

Fairfield County Combined General Health District
Comprehensive Solid Waste Regulations

Adopted October 12, 2006 .

FAIRFIELD COUNTY DISTRICT BOARD OF HEALTH

COMPREHENSIVE SOLID WASTE REGULATIONS

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COMPREHENSIVE SOLID WASTE REGULATIONS

PART 1

SECTION 1 DEFINITIONS

- (a) **“Board of Health”** means the Board of the Fairfield County Combined General Health District Board of Health.
- (b) **“Clean Fill”** means clean soil, rock, sand, and other unaltered geological materials which have not been used in any type of industrial process; paving brick and stone; clay tile; asphalt and other paving materials, including reinforced and nonreinforced concrete pavement.
- (c) **“Closure”** refers to those measures performed, after a solid waste or construction and demolition facility can no longer accept waste for disposal, or after the effective date of an order revoking the license of the facility to protect public health or safety, to prevent air or water pollution, or to make the facility suitable for other uses. Closure shall include the establishment and maintenance of a suitable cover of soil and vegetation over cells in which solid waste or construction and demolition waste is buried; minimization of erosion, the infiltration of surface water into such cells, the production of leachate, and the accumulation and runoff of contaminated surface water; and the final construction of facilities for the collection and treatment of leachate and contaminated surface water runoff. The term, in relation to solid waste facilities, includes the final construction of air and water quality monitoring facilities and the final construction of methane gas extraction and treatment systems.
- (d) **“Collection Vehicle”** means motor vehicles upon which an enclosed refuse compaction unit, dump bed, roll-off container bed or open bed has been permanently or temporarily affixed and used to collect and transport solid waste, construction and demolition waste, infection waste, and yard waste for disposal, reprocessing or recycling.
- (e) **“Commercial”** means involved in work that is intended for the mass market, having profit as a chief aim.
- (f) **“Commercial Waste Hauler”** means any private person, firm, corporation, association, or partnership whose primary occupation involves the regular or systematic collection and transportation of solid wastes, construction and demolition wastes, infectious wastes, yard wastes, and other regulated wastes, to a facility for disposal, treatment, reprocessing and/or recycling.
- (g) **“Commercial and Industrial Premises”** means those places other than one and two family dwellings where solid waste is or may be generated, including manufacturing operations, public facilities, commercial and retail establishments, food service operations, manufactured home parks, and multi-family dwellings containing three or more units.

- (h) **“Composting Facility”** means any commercial or public facility, subject to registration and/or licensing under Ohio Administrative Code Chapter 3745, at which grass, shrubbery, leaves and vegetation, animal wastes as defined in Ohio Administrative Code 3745-27-40, and other yard wastes are processed, by aerobic decomposition, into an inert soil conditioning agent.
- (i) **“Construction and Demolition Waste”** means the unwanted residue resulting from the demolition or construction of any building or other structure, including, but not limited to, roofing, concrete and cinder block, plaster, lumber, structural steel, plumbing fixtures, electrical wiring, heating and ventilation equipment, windows and doors, interior finishing materials such as woodwork and cabinets, siding and sheathing and aged railroad ties. "Construction and demolition debris" does not include materials identified or listed as solid wastes, infectious wastes, or hazardous wastes pursuant to Ohio Revised Code Chapter 3734, pallets, cardboard or plastic containers, yard wastes, white goods, furniture, carpeting, clean pavement, and asphalt that is stored for a period less than two years for recycling into a usable construction material.
- (j) **“Construction and Demolition Waste Disposal Facility”** means any site, location, tract of land, installation, or building used for the disposal of construction and demolition debris. This definition does not include a construction site where construction and demolition waste and trees and brush removed from the construction site are used as fill material on the site where the materials are generated or removed, and does not include any site where materials composed exclusively of reinforced and nonreinforced concrete pavement, asphalt, clay tile, and building or paving brick are used as fill material, either alone or in conjunction with clean soil, sand, gravel, or other clean aggregates in legitimate fill operations for construction purposes or to bring the site up to a consistent grade.
- (k) **“Disposal”** means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any solid wastes, construction and demolition wastes or hazardous wastes into or on any land or ground, into surface water or the air, except if the disposition or placement constitutes storage or treatment.
- (l) **“Facility”** means any site, location, tract of land, installation, or building used for construction and demolition waste, incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes; for the transfer of solid wastes; for the treatment of infectious wastes; or for the storage, treatment, or disposal of hazardous waste.
- (m) **“Fixtures”** means anything that is attached to a structure, such as piping and wiring, or which has been built into the structure. Fixtures include plumbing equipment such as bathtubs, wash basins, toilets, and sinks, heating equipment, electrical devices, cabinets and other woodwork.

- (n) **“Hazardous Waste”** means any waste or combination of wastes in solid, liquid, semi-solid, or contained gaseous form that is considered to pose a threat to the health and safety because it is toxic, reactive, corrosive or ignitable. Hazardous waste includes any substance identified by regulation as hazardous waste under the “Resource Conservation and Recovery Act of 1976,” 90 Stat. 2806, 42 U.S.C. 6921, as amended, and does not include any substance that is subject to the “Atomic Energy Act of 1954,” 68 Stat. 919, 42 U.S.C. 2011.
- (o) **“Health Commissioner”** means the individual occupying the office created by sections 3709.11 and 3709.14 of the Revised Code, or the health commissioner's authorized representative. “Health Commissioner” also means the Health Commissioner or an authorized representative of the Fairfield County Combined General Health District Board of Health.
- (p) **“Health District”** means the Fairfield County Combined General Health District Board of Health and its contracting political subdivisions.
- (q) **“Infectious Waste”** means those substances that possess the properties and characteristics as defined in Ohio Revised Code section 3734.01(R).
- (r) **“Intermittent Waste Hauler”** means any private person, firm, corporation, association, or partnership whose part-time occupation involves the regular or systematic collection and transportation of solid wastes, construction and demolition wastes, infectious wastes, yard wastes, and other regulated wastes, to a facility for disposal, treatment, reprocessing and/or recycling. This definition does not include private individuals who are collecting and transporting wastes that they have generated at their own place of residence or political subdivisions and respective departments, divisions, and agencies that collect solid waste, yard waste, or other regulated waste less than 5 times in any given year.
- (s) **“Landscape Waste”** or **“Yard Waste”** means such materials as grass clippings, leaves, herbaceous waste, holiday trees, tree trunks, brush, branches, shrub trimmings and other plant waste that is generated as a result of gardening, landscaping, or similar activities. “Landscape Waste” is considered to be a form of solid waste under Section 3745-27-01 of the Ohio Administrative Code.
- (t) **“Manifest”** means the form used for identifying the quantity, composition, origin, routing, and destination of waste during its transportation from the point of generation to the point of disposal, treatment, or storage.
- (u) **“Material Recovery Facility”** shall mean any structure, location or facility where mixed solid wastes are separated and recycled, reprocessed or recovered, and remaining solid wastes are transported to a licensed solid waste disposal facility.

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- (v) **“Nuisance”** means anything which is injurious to human health or offensive to the senses; interferes with the comfortable enjoyment of life or property; and affects a community, neighborhood, or any considerable number of persons (although the extent of annoyance or damage inflicted upon individual persons may be unequal).
- (w) **“Open Burning”** means the burning of waste materials in an open area or burning of solid wastes in a type of chamber or vessel that is not approved or authorized in rules adopted by the director of the Ohio Environmental Protection Agency under Chapter 3734 of the Ohio Revised Code.
- (x) **“Open Dumping”** means the depositing of solid wastes, treated infectious wastes or untreated infectious wastes into a body or stream of water or onto the surface of the ground at any site that is not currently licensed as a solid waste facility under Chapter 3734 of the Ohio Revised Code.
- (y) **“On-Site Separation”** means the removal of materials for recycling, salvage, or reuse conducted at or near the working area of a solid waste disposal facility or a construction and demolition debris disposal facility.
- (z) **“Person”** includes the state, any political subdivision and other state or local body, the United States and any agency or instrumentality thereof, any legal entity defined as a person under section 1.59 of the Ohio Revised Code.
- (aa) **“Premises”** means (1) geographically contiguous property owned or controlled by a generator (2) noncontiguous property that is owned or controlled by a generator and connected by a right-of-way that he controls and to which the public does not have access. Two or more pieces of property that are geographically contiguous and divided by a public or private right-of-way or rights-of-way are a single premises, or (3) those connected by a right-of-way which the public does not have access, and under the same ownership or control.
- (bb) **“Public Waste Hauler”** means any political subdivision that operates and maintains one or more vehicles for the purpose of routinely collecting and transporting solid wastes, infectious wastes, construction and demolition wastes, and other regulated wastes for disposal, recycling, or reprocessing.
- (cc) **“Recycling Center”** means any facility or structure at which source-separated solid wastes are accepted for short-term storage until shipment to a facility that will remanufacture the waste into a usable product.
- (dd) **“Recycling Collection Receptacles”** mean those containers that are placed on public and private property for the use of the public or a community, for the consolidation or collection of recyclable solid waste.

- (ee) **“Solid Wastes”** means such unwanted residual solid or semisolid material, as results from industrial, commercial, agricultural, and community operations, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, debris, pallets, landscape waste, automobile parts, discarded appliances, and white goods and machinery. Solid Waste does not include any material that is infectious or hazardous waste, earth or material from mining, construction or demolition operations, or other waste materials of the type that normally would be included in construction and demolition debris, nontoxic fly ash, including at least ash that results from combustion of coal, biomass fuels, and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health.
- (ff) **“Temporary Storage”** means the holding of solid waste or construction and demolition wastes for less than thirty (30) days in such a manner that it remains retrievable and substantially unchanged physically and chemically, for reuse, recycling, reclamation, or conversion to fuel.
- (gg) **“Transfer Station”** means any site that is designed to accept solid waste for compaction and/ or reloading for transportation to a licensed disposal facility.
- (hh) **“White Goods”** mean residential and commercial appliances that are composed primarily of steel and other metals, including, but not limited to, refrigeration equipment, laundry equipment, ranges, furnaces, heating equipment, and water heating devices.
- (ii) **“Yard Waste”** or **“Landscape Waste”** means such materials as grass clippings, leaves, herbaceous waste, holiday trees, tree trunks, brush, branches, shrub trimmings and other plant waste that is generated as a result of gardening, landscaping, or similar activities. **“Landscape Waste”** is considered to be a form of solid waste under Section 3745-27-01 of the Ohio Administrative Code.

SECTION 2 RESIDENTIAL WASTE STORAGE AND PREMISES MAINTENANCE

- (a) It shall be the responsibility of the owner and/ or tenant of all one or two family dwellings to provide an adequate number of waste storage containers to hold all the solid waste generated between collections. Waste storage containers shall be watertight, made of noncorrosive materials, equipped with tightly fitting covers or lids, and shall be reasonably resistant to tipping. All containers shall be designed so as to exclude rodents and insects. Residents shall clean the waste storage containers as frequently as necessary to prevent the development of a public health nuisance.
- (b) Solid waste contained in garbage bags, plastic or otherwise, must be stored in a waste storage container as described in subsection (a) and may not be placed at the point of collection more than twenty four (24) hours before the designated collection time.
- (c) Residents of one or two family dwellings shall employ a registered waste hauler to regularly collect solid waste and remove it from the property, or a resident shall regularly remove such material to an approved solid waste disposal facility. In no case shall solid waste be stored or remain on the premises for more than seven (7) days.”
- (d) Open dumping, open burning without fire department and OEPA approval, or unauthorized disposal of scrap tires, hazardous waste, solid waste, infectious waste, or construction and demolition waste, within Fairfield County is prohibited.
- (e) The accumulation of solid waste, construction and demolition waste, yard waste, or materials intended for salvage, recycling, or reuse in or about any residence in such quantities as to constitute a public health nuisance, as determined by the Board of Health, is prohibited.

SECTION 3 COMMERCIAL AND INDUSTRIAL PREMISES MAINTENANCE AND WASTE STORAGE

- (a) Owners and/ or lessees of commercial and/ or industrial premises shall provide an adequate number of refuse storage containers to hold all of the solid waste generated between collections. Waste storage containers shall be watertight, made of noncorrosive materials, equipped with tightly fitting covers or lids, and shall exclude animals, rodents, or insects. Metal waste storage containers with a capacity of one cubic yard or more shall be constructed in a manner which prevents tipping and promotes safety. All storage containers shall bear markings that clearly identify the waste hauler and have a serial number permanently affixed, painted, or stamped onto the container. Owners and/ or lessees shall clean the waste storage containers as frequently as necessary to prevent the development of a public health nuisance.

- (b) Owners and lessees are prohibited from allowing any waste to accumulate in a waste storage container for a period of time which, in the opinion of the board of health, constitutes a health nuisance. In no case shall solid waste be stored or remain on the premises for more than seven (7) days.
- (c) The open dumping, open burning, unauthorized disposal, or creation of a nuisance by the accumulation of hazardous waste, solid waste, infectious waste, and/ or construction and demolition waste is prohibited.

SECTION 4 PUBLIC HEALTH NUISANCE

No person shall permit, cause, dump, deposit, or allow to remain on any property owned, occupied, leased, or otherwise controlled by such person, the accumulation of solid waste, garbage, construction and demolition waste, salvage material, recyclable material, brush, junk, tires, or other regulated waste in such quantities to constitute a public health nuisance.

SECTION 5 DISPOSAL

All waste not transported and stored for salvage, recycling or reuse, shall be properly disposed. All solid waste shall be disposed of in a licensed solid waste disposal facility. Hazardous waste shall be disposed of in a licensed hazardous waste disposal facility. All infectious waste shall be disposed of in a licensed infectious waste disposal or treatment facility. Construction and demolition waste shall be disposed of in a licensed construction and demolition debris waste facility or licensed solid waste facility. Clean fill materials may be disposed of at registered clean fill sites or used in accordance with chapter 3745-400-05 of the Ohio Administrative Code.

SECTION 6 NUISANCE COMPLAINT FORM INFORMATION RELEASE

Once a nuisance complaint form has been filed with the Fairfield Department of Health, information regarding the identity, address, and/ or phone number of the complainant will remain confidential until all public health nuisances on the property in question have been abated to the satisfaction of the Board of Health. All requests for information regarding a filed complaint must be made in writing and addressed to the Health Commissioner. The Health Commissioner or his designee may then release the information within a reasonable period of time.

SECTION 7 SEPARABILITY

In the event that any section, paragraph or portion of these regulations is declared unconstitutional or unenforceable, the remaining parts thereof, shall not be affected and shall remain in full force and effect. In the event of any conflict between the provisions of any law of requirement, rule or regulation of the State of Ohio, the provisions imposing the higher standard or the more stringent requirement shall be controlling.

SECTION 8 PENALTIES

Any person who violates any provision of these regulations is subject to the penalties provided in 3709.20, 3709.21, 3707.48, and 3709.99 of the Ohio Revised Code.

HAULER REGISTRATION

PART 2

SECTION 1 WASTE HAULER REGISTRATION

No person shall perform the services of a commercial waste hauler, intermittent waste hauler, or public waste hauler in Fairfield County without first obtaining a valid registration issued to the hauler by the Health Commissioner of the Fairfield Department of Health. Application for registration shall be in writing and contain any information deemed to be pertinent by the Health Commissioner. The application fee for each respective type of hauler, established by the Fairfield County Combined General Health District Board of Health, shall accompany the application. Each Registration hereunder shall expire on December 31 of each year. A renewal application for registration shall be submitted to the Health Commissioner at least thirty (30) days prior to the expiration date.

SECTION 2 SUSPENSION; REVOCATION

Whenever the Health Commissioner finds that a commercial waste hauler, intermittent waste hauler, or public waste hauler is in violation of any provision of this regulation, the terms of any permit issued under this regulation, or any applicable state law, rule or regulation, he shall make an order describing the violation and setting a time period in which the violation must be corrected. If the violation is not corrected in the time period stated in the order, the Health Commissioner may hold a hearing to determine whether the hauler's registration should be revoked or suspended, giving the hauler an opportunity to attend the hearing and show cause why a suspension or revocation is not proper.

SECTION 3 INSURANCE

No waste hauler registration shall be issued to a commercial waste hauler, intermittent waste hauler, or public waste hauler until that hauler provides the Health Commissioner with proof of a valid certificate of insurance demonstrating that the applicant and the applicant's employees are insured against loss for a minimum of \$100,000 from liability for damages resulting from the ownership, maintenance, and operation of any vehicle permitted under Part 4, Section 7. Such policy and certificate shall be subject to the approval of the Health Commissioner. Notice of a policy cancellation shall be provided in writing ten (10) days in advance of the effective date of said cancellation.

SECTION 4 EXEMPTIONS

- (a) Private individuals who are collecting and transporting wastes that they have generated at their own place of residence are exempted from registration. However, these individuals may be required to fill out forms where waste was generated. Such forms, if required, will be available, through the Board of Health.

- (b) Political subdivisions and respective departments, divisions, and agencies that collect solid waste, yard waste, or other regulated waste less than 5 times in any given year shall be required to register each year. Such registration will be at no cost to the political subdivision and the Health Commissioner will provide the political subdivision with a written waiver.
- (c) The Health Commissioner, or his designee, may, by order, waive the registration requirement of this regulation for any person, corporation, firm, association, or partnership, including charity organizations and non-profit groups, disposing or proposing to dispose of solid waste, construction and demolition waste, infectious waste, clean fill, or yard waste at a licensed disposal facility within Fairfield County. Written requests for waiver must be submitted to the Health Commissioner, who shall grant or deny the request.

SECTION 5 REGISTRATION REQUIRED TO USE DISPOSAL FACILITIES

No person shall be permitted to dispose of solid waste, construction, demolition, infectious waste, or yard waste at a licensed disposal facility within Fairfield County unless that person: (1) possesses a valid waste hauler registration which includes the required information; (2) is exempted under Part 4, Section 5(a); or (3) secures a letter order from the Health Commissioner representing a waiver.

SECTION 6 COLLECTION VEHICLE PERMITS

Commercial waste haulers, intermittent waste haulers, and public waste haulers must obtain a permit from the Health Commissioner for each collection vehicle. Application for permits shall be in writing and contain any information deemed to be pertinent by the Health Commissioner. The permit fee, for each respective type of hauler, established by the Fairfield County Combined General Health District Board of Health shall accompany the application. Permits shall expire on December 31 of each year. A permit renewal application shall be submitted to the Health Commissioner at least thirty (30) days prior to the expiration date. The Health Commissioner shall issue permits on the basis of whether or not the collection vehicle is in a sanitary condition, free from nuisance, and capable of transporting wastes in a manner which will not cause a threat to the public health, public safety, and/ or the environment. Any person denied a permit may make a written request for a hearing before the Board of Health and show cause why the permit should have been granted. The Board of Health shall hold a hearing within a reasonable time after the request is received.

SECTION 7 REVOCATION OF VEHICLE PERMITS AND LATE FEES

Permits may be revoked or suspended, when, in the opinion of the Health Commissioner, a collection vehicle is unsanitary, creating or causing a nuisance, and unable to transport wastes in a manner consistent with protecting the public health, public safety, and the environment. The Board of Health shall notify the permit holder of the date and time for a hearing to show cause why the permit should not be revoked or suspended.

A late fee will be assessed to the permit holder for failure to submit a renewal application at least 30 days prior to the licensing year and complete the registration process by January 1 of the licensing year. The late fee will be charged every 30 days the registration is incomplete, up to 90 days. If registration is not completed after 90 days, the Board of Health may hold a hearing to determine whether further administrative action should be taken.

SECTION 8 ANNUAL PERMIT FEE

The annual permit fee shall be determined by the Fairfield County Combined General Health District Board of Health by resolution. The Board of Health may also, by resolution, adopt a permit late fee and vehicle reinspection fee.

SECTION 9 OPERATION OF COLLECTION VEHICLES AND EQUIPMENT

(a) Solid Waste:

- (1) The portions of any waste collection vehicle or transportation container that shall be used for the collection and transportation of solid waste shall be constructed of a durable, non-absorbent, smooth and easily cleanable material. All seams shall be sealed in such a manner as to prevent the leakage of liquids from the wastes being transported.
- (2) All collection vehicles and transportation containers shall be designed and/ or equipped with devices that shall prevent solid waste from being blown, thrown, or ejected during transportation.
- (3) Collection vehicles and transportation containers with a powered mechanical compaction system or device shall be designed and maintained as designed to prevent nuisance or littering conditions during operation.
- (4) Non-compaction collection vehicles and open transportation containers shall be equipped and operated with a tarpaulin or other acceptable cover in good repair, as determined by the Health Commissioner, except when the Health Commissioner specifically determines that no nuisance or litter will be created. Transportation containers may be covered with a tarpaulin which is part of an automatic tarping device connected to a roll-off truck.

- (5) All waste collection vehicles, transportation containers and roll-off boxes shall bear the name of the company or person to whom they are registered, as well as any identifying logo, trademark, and serial number(s) of the registrant. All such markings shall be a minimum of two inch letters and clearly readable.
- (6) Transportation/ Collection containers shall be individually identified with a serial number permanently affixed, painted, or stamped onto both sides of the outside of the container. Each identifying serial number shall be a minimum of two inches in height in contrasting colors and clearly readable.
- (7) All collection vehicles and roll-off trucks shall be operated and maintained in a safe manner and meet all applicable Federal and State requirements for motor vehicles.
- (8) It is the responsibility of the registrant to assure that the permit stickers which he is issued are immediately affixed to the vehicle for which they are issued. Further, the registrant shall immediately report to the Health Department any change in the status of the permitted vehicle. Permit stickers shall not be transferred between vehicles unless the Board of Health or its representative have provided written approval of the transfer. The registrant shall immediately notify the Health Department any time a vehicle is sold or removed from service, or if the registrant changes the nature of his operation or is merged with or acquired by another person or corporation.

(b) Construction/ Demolition Waste, Yard Waste

- (1) That portion of a waste collection vehicle that is used solely for the collection and transportation of a construction and demolition waste, or yard waste shall be constructed of durable materials. The sides and bottom of the container shall be in good condition, sturdy, and able to contain the mass and volume of material to which it may be subjected. Any doors, hatches or gates shall close securely to prevent the accidental discharge of waste.
- (2) All open transportation containers shall be equipped and operated with a tarpaulin or other acceptable cover, which shall be maintained in good repair, except when the Health Commissioner specifically determines that no nuisance or litter will be created. Transportation containers may be covered with a tarpaulin that is part of an automatic tarping device connected to a roll-off truck.
- (3) All collection vehicles and roll-off trucks shall be operated and maintained in a safe manner and meet all applicable Federal and State requirements for motor vehicles.

- (4) All waste collection vehicles, transportation containers and roll-off boxes shall bear the name of the person and company to whom they are registered, as well as any identifying logo or trademark of the registrant. All such markings shall be in a minimum of two inch letters and clearly readable.

- (5) Transportation containers shall be individually identified with a serial number permanently affixed, painted, or stamped onto both side of the outside of the container. Each identifying serial number shall be a minimum of two inches in height in contrasting colors and clearly readable.

- (6) All collection vehicles and roll-off trucks shall be operated and maintained in a safe manner.

- (7) It is the responsibility of the registrant to assure that the permit stickers are immediately affixed to the vehicle for which they are issued. Further, the registrant shall immediately report to the Health Department any change in the status of the permitted vehicle. Permit stickers shall not be transferred between vehicles unless the Board of Health or its representative have provided written approval of the transfer. The registrant shall immediately notify the Health Department any time a vehicle is sold, removed from service, or if the registrant changes the nature of his operation or is merged with or acquired by another person or corporation.

SECTION 10 INSPECTIONS

- (a) The Health Commissioner of the Fairfield County Combined General Health District Board of Health may inspect, or cause to be inspected, all commercial waste collection vehicles, intermittent waste collection vehicles, and public waste collection vehicles registered with the Fairfield County District Board of Health at least once every twelve months.

- (b) All registered waste collection vehicles shall be available for inspection by the Health Commissioner at reasonable times and locations. Reinspection times, locations and procedures shall be determined by the Health Commissioner.

- (c) Failure to respond to requests for an inspection, or to refuse to permit an inspection may result in the registrant being summoned to a hearing before the Board of Health, at which time the registration may be suspended, revoked, or denied.

SECTION 11 PENALTIES

Any person who violates any provision of these regulations is subject to the penalties provided in 3709.20, 3709.21, 3707.48, and 3709.99 of the Ohio Revised Code.

PART 3
SECTION 1 **PENALTIES**

Any person who violates any provision of these regulations is subject to the penalties provided in 3709.20, 3709.21, 3707.48, and 3709.99 of the Ohio Revised Code.

SECTION 2 **SEPARABILITY**

In the event that any section, paragraph or portion of these regulations is declared unconstitutional or unenforceable, the remaining parts thereof, shall not be affected and shall remain in full force and effect. In the event of any conflict between the provisions imposing any law or requirement, rule or regulation of the State of Ohio, the provision imposing the higher standard or more stringent requirement shall be controlling.

SECTION 3 **VARIANCE**

The Fairfield County Combined General Health District Board of Health may grant variances from the requirements of these regulations upon their finding that compliance with such requirements has been and is technically not feasible, economically unreasonable, or impossible because of conditions beyond the control of the applicant. Notification of the variance application shall be made in writing and in a form and manner to be determined by the Fairfield County Board of Health. No variance shall be granted that will defeat the spirit and general intent of said rules or be otherwise contrary to the public interest. The Fairfield County Combined General Health District Board of Health may modify or revoke a variance upon finding that the conditions affecting the technical feasibility or economic reasonableness of compliance with these regulations have changed.

