

Fairfield County General Health District
Comprehensive Solid Waste Regulations

Adopted August 10, 2016.

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 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 non-reinforced concrete pavement.
- (c) **“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.
- (d) **“Composting Facility”** means a site, location, tract of land, installation, or building used for composting of solid waste in accordance with Chapter 3734. of the Revised Code and rules adopted thereunder.
- (e) **“Construction and Demolition Waste”** means those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. "Construction and demolition debris" does not include materials identified or listed as solid wastes, infectious wastes, or hazardous wastes pursuant to Chapter 3734. of the Revised Code and rules adopted under it; or materials from mining operations, nontoxic fly ash, spent nontoxic foundry sand, and slag; or reinforced or non-reinforced concrete, asphalt, building or paving brick, or building or paving stone that is stored for a period of less than two years for recycling into a usable construction material.

For the purpose of this definition, "materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure," are those structural and functional materials comprising the structure and surrounding site improvements, such as brick, concrete and other masonry materials, stone, glass, wall coverings, plaster, drywall, framing and finishing lumber, roofing materials, plumbing fixtures, heating equipment, electrical wiring and components containing no hazardous fluids or refrigerants, insulation, wall-to-wall carpeting, asphaltic substances, metals incidental to any of the above, and weathered railroad ties and utility poles.

"Materials resulting from the alteration, construction, destruction, rehabilitation, or repair" do not include materials whose removal has been required prior to demolition, and materials which are otherwise contained within or exist outside the structure such as solid wastes, yard wastes, furniture, and appliances. Also excluded in all cases are liquids including

containerized or bulk liquids, fuel tanks, drums and other closed or filled containers, tires, and batteries.

- (f) **“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.
- (g) **“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.
- (h) **“Facility”** means any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes or, if the solid wastes consist of scrap tires, for the collection, storage, or processing of the solid wastes; for the transfer of solid wastes; for the treatment of infectious wastes; or for the storage, treatment, or disposal of hazardous waste.
- (i) **“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.
- (j) **“Hazardous Waste”** means waste that is listed specifically as hazardous waste or exhibits one or more characteristics of hazardous waste as defined in Chapter 3745-51 of the Administrative Code.
- (k) **“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.
- (l) **“Health District”** means the Fairfield County General Health District Board of Health and its contracting political subdivisions.
- (m) **“Infectious Waste”** means those substances that possess the properties and characteristics as defined in Ohio Revised Code section 3734.01(R).
- (n) **“Landscape Waste”** or **“Yard Waste”** means solid waste that includes only leaves, grass clippings, brush, garden waste, tree trunks, tree stumps, holiday trees, and prunings from trees or shrubs and vegetative waste resulting from the use of commercial products, including but not limited to discarded flowers, potted flowers, or grave blankets that do not include plastic, metal, styrofoam, or other non-biodegradable material. Yard waste does not include industrial agricultural processing or food processing.

- (o) **“Open Burning”** means the burning of solid wastes 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 under section 3734.02 of the Revised Code or, if the solid wastes consist of scrap tires, in rules adopted by the director under section 3734.73 of the Revised Code, or the burning of treated or untreated infectious wastes in an open area or vessel that is not approved in rules adopted by the director under section 3734.021 of the Revised Code.
- (p) **“Open Dumping”** means the following:
- (1) The deposition of solid wastes, other than scrap tires, into waters of the state, and also means the final deposition of solid wastes on or into the ground at any place other than a solid waste facility operated in accordance with Chapter 3734. of the Revised Code, and Chapters 3745-27, 3745-29, 3745-30, and 3745-37 of the Administrative Code.
 - (2) The deposition of solid wastes that consist of scrap tires into waters of the state, and also means the final deposition of scrap tires on or into the ground at any place other than a scrap tire collection, storage, monofill, monocell, or recovery facility licensed under section 3734.81 of the Revised Code, or at a site or in a manner not specifically identified in division (C)(2), (C)(3), (C)(4), (C)(5), (C)(7), or (C)(10) of section 3734.85 of the Revised Code, or at any licensed solid waste facility if the deposition is not in accordance with Chapters 3745-27 and 3745-37 of the Administrative Code.
 - (3) The deposition of solid wastes that consist of scrap tires in buildings, trailers, or other vehicles at locations other than a scrap tire transporter's registered business location, a licensed scrap tire facility, or an unregistered scrap tire facility operating in accordance with rule 3745-27-61 of the Administrative Code (such as pre-positioned trailers in accordance with paragraph (C)(8) of rule 3745-27-56 of the Administrative Code) for longer than fourteen days. The scrap tires in trailers or vehicles shall be considered open dumped unless written prior notification is given to the local health department and Ohio EPA that the vehicle or trailer requires mechanical repairs which will take longer than fourteen days to complete and that the repairs are being completed in a timely manner.
 - (4) The deposition of untreated or treated infectious wastes into waters of the state, and also means the final deposition of untreated infectious wastes on or into the ground at any place other than a licensed solid waste facility operated in accordance with Chapter 3734. of the Revised Code, and Chapters 3745-27 and 3745-37 of the Administrative Code.
- q) **“Person”** means the state, any political subdivision, public or private corporation, individual, partnership, or other entity.

- (r) “**Premises**” means one of the following:
- (1) Geographically contiguous property owned by an entity.
 - (2) Noncontiguous property that is owned by an entity and connected by a right-of-way that the entity controls and to which the public does not have access. Two or more pieces of property that are geographically contiguous and divided by public or private right-of-way or rights-of-way are a single premises.
- (s) “**Recycling**” means the process of collecting, sorting, cleansing, treating, and reconstituting solid waste that would otherwise be disposed in a solid waste disposal facility and returning reconstituted materials to commerce as commodities for use or exchange.
- (t) “**Solid Wastes**” means such unwanted residual solid or semisolid material, including but not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt and debris, 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 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, 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.
- (u) “**Solid waste disposal facility**” means any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other approved methods of disposal of solid wastes.
- (v) “**Transfer Station**” means any site that is designed to accept solid waste for compaction and/ or reloading for transportation to a licensed disposal facility.
- (w) “**Yard Waste**” or “**Landscape Waste**” means solid waste that includes only leaves, grass clippings, brush, garden waste, tree trunks, tree stumps, holiday trees, and prunings from trees or shrubs and vegetative waste resulting from the use of commercial products, including but not limited to discarded flowers, potted flowers, or grave blankets that do not include plastic, metal, styrofoam, or other non-biodegradable material. Yard waste does not include industrial agricultural processing or food processing.

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 disposal 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 or Administrator. The Health Commissioner, Administrator, or 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.

ENFORCEMENT

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 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 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.