutting, or packing of Recyclable Material. This shall not include melting, rendering, smelting, vulcanizing, or purification by application of heat or chemical process.

RECYCLABLE MATERIALS OR RECYCLABLES means Solid Waste that can be Processed and returned to the economic mainstream in the form of raw materials or products, which may include, but is not limited to, the following: newspaper, corrugated cardboard, aluminum, Yard Waste, office paper, glass, tin and steel cans, metal, motor oil, plastic, antifreeze, wood, and Food Waste.

RECYCLING FACILITY means a facility designed and operated to receive, store, or Process Recyclable Material which has been separated at the source from all but residual Solid Waste for the purpose of marketing the material for use as raw material in the manufacturing process of new, reused, or reconstituted products. A Recycling Facility shall not include Compost operations accumulating less than twenty-five (25) cubic yards of compostable material at any given time or a farm-based Compost operation where compostable material is used exclusively on the site where the material is composted.

SCAVENGING means the uncontrolled or unpermitted removal of material from the Solid Waste stream received at a Solid Waste Facility for disposal for any purpose in a manner which interferes with the safe, efficient operation of the system.

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 FACILITY means a facility that collects, stores, transports, transfers, Processes, treats, and/or disposes of Solid Wastes or conducts resource recovery activities. A Solid Waste Facility shall include a Recycling facility, Yard Waste facility, or any facility which receives any Solid Waste material streams for Processing or disposal.

SOLID WASTE MANAGEMENT AUTHORITY means the Solid Waste Authority of Central Ohio (SWACO) and its agents.

SOURCE SEPARATED means materials, including Commingled Recyclables, that have been separated or kept separate from the Solid Waste stream at the point of generation for the purpose of additional sorting or Processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

SPECIAL WASTES means a Solid Waste that requires special handling procedures or permitting and/or special disposal methods because of its physical characteristics, chemical makeup, or biological nature. This category includes, but is not limited to:

- Ash from fires, furnaces, boilers, or incinerators
- Automotive Shredder Residue, subject to testing by SWACO on a quarterly basis
- Chemical compounds or petroleum products – new or used
- Contaminated soils and USTs
- Debris and/or residue from spill cleanup work
- Drums and drum pads
- Demolition waste from industrial facilities
- Filter cakes
- Friable asbestos containing materials
- Industrial Process wastes
- Manufacturing residue
- Treated Infectious/pathological or biological waste
- Off-specification products or outdated products (i.e., food, consumer, or industrial products)
- Oil and grease
- PCB waste
- Pharmaceutical wastes Pollution control wastes
- Process wastes
- Railroad ties
- RCRA empty containers
- Resource exploration, mining, and production wastes
- Sandblast grit
- Sludge and/or paste type material
- Tank bottoms

TRANSFER STATION OR 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 Wastes that were generated off the premises of the facility from vehicles or containers into other vehicles for transportation to a Solid Waste disposal facility. This does not include any facility that consists solely of portable containers that have an aggregate volume of fifty cubic yards or less nor any facility where legitimate recycling activities are conducted.

UNACCEPTABLE WASTES are those materials prohibited from disposal at the Franklin County Sanitary Landfill pursuant to local, State, or federal regulations, or operational restrictions as determined by SWACO. This category includes, but is not limited to:

- Asbestos (friable and non-friable)
- Automotive Waste including any non-liquid, unwanted and discarded automobile parts weighing in excess of fifty (50) pounds, as well as Scrap Tires. This does not include Automobile Shredder Residue.
- Bevill Wastes
- Contaminated soils containing petroleum-based products
- Dedicated loads of Source Separated Recyclable Materials
- Dedicated loads of Yard Waste
- 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
- Explosive and ordnance materials
- Gas cylinders, unless empty and delivered separate from other Solid Waste and vented to atmosphere
- Hazardous Waste
- Lead acid batteries
- Liquid wastes, including used motor oil
- Radioactive materials
- Untreated Chemotherapeutic waste
- Untreated Infectious/Pathological or Biological waste
- Whole and shredded tires – passenger and large vehicle

YARD WASTE means all garden residues, leaves, grass clippings, shrubbery, tree pruning, and similar material or debris commonly thrown away in the course of maintaining yards and gardens, including sod and rocks. Yard Waste does not include Food Wastes, plastics and synthetic fibers, lumber, or soils contaminated with hazardous substances. 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.

Section 2: District Rules

RULE 1-2017: DELIVERY OF SOLID WASTE TO DESIGNATED FACILITIES

Except as otherwise permitted by Rule or applicable law, 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. This Rule does not apply to (i) any contract by and between the Board and any Person relating to the transportation, delivery, disposal, or Processing of Solid Waste or Recyclable Materials generated within the District, or (ii) Unacceptable Wastes.

RULE 2-2017: 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 requested Solid Waste materials: (i) is not inconsistent with projections contained in the Plan, (ii) will not adversely affect the implementation and financing of the Plan pursuant to the implementation schedule contained in the Plan, and (iii) is in accordance with SWACO's approved waiver guidelines and considerations, which may include an assessment of the Maximum Feasible Utilization of existing In-District Designated Solid Waste Facilities. Any Person or Applicant who submits a waiver request pursuant to Rule 2-2017 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 effective upon the execution of a waiver agreement between the Board and the Applicant setting forth the terms of such waiver and waiver fee, if any.

RULE 3-2017: DELIVERY OF SPECIAL WASTES TO NON-DESIGNATED FACILITIES

Except as otherwise permitted by Rule, Special Wastes are hereby exempted from Rule 1-2017, provided before the Acceptance of any Special Waste materials, the Solid Waste Facility intended for the disposal of said waste materials supplies to SWACO a signed, notarized Certification Form stating the Facility agrees to remit any and all applicable fees for all Special Wastes received. For purposes of this section, any Solid Waste Facility and/or entity operating pursuant to this Rule consents to the reporting requirements of Rule 6-2017, as well as any and all reasonable requests for scale reports, invoices, and/or any other relevant documentation, and shall subject said Facility or entity that receives, handles, or disposes of Special Wastes generated within the District to inspections by SWACO staff during any reasonable business hour. Submittal of the Certification Form, and subsequent operation pursuant to the requirements of this Rule, shall be in effect for the calendar year of issuance and can be renewed for subsequent calendar years.

RULE 4-2017: PROHIBITION ON DISPOSAL OF PROCESSED OR SOURCE SEPARATED RECYCLABLE MATERIALS

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

RULE 5-2017: PROHIBITION ON COMMINGLING OF SOURCE SEPARATED RECYCLABLE MATERIALS WITH OTHER SOLID WASTE

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

RULE 6-2017: SOLID WASTE AND RECYCLABLE MATERIAL REPORTING REQUIREMENTS

Any Solid Waste Facility Accepting or Processing Solid Waste generated in the SWACO District, including Source Separated Recyclables, shall report to SWACO the amounts and types of materials received. All reports shall be submitted at least annually on the forms as provided by SWACO and shall include the following information:

- (i) The tonnage and/or volume of Solid Waste or Recyclable Materials,
- (ii) The types of Recyclable Materials collected and/or the Facility receiving the Recyclable Materials, if not the reporting Facility,
- (iii) Generator or material origin – whether the materials originated from a residential, commercial, or industrial establishment, and
- (iv) The amount of residual Solid Waste (i.e., contaminated or unusable material), if any, which is subject to the applicable SWACO fees and must be delivered to a SWACO Designated Solid Waste Facility for disposal.

In the case of a truck or container used for the collection of Solid Waste and/or Recyclable Materials that commingles materials both inside and outside the borders of the SWACO District, a reasonable estimate shall be made as to the Recyclable Material attributed to the SWACO District for reporting purposes.

RULE 7-2017: 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 SWACO Solid Waste Management Plan. General Plans and Specifications for the proposed Facility 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 District Rule 7-2017 and Section 343.01(G)(2) of the Revised Code. No Applicant shall Modify, construct, or operate a Solid Waste Facility unless the Board has determined 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 and said proposal complies with the District Solid Waste Management Plan. Rule 7-2017 does not apply to a Solid Waste Facility owned, operated, or to be owned or operated by SWACO.

RULE 8-2017: PROHIBITION ON OPEN DUMPING AND OPEN BURNING

No Person, regardless of intent, shall violate Ohio Revised Code §3734.03 or burn Solid Wastes in any unapproved container or in an open fire except as specifically set forth in Ohio Administrative Code Rule 3745-19-04.

RULE 9-2017: DISPOSAL OF REFRIGERANT CONTAINING APPLIANCES

No Person shall deliver an appliance for disposal or Recycling which contains refrigerant material, including any air conditioner, refrigerator, chiller, or freezer, except as in compliance with the Code of Federal Regulations, 40 CFR 82.152-156. The SWACO Board of Trustees may waive any extra fees for the Processing and/or disposal of such appliances by during planned community collection events as part of the implementation of the SWACO Solid Waste Management Plan.

RULE 10-2017: ACCESS AND USE OF SWACO FACILITIES

No Person shall violate any term or condition relating to access and/or the use of Solid Waste Facilities owned or leased by SWACO, including any published safety policies or guidelines established for said Facilities.

RULE 11-2017: ENFORCEMENT AUTHORITY – INSPECTIONS

Every Solid Waste Facility located within the SWACO District shall operate in compliance with the SWACO District Rules. SWACO designated officials are authorized to make lawful inspection of the premises of any Person suspected of violating these District Rules or who owns and operates a Solid Waste Facility located within the SWACO District.

The Executive Director and/or SWACO designated officials, upon displaying proper identification and stating the purpose and necessity of an inspection, may enter at reasonable times upon any private or public property, real or personal, to inspect or investigate, obtain samples or photographs, and/or examine or copy any records to determine compliance with these District Rules or the SWACO Solid Waste Management Plan. If entry is refused or the inspection or investigation is refused, hindered, or thwarted, the Executive Director or an authorized representative may apply for an appropriate search warrant.

RULE 12-2017: PENALTIES FOR NON-COMPLIANCE

In addition to any other sanction or remedial procedure which may be available, including pursuant to O.R.C. §343.99 and/or any civil injunction which may be obtained for enforcement, any Person violating or failing to comply with any of the District Rules shall be subject to the applicable provisions as established in the SWACO Enforcement Guidance and Penalty Policy. Each day on which any violations of these Rules occurs shall constitute a separate violation. The imposition of a fine or any other penalty shall not be construed to excuse or permit the continuation of any violation, and the violator may be subject to subsequent penalties for each day the violation continues. The determination as to whether an act or a failure to act is a continuing violation is solely within the discretion of SWACO enforcement personnel.

RULE 13-2017: ADOPTION SAVINGS CLAUSE

- A. Following the adoption of Section 1, Administrative Information, and Section 2, District Rules 1-2017 through 13-2017, by the Board and upon the effective date of the District Rules, any and all versions of previous District Rules shall be repealed. The Board shall review these District Rules at least once during every five (5)-year period, or in conjunction with the Plan.
- 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 District Rules, or any enforcement involving violations of previous Rules.
- C. If any Rule, or any 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 District Rules. Should any Rule, or any 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 District Rules.