

# **Lorain County Solid Waste Management District**

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## Lorain County Solid Waste Management District

### Rule Lorain SWMD-01 - Definitions for Applicants for Solid Waste Facility Permits, Registrations or Licenses

The following definitions are applicable to all District rules.

- a. **Applicant** shall mean a person, municipal corporation, township or other political subdivision proposing to construct or modify a Solid Waste Facility, Incinerator or Solid Waste Energy Recovery Facility within the District.
- b. **Board of Commissioners** means the Board of County Commissioners of Lorain County, Ohio.
- c. **Designated Facility** or **Designation** means a Solid Waste disposal, transfer, recycling or resource recovery facility which the Board of Commissioners has authorized to receive solid waste generated within the District pursuant to R.C. 343.01 (l)(2) and the District's solid waste management plan.
- d. **District** means the Lorain County Solid Waste Management District.
- e. **General Plans and Specifications** shall mean 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 facility, architectural drawings or artists' renderings of the proposed facility, the projected size and capacity of the proposed facility and all other information identified in this Siting Strategy.
- f. **Incinerator** means any equipment, machine, device, article, contrivance, structure or part of a structure used to burn solid or infectious wastes to ash.
- g. **Material Recovery Facility** means a facility used to separate, sort, or process Solid Waste in order to segregate materials with value for recycling.
- h. **Modify** shall mean a significant change in the operation of an existing in-District Solid Waste Facility: (1) that requires the approval of the Director of the Ohio Environmental Protection Agency; or (2) that involves a change in the type of material, manner of operation, or activities conducted at the facility (i.e., a conversion of a legitimate recycling facility to a transfer station).
- i. **Recycle** or **Recycling** means the activity of collecting, sorting, cleansing, processing and reconstituting Solid Waste and returning reconstituted materials to commerce as valuable commodities for use or exchange.

- j. **Recycled Materials** means articles of Solid Waste that have been Recycled.
- k. **Siting Strategy** shall mean the process by which the Board of Commissioners shall review proposals for the construction or modification of any Solid Waste Facility and determine whether such proposal complies with the *Plan Update*.
- l. **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 normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from the combustion of coal and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty percent of heat input in any month, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. **Solid Waste** does not include any material that is an infectious waste or a hazardous waste.
- m. **Solid Waste Energy Recovery Facility** means any site, location tract of land, installation or building where mixed solid waste or select solid waste streams, including scrap tires, is used as or intends to be used as fuel to produce energy, heat, or steam.
- n. **Solid Waste Facilities** shall mean all solid waste collection, storage, disposal (landfill), transfer, recycling, processing, and resource recovery facilities.
- o. **Solid Waste Transporter (SWT)** shall be defined as a person or company who engages in the enterprise of collection and transportation of solid waste, source separated recyclables, source separated yard waste or organic waste, by truck, or other hauling vehicle that uses the public roadways for the loading and unloading of solid waste, recyclables, yard waste and who possesses all required licenses and registrations from local, state, and federal governmental entities and authorities as appropriate and relevant including all requirements under these regulations.
- p. **Source-separated Recyclable Materials** means Solid Waste which the generator or producer intends to be Recycled and has separated from other Solid Waste at the point of generation or the point of collection.
- q. **Waiver Agreement** means the standard form of agreement, approved by the Board of Commissioners, that is entered into between the District and a party that requests a waiver under R.C. 343-01 (l)(2) and the District's solid waste management plan, to authorize delivery of Solid Waste generated within the District to a facility not designated by the Board of Commissioners.
- r. **Yard Waste** means yard waste that has been separated at the point of generation or at the point of collection from other Solid Wastes.

Any applicant as defined above for a permit-to-install, registration or license for a solid waste facility, incinerator or energy recovery facility under Ohio solid waste law or regulations shall comply with the Siting Strategy presented in the solid waste management *Plan Update*. Currently, this is located in Section VI, Part G. The location may change under new versions of the Ohio EPA Format.

### **Rule Lorain SWMD-02-Solid Waste Facility Review**

Any person owning or operating a solid waste or recycling facility within the District shall do the following:

1. Submit three copies of any Permit-to-Install (PTI) application required by the Ohio EPA to the District for review and approval.
2. Submit three copies of all plans and specifications for expansion, modification or new solid waste or recycling facility to the District for review and approval.
3. Comply with the requirements of Section VI, (G) Siting Strategy for Facilities of the *Plan Update*.

### **Rule Lorain SWMD-03- Reporting Collection of Recyclable Materials and Solid Waste Facility Annual Report Data Submittal**

1. Any person that collects Solid Waste generated within the District, or provides Solid Waste transfer, processing, resource recovery, Recycling or Material Recovery Facility services within the District, shall report the quantity, volume or amount of Source-separated Recyclable Materials collected, and the amount of Recyclable Materials recovered, to the District's Re-TRAC Connect Survey System using the form prescribed by the District and the reporting periods prescribed by the District. The District shall provide copies of its prescribed reporting form, and instructions for completing and submitting the reporting form on the District's website at and/or by regular mail upon request.
2. By April 1 of each year, any person owning or operating a solid waste facility shall submit information and data summarizing solid waste disposal; residential, commercial, and industrial recycling; and solid waste transfers for the preceding calendar year. Such information shall be submitted in a format to be provided by the District, or if approved by the District, the same format and forms submitted to the Ohio EPA.

### **Rule Lorain SWMD-04 - Waiver Process for the Use of Undesignated Facilities**

Any person may apply for a waiver from the requirements of Designation by submitting an application for a Waiver Agreement in compliance with the application process specified in Section VI(F) of the District's solid waste management plan. Waivers that are granted shall use the standard form of Waiver Agreement approved by the Board of Commissioners. A party that enters into a Waiver Agreement with the District shall comply with all of the terms and conditions of the Waiver Agreement.

The Waiver Process clarifies who may request a waiver and the information to be provided. The application for the waiver must explain the basis for the Board to grant the waiver request. Any person or the legislative authority of a municipal corporation or township may request a waiver authorizing the delivery of solid waste generated within the District to an undesignated solid waste facility. The waiver request shall include the following:

1. The name, address, telephone number and email address of the person requesting the waiver.
2. The source and name of the generator of the solid waste included in the waiver request.
3. The name, address, telephone number and email address of the undesignated solid waste facility where solid waste generated within the District will be delivered if the waiver is approved by the Board.
4. The estimated annual tonnage of the solid waste that will be delivered to the undesignated solid waste facility covered by the waiver request.
5. An explanation describing how approval of the waiver request is not inconsistent with the projections contained in the District's initial or amended Plan under divisions (A)(6) and (7) of section 3734.53 of the Revised Code.
6. An explanation describing how the approval of the waiver request will not adversely affect implementation and financing of the District's initial or amended Plan pursuant to the implementation schedule contained in the District's initial or amended Plan under division (A)(12)(a) of section 3734.53 of the Revised Code.

Any waiver granted by the Board shall be included in a waiver agreement by and between the Board and the person granted the waiver. The waiver agreement shall contain the terms and conditions upon which the waiver was granted and the payment by the grantee of the waiver fee, if any, assessed on each ton of solid waste covered by the waiver.

### **Rule Lorain SWMD-05 - Fee Payment Forms**

A solid waste facility, incinerator or energy recovery facility, as defined in Rule Lorain-01 or the District Siting Strategy in the solid waste management plan, that is required to make a fee payment to the solid waste district as required by Ohio Revised Code or contractual requirements must complete in full the district fee form. The fee form must be completed per the instructions on the form. A fee form that is not completed per the instructions will be considered deficient and the owner/operator of the solid waste facility, incinerator or energy recovery facility will receive a written request from the District to revise the submitted Fee Payment Form with the missing requested information. The owner/operator will have 14 business days from receipt of the letter to complete the form and return it in compliance with the request.

### **Rule Lorain SWMD-06 - Designated Solid Waste Facility**

No person, municipal corporation, township, or other political subdivision shall deliver, or cause the delivery of, any Solid Waste generated within the Lorain County Solid Waste Management District to any Solid Waste transfer, disposal, recycling, or resource recovery facility other than a facility designated by the Board of Commissioners pursuant to the District's solid waste management plan, unless such Solid Waste is: (a) expressly exempted from the requirements of Designation under Ohio law or District Rules; or (b) delivered directly to a properly licensed and permitted solid waste facility located outside the State of Ohio; or (c) delivered in compliance with the terms and conditions of a Waiver Agreement entered into with the District authorizing delivery to a facility that is not designated by the Board of Commissioners. The only facility currently designated by the Board of Commissioners to receive Solid Waste generated within the district is the Lorain County Landfill, located at 43502 Oberlin-Elyria Road, Oberlin, Ohio 44074.

### **Rule Lorain SWMD-07 - Solid Waste Exempt from Designation**

The following Solid Waste is exempt from the requirements of designation and may be delivered to a properly licensed and permitted facility that is not designated by the Board of Commissioners:

1. Solid Waste generated by and collected at industrial facilities located within the District that are classified in SIC code 20 and 22-39 or North American Industrial Classification System (NAICS) manufacturing codes 31, 32 and 33.
2. Source-separated Recyclable Materials that are delivered to a community drop-off, resource recovery facility, Material Recovery Facility, transfer facility for collection and delivery to a legitimate Recycling facility, or a broker, processor or manufacturer that uses post-consumer products as a raw material.
3. Source-separated Yard Waste is to be delivered to any registered, licensed, permitted yard waste management composting facility.

### **Rule Lorain SWMD-08 – Registration of Solid Waste Transporters**

All Solid Waste Transporters, as defined in Rule Lorain SWMD-01 definitions doing business within the borders of the Lorain County Solid Waste Management District must register with the Lorain County Sheriff's Department and obtain a registration sticker. Registration must be completed in person at the Lorain County Sheriff's Department on forms provided by the Sheriff's Department and must be completed in full.

All Solid Waste Transporters operating within the borders of the Lorain County Solid Waste Management District at the time this Rule is adopted must register with the Lorain County Sheriff's Department within three (3) months of the effective date of this Rule.

Following the effective date of this Rule, prior to commencement of operations within the borders of the Lorain County Solid Waste Management District, any new Solid Waste Transporter must register with the Lorain County Sheriff's Department.

All Solid Waste Transporters must annually update registration information during the month of December and obtain an annual registration sticker from the Lorain County Sheriff prior to January 1.

Any Solid Waste Transporter that fails to comply with the registration requirements in this Rule shall be fined at least \$10,000 but not more than \$25,000. Each day of violation constitutes a separate offense. ("Revised Rule Lorain SWMD-08")

**Rule Lorain SWMD-09 - Commingled Loads Hauled by Registered Solid Waste Transporters**

Registered solid waste transporters shall not combine waste or recyclables generated within the jurisdiction of the Lorain County Solid Waste District with any other solid waste districts solid waste as defined by the ORC 343.