

IX. District Rules [Ohio Revised Code (ORC) 3734.53(C)]

The Stark-Tuscarawas-Wayne Joint Solid Waste Management District (District) reserves the right, in this *Plan Update*, to adopt rules under ORC 343.07(G) as provided for in ORC 3734.53(c) after approval of the plan under ORC 3734.521 or ORC 3734.55. At the time of this *Plan Update*, the District is not proposing any new rules.

Rule Making Authority - ORC 343.01

The solid waste management plan provides the authority to the Board of Directors (Board) to adopt, publish and enforce all of the rule-making powers authorized by ORC 343.01, Divisions (G)(1), (G)(2), (G)(3) and (G)(4) including the following:

ORC 343.01(G)(1)

To the extent authorized by the solid waste management plan of the district approved under ORC 3734.521 or ORC 3734.55 or subsequent amended plans of the district approved under ORC 3734.521 or ORC 3734.56, the Board of County Commissioners of a County District or Board of Directors of a joint district may adopt, publish and enforce rules doing any of the following:

- (1) Prohibiting or limiting the receipt of solid wastes generated outside the district or outside a service area prescribed in the solid waste management plan or amended plan, at facilities covered by the plan, consistent with the projections contained in the plan or amended plan under ORC 3734.53 (A)(6) and (7). However, rules adopted by a board under division (G)(1) of this section may be adopted and enforced with respect to solid waste disposal facilities in the solid waste management district that are not owned by a county or the solid waste management district only if the board submits an application to the director of environmental protection that demonstrates that there is insufficient capacity to dispose of all solid wastes that are generated within the district at the solid waste disposal facilities located within the district and the director approves the application. The demonstration in the application shall be based on projections contained in the plan or amended plan of the district. The director shall establish the form of the application. The approval or disapproval of such an application by the director is an action that is appealable under ORC 3745.04.
 - (a) The district in which the wastes were generated does not have sufficient capacity to dispose of solid wastes generated within it for six months following the date of the director's order;
 - (b) No new solid waste facilities will begin operation during those six months in the district in which the wastes were generated and, despite good faith efforts to do so, it is impossible to site new solid waste facilities within the district because of its high population density;

- (c) The District in which the wastes were generated has made good faith efforts to negotiate with other districts to incorporate its disposal needs within those districts' solid waste management plans, including efforts to develop joint facilities authorized under ORC 343.02 and the efforts have been unsuccessful;
- (d) The District in which the wastes were generated has located a facility willing to accept the district's solid wastes for disposal within the receiving district;
- (e) The District in which the wastes were generated has demonstrated to the director that the conditions specified in divisions (G)(1) (a) to (d) of this section have been met; and
- (f) The director finds that the issuance of the order will be consistent with the state solid waste management plan and that receipt of the out-of-district wastes will not limit the capacity of the receiving district to dispose of its in-district wastes to less than eight years. Any order issued under division (G)(1) of this section shall not become final until thirty days after it has been served by certified mail upon the county or joint solid waste management district that will receive the out-of-district wastes.

ORC 343.01(G) (2)

Governing the maintenance, protection and use of solid waste collection or other solid waste facilities located within its district. The rules adopted under ORC 343.07 (G) (2) of this section shall not establish design standards for solid waste facilities and shall be consistent with the solid waste provisions of ORC 3734 and the rules adopted under those provisions. The rules adopted under division (G) (2) of this section may prohibit any person, municipal corporation, township or other political subdivision from constructing, enlarging or modifying any solid waste facility until general plans and specifications for the proposed improvement have been submitted to and approved by the Board of County Commissioners or Board of Directors as complying with the solid waste management plan or amended plan of the district. The construction of such a facility shall be done under the supervision of the county sanitary engineer or, in the case of a joint district, a county sanitary engineer designated by the board of directors, and any person, municipal corporation, township or other political subdivision proposing or constructing such improvements shall pay to the county or joint district all expenses incurred by the Board in connection therewith. The sanitary engineer may enter upon any public or private property for the purpose of making surveys or examinations necessary for designing solid waste facilities or for supervising the construction, enlargement, modification or operation of any such facilities. No person, Municipal Corporation, township or other political subdivision shall forbid or interfere with the sanitary engineer or his authorized assistants entering upon such property for that purpose. If actual damage is done to property by the making of the surveys and examinations, a board shall pay the reasonable value of that damage to the owner of the property damaged, and the cost shall be

included in the financing of the improvement for which the surveys and examinations are made.

ORC 343.01(G) (3)

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

ORC 343.01(G) (4)

Exempting the owner or operator of any existing or proposed solid waste facility provided for in the plan or amended plan from compliance with any amendment to a township zoning resolution adopted under ORC 519.12 or to a county rural zoning resolution adopted under section 303.12 of the Revised Code that rezoned or redistricted the parcel or parcels upon which the facility is to be constructed or modified and that became effective within two years prior to the filing of an application for a permit required under ORC 3734.05(A)(2)(a) to open a new or modify an existing solid waste facility.