

**As Introduced**

**132nd General Assembly  
Regular Session  
2017-2018**

**S. B. No. 228**

**Senator Eklund  
Cosponsor: Senator Skindell**

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

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

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

(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 transfer facility, the fees levied under divisions (B) and (C) of this section shall be levied upon the disposal of solid wastes transported off the premises of the transfer facility for disposal and shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of.

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

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

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

(8) The director of environmental protection may issue an

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

TOTAL DPF Dedicated Purpose Fund Group \$3,250,000 \$3,250,000 618

TOTAL ALL BUDGET FUND GROUPS \$3,250,000 \$3,250,000 619

**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