

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 228

Senator Eklund

Cosponsor: Senator Skindell

A BILL

To amend section 3734.57 of the Revised Code to
increase one of the state fees levied on the
transfer or disposal of solid waste in Ohio, the
proceeds of which are deposited into the Soil
and Water Conservation District Assistance Fund,
and to make an appropriation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3734.57 of the Revised Code be
amended to read as follows:

Sec. 3734.57. (A) The following fees are hereby levied on
the transfer or disposal of solid wastes in this state:

(1) Ninety cents per ton through June 30, 2020, twenty
cents of the proceeds of which shall be deposited in the state
treasury to the credit of the hazardous waste facility
management fund created in section 3734.18 of the Revised Code
and seventy cents of the proceeds of which shall be deposited in
the state treasury to the credit of the hazardous waste clean-up
fund created in section 3734.28 of the Revised Code;

(2) An additional seventy-five cents per ton through June

30, 2020, the proceeds of which shall be deposited in the state treasury to the credit of the waste management fund created in section 3734.061 of the Revised Code.

(3) An additional two dollars and eighty-five cents per ton through June 30, 2020, the proceeds of which shall be deposited in the state treasury to the credit of the environmental protection fund created in section 3745.015 of the Revised Code;

(4) An additional ~~twenty-five~~ fifty cents per ton through June 30, 2020, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 940.15 of the Revised Code.

In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state. The amount of fees required to be collected under this division at such a transfer facility shall equal the total tonnage of solid wastes received at the facility multiplied by the fees levied under this division. In the case of solid wastes that are not taken to a solid waste transfer facility located in this state prior to being transported to a solid waste disposal facility, the fees shall be collected by the owner or operator of the solid waste disposal facility as a trustee for the state. The amount of fees required to be collected under this division at such a disposal facility shall equal the total tonnage of solid wastes received at the facility that was not previously taken to a solid waste

transfer facility located in this state multiplied by the fees 49
levied under this division. Fees levied under this division do 50
not apply to materials separated from a mixed waste stream for 51
recycling by a generator or materials removed from the solid 52
waste stream through recycling, as "recycling" is defined in 53
rules adopted under section 3734.02 of the Revised Code. 54

The owner or operator of a solid waste transfer facility 55
or disposal facility, as applicable, shall prepare and file with 56
the director of environmental protection each month a return 57
indicating the total tonnage of solid wastes received at the 58
facility during that month and the total amount of the fees 59
required to be collected under this division during that month. 60
In addition, the owner or operator of a solid waste disposal 61
facility shall indicate on the return the total tonnage of solid 62
wastes received from transfer facilities located in this state 63
during that month for which the fees were required to be 64
collected by the transfer facilities. The monthly returns shall 65
be filed on a form prescribed by the director. Not later than 66
thirty days after the last day of the month to which a return 67
applies, the owner or operator shall mail to the director the 68
return for that month together with the fees required to be 69
collected under this division during that month as indicated on 70
the return or may submit the return and fees electronically in a 71
manner approved by the director. If the return is filed and the 72
amount of the fees due is paid in a timely manner as required in 73
this division, the owner or operator may retain a discount of 74
three-fourths of one per cent of the total amount of the fees 75
that are required to be paid as indicated on the return. 76

The owner or operator may request an extension of not more 77
than thirty days for filing the return and remitting the fees, 78
provided that the owner or operator has submitted such a request 79

in writing to the director together with a detailed description 80
of why the extension is requested, the director has received the 81
request not later than the day on which the return is required 82
to be filed, and the director has approved the request. If the 83
fees are not remitted within thirty days after the last day of 84
the month to which the return applies or are not remitted by the 85
last day of an extension approved by the director, the owner or 86
operator shall not retain the three-fourths of one per cent 87
discount and shall pay an additional ten per cent of the amount 88
of the fees for each month that they are late. For purposes of 89
calculating the late fee, the first month in which fees are late 90
begins on the first day after the deadline has passed for timely 91
submitting the return and fees, and one additional month shall 92
be counted every thirty days thereafter. 93

The owner or operator of a solid waste facility may 94
request a refund or credit of fees levied under this division 95
and remitted to the director that have not been paid to the 96
owner or operator. Such a request shall be made only if the fees 97
have not been collected by the owner or operator, have become a 98
debt that has become worthless or uncollectable for a period of 99
six months or more, and may be claimed as a deduction, including 100
a deduction claimed if the owner or operator keeps accounts on 101
an accrual basis, under the "Internal Revenue Code of 1954," 68A 102
Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted 103
under it. Prior to making a request for a refund or credit, an 104
owner or operator shall make reasonable efforts to collect the 105
applicable fees. A request for a refund or credit shall not 106
include any costs resulting from those efforts to collect unpaid 107
fees. 108

A request for a refund or credit of fees shall be made in 109
writing, on a form prescribed by the director, and shall be 110

supported by evidence that may be required in rules adopted by 111
the director under this chapter. After reviewing the request, 112
and if the request and evidence submitted with the request 113
indicate that a refund or credit is warranted, the director 114
shall grant a refund to the owner or operator or shall permit a 115
credit to be taken by the owner or operator on a subsequent 116
monthly return submitted by the owner or operator. The amount of 117
a refund or credit shall not exceed an amount that is equal to 118
ninety days' worth of fees owed to an owner or operator by a 119
particular debtor of the owner or operator. A refund or credit 120
shall not be granted by the director to an owner or operator 121
more than once in any twelve-month period for fees owed to the 122
owner or operator by a particular debtor. 123

If, after receiving a refund or credit from the director, 124
an owner or operator receives payment of all or part of the 125
fees, the owner or operator shall remit the fees with the next 126
monthly return submitted to the director together with a written 127
explanation of the reason for the submittal. 128

For purposes of computing the fees levied under this 129
division or division (B) of this section, any solid waste 130
transfer or disposal facility that does not use scales as a 131
means of determining gate receipts shall use a conversion factor 132
of three cubic yards per ton of solid waste or one cubic yard 133
per ton for baled waste, as applicable. 134

The fees levied under this division and divisions (B) and 135
(C) of this section are in addition to all other applicable fees 136
and taxes and shall be paid by the customer or a political 137
subdivision to the owner or operator of a solid waste transfer 138
or disposal facility. In the alternative, the fees shall be paid 139
by a customer or political subdivision to a transporter of waste 140

who subsequently transfers the fees to the owner or operator of 141
such a facility. The fees shall be paid notwithstanding the 142
existence of any provision in a contract that the customer or a 143
political subdivision may have with the owner or operator or 144
with a transporter of waste to the facility that would not 145
require or allow such payment regardless of whether the contract 146
was entered prior to or after October 16, 2009. For those 147
purposes, "customer" means a person who contracts with, or 148
utilizes the solid waste services of, the owner or operator of a 149
solid waste transfer or disposal facility or a transporter of 150
solid waste to such a facility. 151

(B) For the purposes specified in division (G) of this 152
section, the solid waste management policy committee of a county 153
or joint solid waste management district may levy fees upon the 154
following activities: 155

(1) The disposal at a solid waste disposal facility 156
located in the district of solid wastes generated within the 157
district; 158

(2) The disposal at a solid waste disposal facility within 159
the district of solid wastes generated outside the boundaries of 160
the district, but inside this state; 161

(3) The disposal at a solid waste disposal facility within 162
the district of solid wastes generated outside the boundaries of 163
this state. 164

The solid waste management plan of the county or joint 165
district approved under section 3734.521 or 3734.55 of the 166
Revised Code and any amendments to it, or the resolution adopted 167
under this division, as appropriate, shall establish the rates 168
of the fees levied under divisions (B)(1), (2), and (3) of this 169

section, if any, and shall specify whether the fees are levied 170
on the basis of tons or cubic yards as the unit of measurement. 171
A solid waste management district that levies fees under this 172
division on the basis of cubic yards shall do so in accordance 173
with division (A) of this section. 174

The fee levied under division (B)(1) of this section shall 175
be not less than one dollar per ton nor more than two dollars 176
per ton, the fee levied under division (B)(2) of this section 177
shall be not less than two dollars per ton nor more than four 178
dollars per ton, and the fee levied under division (B)(3) of 179
this section shall be not more than the fee levied under 180
division (B)(1) of this section. 181

Prior to the approval of the solid waste management plan 182
of a district under section 3734.55 of the Revised Code, the 183
solid waste management policy committee of a district may levy 184
fees under this division by adopting a resolution establishing 185
the proposed amount of the fees. Upon adopting the resolution, 186
the committee shall deliver a copy of the resolution to the 187
board of county commissioners of each county forming the 188
district and to the legislative authority of each municipal 189
corporation and township under the jurisdiction of the district 190
and shall prepare and publish the resolution and a notice of the 191
time and location where a public hearing on the fees will be 192
held. Upon adopting the resolution, the committee shall deliver 193
written notice of the adoption of the resolution; of the amount 194
of the proposed fees; and of the date, time, and location of the 195
public hearing to the director and to the fifty industrial, 196
commercial, or institutional generators of solid wastes within 197
the district that generate the largest quantities of solid 198
wastes, as determined by the committee, and to their local trade 199
associations. The committee shall make good faith efforts to 200

identify those generators within the district and their local 201
trade associations, but the nonprovision of notice under this 202
division to a particular generator or local trade association 203
does not invalidate the proceedings under this division. The 204
publication shall occur at least thirty days before the hearing. 205
After the hearing, the committee may make such revisions to the 206
proposed fees as it considers appropriate and thereafter, by 207
resolution, shall adopt the revised fee schedule. Upon adopting 208
the revised fee schedule, the committee shall deliver a copy of 209
the resolution doing so to the board of county commissioners of 210
each county forming the district and to the legislative 211
authority of each municipal corporation and township under the 212
jurisdiction of the district. Within sixty days after the 213
delivery of a copy of the resolution adopting the proposed 214
revised fees by the policy committee, each such board and 215
legislative authority, by ordinance or resolution, shall approve 216
or disapprove the revised fees and deliver a copy of the 217
ordinance or resolution to the committee. If any such board or 218
legislative authority fails to adopt and deliver to the policy 219
committee an ordinance or resolution approving or disapproving 220
the revised fees within sixty days after the policy committee 221
delivered its resolution adopting the proposed revised fees, it 222
shall be conclusively presumed that the board or legislative 223
authority has approved the proposed revised fees. The committee 224
shall determine if the resolution has been ratified in the same 225
manner in which it determines if a draft solid waste management 226
plan has been ratified under division (B) of section 3734.55 of 227
the Revised Code. 228

The committee may amend the schedule of fees levied 229
pursuant to a resolution adopted and ratified under this 230
division by adopting a resolution establishing the proposed 231

amount of the amended fees. The committee may repeal the fees 232
levied pursuant to such a resolution by adopting a resolution 233
proposing to repeal them. Upon adopting such a resolution, the 234
committee shall proceed to obtain ratification of the resolution 235
in accordance with this division. 236

Not later than fourteen days after declaring the new fees 237
to be ratified or the fees to be repealed under this division, 238
the committee shall notify by certified mail the owner or 239
operator of each solid waste disposal facility that is required 240
to collect the fees of the ratification and the amount of the 241
fees or of the repeal of the fees. Collection of any fees shall 242
commence or collection of repealed fees shall cease on the first 243
day of the second month following the month in which 244
notification is sent to the owner or operator. 245

Fees levied under this division also may be established, 246
amended, or repealed by a solid waste management policy 247
committee through the adoption of a new district solid waste 248
management plan, the adoption of an amended plan, or the 249
amendment of the plan or amended plan in accordance with 250
sections 3734.55 and 3734.56 of the Revised Code or the adoption 251
or amendment of a district plan in connection with a change in 252
district composition under section 3734.521 of the Revised Code. 253

Not later than fourteen days after the director issues an 254
order approving a district's solid waste management plan, 255
amended plan, or amendment to a plan or amended plan that 256
establishes, amends, or repeals a schedule of fees levied by the 257
district, the committee shall notify by certified mail the owner 258
or operator of each solid waste disposal facility that is 259
required to collect the fees of the approval of the plan or 260
amended plan, or the amendment to the plan, as appropriate, and 261

the amount of the fees, if any. In the case of an initial or 262
amended plan approved under section 3734.521 of the Revised Code 263
in connection with a change in district composition, other than 264
one involving the withdrawal of a county from a joint district, 265
the committee, within fourteen days after the change takes 266
effect pursuant to division (G) of that section, shall notify by 267
certified mail the owner or operator of each solid waste 268
disposal facility that is required to collect the fees that the 269
change has taken effect and of the amount of the fees, if any. 270
Collection of any fees shall commence or collection of repealed 271
fees shall cease on the first day of the second month following 272
the month in which notification is sent to the owner or 273
operator. 274

If, in the case of a change in district composition 275
involving the withdrawal of a county from a joint district, the 276
director completes the actions required under division (G) (1) or 277
(3) of section 3734.521 of the Revised Code, as appropriate, 278
forty-five days or more before the beginning of a calendar year, 279
the policy committee of each of the districts resulting from the 280
change that obtained the director's approval of an initial or 281
amended plan in connection with the change, within fourteen days 282
after the director's completion of the required actions, shall 283
notify by certified mail the owner or operator of each solid 284
waste disposal facility that is required to collect the 285
district's fees that the change is to take effect on the first 286
day of January immediately following the issuance of the notice 287
and of the amount of the fees or amended fees levied under 288
divisions (B) (1) to (3) of this section pursuant to the 289
district's initial or amended plan as so approved or, if 290
appropriate, the repeal of the district's fees by that initial 291
or amended plan. Collection of any fees set forth in such a plan 292

or amended plan shall commence on the first day of January 293
immediately following the issuance of the notice. If such an 294
initial or amended plan repeals a schedule of fees, collection 295
of the fees shall cease on that first day of January. 296

If, in the case of a change in district composition 297
involving the withdrawal of a county from a joint district, the 298
director completes the actions required under division (G) (1) or 299
(3) of section 3734.521 of the Revised Code, as appropriate, 300
less than forty-five days before the beginning of a calendar 301
year, the director, on behalf of each of the districts resulting 302
from the change that obtained the director's approval of an 303
initial or amended plan in connection with the change 304
proceedings, shall notify by certified mail the owner or 305
operator of each solid waste disposal facility that is required 306
to collect the district's fees that the change is to take effect 307
on the first day of January immediately following the mailing of 308
the notice and of the amount of the fees or amended fees levied 309
under divisions (B) (1) to (3) of this section pursuant to the 310
district's initial or amended plan as so approved or, if 311
appropriate, the repeal of the district's fees by that initial 312
or amended plan. Collection of any fees set forth in such a plan 313
or amended plan shall commence on the first day of the second 314
month following the month in which notification is sent to the 315
owner or operator. If such an initial or amended plan repeals a 316
schedule of fees, collection of the fees shall cease on the 317
first day of the second month following the month in which 318
notification is sent to the owner or operator. 319

If the schedule of fees that a solid waste management 320
district is levying under divisions (B) (1) to (3) of this 321
section is amended or repealed, the fees in effect immediately 322
prior to the amendment or repeal shall continue to be collected 323

until collection of the amended fees commences or collection of 324
the repealed fees ceases, as applicable, as specified in this 325
division. In the case of a change in district composition, money 326
so received from the collection of the fees of the former 327
districts shall be divided among the resulting districts in 328
accordance with division (B) of section 343.012 of the Revised 329
Code and the agreements entered into under division (B) of 330
section 343.01 of the Revised Code to establish the former and 331
resulting districts and any amendments to those agreements. 332

For the purposes of the provisions of division (B) of this 333
section establishing the times when newly established or amended 334
fees levied by a district are required to commence and the 335
collection of fees that have been amended or repealed is 336
required to cease, "fees" or "schedule of fees" includes, in 337
addition to fees levied under divisions (B) (1) to (3) of this 338
section, those levied under section 3734.573 or 3734.574 of the 339
Revised Code. 340

(C) For the purposes of defraying the added costs to a 341
municipal corporation or township of maintaining roads and other 342
public facilities and of providing emergency and other public 343
services, and compensating a municipal corporation or township 344
for reductions in real property tax revenues due to reductions 345
in real property valuations resulting from the location and 346
operation of a solid waste disposal facility within the 347
municipal corporation or township, a municipal corporation or 348
township in which such a solid waste disposal facility is 349
located may levy a fee of not more than twenty-five cents per 350
ton on the disposal of solid wastes at a solid waste disposal 351
facility located within the boundaries of the municipal 352
corporation or township regardless of where the wastes were 353
generated. 354

The legislative authority of a municipal corporation or 355
township may levy fees under this division by enacting an 356
ordinance or adopting a resolution establishing the amount of 357
the fees. Upon so doing the legislative authority shall mail a 358
certified copy of the ordinance or resolution to the board of 359
county commissioners or directors of the county or joint solid 360
waste management district in which the municipal corporation or 361
township is located or, if a regional solid waste management 362
authority has been formed under section 343.011 of the Revised 363
Code, to the board of trustees of that regional authority, the 364
owner or operator of each solid waste disposal facility in the 365
municipal corporation or township that is required to collect 366
the fee by the ordinance or resolution, and the director of 367
environmental protection. Although the fees levied under this 368
division are levied on the basis of tons as the unit of 369
measurement, the legislative authority, in its ordinance or 370
resolution levying the fees under this division, may direct that 371
the fees be levied on the basis of cubic yards as the unit of 372
measurement based upon a conversion factor of three cubic yards 373
per ton generally or one cubic yard per ton for baled wastes. 374

Not later than five days after enacting an ordinance or 375
adopting a resolution under this division, the legislative 376
authority shall so notify by certified mail the owner or 377
operator of each solid waste disposal facility that is required 378
to collect the fee. Collection of any fee levied on or after 379
March 24, 1992, shall commence on the first day of the second 380
month following the month in which notification is sent to the 381
owner or operator. 382

(D) (1) The fees levied under divisions (A), (B), and (C) 383
of this section do not apply to the disposal of solid wastes 384
that: 385

(a) Are disposed of at a facility owned by the generator 386
of the wastes when the solid waste facility exclusively disposes 387
of solid wastes generated at one or more premises owned by the 388
generator regardless of whether the facility is located on a 389
premises where the wastes are generated; 390

(b) Are generated from the combustion of coal, or from the 391
combustion of primarily coal, regardless of whether the disposal 392
facility is located on the premises where the wastes are 393
generated; 394

(c) Are asbestos or asbestos-containing materials or 395
products disposed of at a construction and demolition debris 396
facility that is licensed under Chapter 3714. of the Revised 397
Code or at a solid waste facility that is licensed under this 398
chapter. 399

(2) Except as provided in section 3734.571 of the Revised 400
Code, any fees levied under division (B)(1) of this section 401
apply to solid wastes originating outside the boundaries of a 402
county or joint district that are covered by an agreement for 403
the joint use of solid waste facilities entered into under 404
section 343.02 of the Revised Code by the board of county 405
commissioners or board of directors of the county or joint 406
district where the wastes are generated and disposed of. 407

(3) When solid wastes, other than solid wastes that 408
consist of scrap tires, are burned in a disposal facility that 409
is an incinerator or energy recovery facility, the fees levied 410
under divisions (A), (B), and (C) of this section shall be 411
levied upon the disposal of the fly ash and bottom ash remaining 412
after burning of the solid wastes and shall be collected by the 413
owner or operator of the sanitary landfill where the ash is 414
disposed of. 415

(4) When solid wastes are delivered to a solid waste 416
transfer facility, the fees levied under divisions (B) and (C) 417
of this section shall be levied upon the disposal of solid 418
wastes transported off the premises of the transfer facility for 419
disposal and shall be collected by the owner or operator of the 420
solid waste disposal facility where the wastes are disposed of. 421

(5) The fees levied under divisions (A), (B), and (C) of 422
this section do not apply to sewage sludge that is generated by 423
a waste water treatment facility holding a national pollutant 424
discharge elimination system permit and that is disposed of 425
through incineration, land application, or composting or at 426
another resource recovery or disposal facility that is not a 427
landfill. 428

(6) The fees levied under divisions (A), (B), and (C) of 429
this section do not apply to solid wastes delivered to a solid 430
waste composting facility for processing. When any unprocessed 431
solid waste or compost product is transported off the premises 432
of a composting facility and disposed of at a landfill, the fees 433
levied under divisions (A), (B), and (C) of this section shall 434
be collected by the owner or operator of the landfill where the 435
unprocessed waste or compost product is disposed of. 436

(7) When solid wastes that consist of scrap tires are 437
processed at a scrap tire recovery facility, the fees levied 438
under divisions (A), (B), and (C) of this section shall be 439
levied upon the disposal of the fly ash and bottom ash or other 440
solid wastes remaining after the processing of the scrap tires 441
and shall be collected by the owner or operator of the solid 442
waste disposal facility where the ash or other solid wastes are 443
disposed of. 444

(8) The director of environmental protection may issue an 445

order exempting from the fees levied under this section solid 446
wastes, including, but not limited to, scrap tires, that are 447
generated, transferred, or disposed of as a result of a contract 448
providing for the expenditure of public funds entered into by 449
the administrator or regional administrator of the United States 450
environmental protection agency, the director of environmental 451
protection, or the director of administrative services on behalf 452
of the director of environmental protection for the purpose of 453
remediating conditions at a hazardous waste facility, solid 454
waste facility, or other location at which the administrator or 455
regional administrator or the director of environmental 456
protection has reason to believe that there is a substantial 457
threat to public health or safety or the environment or that the 458
conditions are causing or contributing to air or water pollution 459
or soil contamination. An order issued by the director of 460
environmental protection under division (D) (8) of this section 461
shall include a determination that the amount of the fees not 462
received by a solid waste management district as a result of the 463
order will not adversely impact the implementation and financing 464
of the district's approved solid waste management plan and any 465
approved amendments to the plan. Such an order is a final action 466
of the director of environmental protection. 467

(E) The fees levied under divisions (B) and (C) of this 468
section shall be collected by the owner or operator of the solid 469
waste disposal facility where the wastes are disposed of as a 470
trustee for the county or joint district and municipal 471
corporation or township where the wastes are disposed of. Moneys 472
from the fees levied under division (B) of this section shall be 473
forwarded to the board of county commissioners or board of 474
directors of the district in accordance with rules adopted under 475
division (H) of this section. Moneys from the fees levied under 476

division (C) of this section shall be forwarded to the treasurer 477
or such other officer of the municipal corporation as, by virtue 478
of the charter, has the duties of the treasurer or to the fiscal 479
officer of the township, as appropriate, in accordance with 480
those rules. 481

(F) Moneys received by the treasurer or other officer of 482
the municipal corporation under division (E) of this section 483
shall be paid into the general fund of the municipal 484
corporation. Moneys received by the fiscal officer of the 485
township under that division shall be paid into the general fund 486
of the township. The treasurer or other officer of the municipal 487
corporation or the township fiscal officer, as appropriate, 488
shall maintain separate records of the moneys received from the 489
fees levied under division (C) of this section. 490

(G) Moneys received by the board of county commissioners 491
or board of directors under division (E) of this section or 492
section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised 493
Code shall be paid to the county treasurer, or other official 494
acting in a similar capacity under a county charter, in a county 495
district or to the county treasurer or other official designated 496
by the board of directors in a joint district and kept in a 497
separate and distinct fund to the credit of the district. If a 498
regional solid waste management authority has been formed under 499
section 343.011 of the Revised Code, moneys received by the 500
board of trustees of that regional authority under division (E) 501
of this section shall be kept by the board in a separate and 502
distinct fund to the credit of the district. Moneys in the 503
special fund of the county or joint district arising from the 504
fees levied under division (B) of this section and the fee 505
levied under division (A) of section 3734.573 of the Revised 506
Code shall be expended by the board of county commissioners or 507

directors of the district in accordance with the district's 508
solid waste management plan or amended plan approved under 509
section 3734.521, 3734.55, or 3734.56 of the Revised Code 510
exclusively for the following purposes: 511

(1) Preparation of the solid waste management plan of the 512
district under section 3734.54 of the Revised Code, monitoring 513
implementation of the plan, and conducting the periodic review 514
and amendment of the plan required by section 3734.56 of the 515
Revised Code by the solid waste management policy committee; 516

(2) Implementation of the approved solid waste management 517
plan or amended plan of the district, including, without 518
limitation, the development and implementation of solid waste 519
recycling or reduction programs; 520

(3) Providing financial assistance to boards of health 521
within the district, if solid waste facilities are located 522
within the district, for enforcement of this chapter and rules, 523
orders, and terms and conditions of permits, licenses, and 524
variances adopted or issued under it, other than the hazardous 525
waste provisions of this chapter and rules adopted and orders 526
and terms and conditions of permits issued under those 527
provisions; 528

(4) Providing financial assistance to each county within 529
the district to defray the added costs of maintaining roads and 530
other public facilities and of providing emergency and other 531
public services resulting from the location and operation of a 532
solid waste facility within the county under the district's 533
approved solid waste management plan or amended plan; 534

(5) Pursuant to contracts entered into with boards of 535
health within the district, if solid waste facilities contained 536

in the district's approved plan or amended plan are located 537
within the district, for paying the costs incurred by those 538
boards of health for collecting and analyzing samples from 539
public or private water wells on lands adjacent to those 540
facilities; 541

(6) Developing and implementing a program for the 542
inspection of solid wastes generated outside the boundaries of 543
this state that are disposed of at solid waste facilities 544
included in the district's approved solid waste management plan 545
or amended plan; 546

(7) Providing financial assistance to boards of health 547
within the district for the enforcement of section 3734.03 of 548
the Revised Code or to local law enforcement agencies having 549
jurisdiction within the district for enforcing anti-littering 550
laws and ordinances; 551

(8) Providing financial assistance to boards of health of 552
health districts within the district that are on the approved 553
list under section 3734.08 of the Revised Code to defray the 554
costs to the health districts for the participation of their 555
employees responsible for enforcement of the solid waste 556
provisions of this chapter and rules adopted and orders and 557
terms and conditions of permits, licenses, and variances issued 558
under those provisions in the training and certification program 559
as required by rules adopted under division (L) of section 560
3734.02 of the Revised Code; 561

(9) Providing financial assistance to individual municipal 562
corporations and townships within the district to defray their 563
added costs of maintaining roads and other public facilities and 564
of providing emergency and other public services resulting from 565
the location and operation within their boundaries of a 566

composting, energy or resource recovery, incineration, or 567
recycling facility that either is owned by the district or is 568
furnishing solid waste management facility or recycling services 569
to the district pursuant to a contract or agreement with the 570
board of county commissioners or directors of the district; 571

(10) Payment of any expenses that are agreed to, awarded, 572
or ordered to be paid under section 3734.35 of the Revised Code 573
and of any administrative costs incurred pursuant to that 574
section. In the case of a joint solid waste management district, 575
if the board of county commissioners of one of the counties in 576
the district is negotiating on behalf of affected communities, 577
as defined in that section, in that county, the board shall 578
obtain the approval of the board of directors of the district in 579
order to expend moneys for administrative costs incurred. 580

Prior to the approval of the district's solid waste 581
management plan under section 3734.55 of the Revised Code, 582
moneys in the special fund of the district arising from the fees 583
shall be expended for those purposes in the manner prescribed by 584
the solid waste management policy committee by resolution. 585

Notwithstanding division (G) (6) of this section as it 586
existed prior to October 29, 1993, or any provision in a 587
district's solid waste management plan prepared in accordance 588
with division (B) (2) (e) of section 3734.53 of the Revised Code 589
as it existed prior to that date, any moneys arising from the 590
fees levied under division (B) (3) of this section prior to 591
January 1, 1994, may be expended for any of the purposes 592
authorized in divisions (G) (1) to (10) of this section. 593

(H) The director shall adopt rules in accordance with 594
Chapter 119. of the Revised Code prescribing procedures for 595
collecting and forwarding the fees levied under divisions (B) 596

and (C) of this section to the boards of county commissioners or 597
directors of county or joint solid waste management districts 598
and to the treasurers or other officers of municipal 599
corporations and the fiscal officers of townships. The rules 600
also shall prescribe the dates for forwarding the fees to the 601
boards and officials and may prescribe any other requirements 602
the director considers necessary or appropriate to implement and 603
administer divisions (A), (B), and (C) of this section. 604

Section 2. That existing section 3734.57 of the Revised 605
Code is hereby repealed. 606

Section 3. All items in this section are hereby 607
appropriated as designated out of any moneys in the state 608
treasury to the credit of the designated fund. For all 609
appropriations made in this act, those in the first column are 610
for fiscal year 2018 and those in the second column are for 611
fiscal year 2019. The appropriations made in this act are in 612
addition to any other appropriations made for the FY 2018-FY 613
2019 biennium. 614

AGR DEPARTMENT OF AGRICULTURE 615

Dedicated Purpose Fund Group 616

5BV0 700661 Soil and Water Districts	\$3,250,000	\$3,250,000	617
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TOTAL DPF Dedicated Purpose Fund Group	\$3,250,000	\$3,250,000	618
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TOTAL ALL BUDGET FUND GROUPS	\$3,250,000	\$3,250,000	619
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Section 4. Within the limits set forth in this act, the 620
Director of Budget and Management shall establish accounts 621
indicating the source and amount of funds for each appropriation 622
made in this act, and shall determine the form and manner in 623
which appropriation accounts shall be maintained. Expenditures 624

from appropriations contained in this act shall be accounted for 625
as though made in Am. Sub. H.B. 49 of the 132nd General 626
Assembly. 627

The appropriations made in this act are subject to all 628
provisions of Am. Sub. H.B. 49 of the 132nd General Assembly 629
that are generally applicable to such appropriations. 630