

LICKING COUNTY SOLID WASTE REGULATIONS

WHEREAS, the Licking County Board of Health, herein referred to as the “Board”, is charged with maintaining public health services and providing protection to all citizens of the Combined General Health District by authority of Sections 3707.01, 3709.21 and other Chapters of the Ohio Revised Code; and

WHEREAS, the Board, as an approved Health District, is charged with enforcement of Ohio Revised Code Chapter 3734; and

WHEREAS, the Board desires to ensure that solid waste, construction and demolition waste, and other wastes are disposed of in such a manner that the public health shall be protected from disease and illness, and that nuisances shall be prevented; and

WHEREAS, the Board desires to ensure that public health nuisances on residential, commercial and industrial premises shall be abated through the enactment of the Solid Waste Regulation; and

WHEREAS, the Board may make such orders and regulations for its own government and for the general public under authority of Section 3709.21 of the Ohio Revised Code;

NOW THEREFORE, BE IT ORDAINED:

The Licking County Board of Health Regulation 94-1 establishes standards and procedures for the transportation, storage, use or disposal of solid waste, construction and demolition waste, or other waste, and recycling operations within the Licking County Combined General Health District, Licking County, Ohio, and shall read as follows:

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SECTION 1.0 GENERAL PROVISIONS

No person shall transport, store, use or dispose of solid waste, construction and demolition waste, or other waste within the Licking County Combined General Health District unless that person complies with the applicable requirements set forth in this Regulation.

SECTION 2.0 DEFINITIONS

- A. **“Board of Health” or “Board”** means the Board of the Licking County Combined General Health District.
- B. **“Clean fill”** means clean soil, rock, sand, and other unaltered geological materials which have not been used in any type of industrial process; building and paving brick, stone, clay tile, asphalt and other paving materials, including reinforced and non-reinforced concrete.
- C. **“Collection Vehicle”** means motor vehicle 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, yard waste or other waste for disposal.
- D. **“Commercial and Industrial Premises”** means those places other than one- and two-family dwellings where solid waste is or may be generated, including, but not limited to, manufacturing operations, public facilities, commercial and retail establishments, food service operations, manufactured home parks, and multi-family dwellings containing three or more units.
- E. **“Composting Facility”** means any commercial or public facility, subject to registration and/or licensing under Ohio Revised Code Chapter 3745, including classification under Ohio Administrative Code Chapter 3745-560.
- F. **“Construction and Demolition Debris”** means waste as defined in Ohio Administrative Code Rule 3745-400-01(C)(2).
- G. **“Construction and Demolition Waste Disposal Facility”** means a facility as defined in Ohio Administrative Code Rule 3745-400-01(C)(3).
- H. **“Disposal”** means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any solid wastes, demolition and construction wastes, infectious waste or hazardous wastes into or on any land or ground or surface water or into the air, except if the deposition or placement constitutes storage or treatment.
- I. **“Hazardous Waste”** means waste as defined in Ohio Administrative Code Rule 3745-51-03.
- J. **“Health Commissioner”** means the duly appointed Health Commissioner of the Licking County Combined General Health District.
- K. **“Health District”** means the Licking County Combined General Health District.
- L. **“Infectious Waste”** means waste as defined in Ohio Administrative Code Rule 3745-27-01(I)(6).
- M. **“Material Recovery Facility (MRF)”** 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.
- N. **“Open Burning”** means the acts defined in Ohio Administrative Code Rule 3745-19-01(L).
- O. **“Open Dumping”** means the acts defined in Ohio Administrative Code Rule 3745-27-01(O)(4).

- P. **“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.
- Q. **“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 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 areas, not facilities, geographically contiguous with the facility or connected by a right of way which the public does not have access, and under the same ownership or control.
- R. **“Public Health Nuisance”** means any condition that presents or may present a threat or hazard to the public health, public safety, and the environment.
- S. **“Putrescible Solid Waste”** means waste that is likely to become putrid including, but not limited to, wastes that contain organic materials such as food wastes or wastes of animal or vegetable origin, which readily bio-degrade within the environment of a landfill.
- T. **“Recycling Facility”** 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 useable product.
- U. **“Recycling Collection Receptacles”** mean those containers that are placed on public or private property for the consolidation or collection of recyclable materials.
- V. **“Solid Waste”** means waste as defined in Ohio Administrative Code Rule 3745-27-01(S)(23).
- W. **“Commercial Waste Hauler”** means any private person, corporation, firm, association, or partnership who engages in the regular or systematic collection and transportation of solid waste, construction and demolition waste, yard waste, and other regulated wastes, to a facility for disposal. This definition includes but is not limited to; private trash and garbage collection services, solid waste collection services, and construction and demolition debris haulers. This definition does not include those who engage in the collection, transportation and disposal of solid waste, construction and demolition waste, clean fill, and yard waste generated as a consequence of their primary occupation including, but not limited to, landscapers, remodeling contractors, roofers, plumbers, builders, paving contractors, and excavators; and those hauling materials for recycling.
- X. **“Yard Waste”** means waste as defined in Ohio Administrative Code Rule 3745-27-01(Y)(1).

SECTION 3.0 WASTE STORAGE and PREMISES

3.1: PUBLIC HEALTH NUISANCE

No person shall permit the disposal or accumulation of solid waste, construction and demolition debris, yard waste recyclable material tires or other waste in such quantities as to constitute a public health nuisance.

3.2: DISPOSAL

All solid waste shall be disposed of at a licensed solid waste disposal facility. All hazardous waste shall be disposed of at a licensed hazardous waste facility. All infectious waste shall be disposed of at an approved disposal facility or treatment facility. All construction and demolition debris shall be disposed of at a licensed construction and demolition debris waste facility or licensed solid waste disposal facility.

3.3: RESIDENTIAL WASTE STORAGE AND PREMISES MAINTENANCE

- (a) The accumulation of solid waste, construction and demolition debris, yard waste, or materials intended for salvage, recycling, or reuse on a property that constitutes a public health nuisance, as determined by the Board, or their designee, is prohibited.
- (b) It shall be the responsibility of the owner of all dwellings to provide an adequate number of waste storage containers to hold all the solid waste generated between collections. Whenever the Licking County Board of Health, or their designee, finds that an owner has violated this regulation, the Board, or their designee, may require the owner to provide waste storage containers that are rust-resistant, watertight, nonabsorbent and easily washable, equipped with tight fitting lids, resistant to tipping and access to animals, insects and rodents. Owners shall clean the waste storage containers as frequently as necessary to prevent the development of a public health nuisance.
- (c) Owners shall employ a waste hauler to regularly collect solid waste and remove it from the property or shall personally remove such material to an approved solid waste disposal facility on a regular basis. In no case shall solid waste create a public health nuisance or be stored or remain on the premises for more than ten (10) days.
- (d) Open burning shall be conducted in accordance with Ohio Administrative Code Chapter 3745-19., within the Licking County Combined General Health District.

3.4: COMMERCIAL and INDUSTRIAL PREMISES MAINTENANCE and WASTE STORAGE

- (a) Owners of commercial and/or industrial premises shall provide an adequate number of refuse storage containers to hold all the solid waste generated between collections. Waste storage containers shall be durable, cleanable, rodent proof and insect proof, and do not leak or absorb liquids. Containers shall be provided with tight fitting lids, doors, or covers. Storage containers shall be cleaned as frequently as necessary to prevent the development of a public health nuisance. Waste storage containers shall be constructed in a manner which prevents tipping and insures safety.
- (b) Owners 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 , or their designee, constitutes a public health nuisance. In no case shall solid waste create a public health nuisance or be stored or remain on the premises for more than fourteen (14) days.

(c) Open burning without prior approval from the fire department with jurisdiction and the Ohio Environmental Protection Agency within the Licking County Combined General Health District is prohibited.

SECTION 4.0: VEHICLE INSPECTION AND REGISTRATION

4.1 COLLECTION VEHICLE REGISTRATION REQUIRED TO COLLECT OR TRANSPORT SOLID WASTE, CONSTRUCTION AND DEMOLITION DEBRIS AND YARD WASTE

To prevent the creation of public health nuisance conditions caused by the collection and transportation of Solid Waste, Construction and Demolition Debris and Yard Waste within the jurisdiction of the Licking County Combined General Health District, no Commercial Waste Hauler shall be permitted to collect or transport Solid Waste, Construction and Demolition Debris, or Yard Waste within Licking County unless the Commercial Waste Hauler adheres to the following:

- (1) Possesses a valid Collection Vehicle registration for each Collection Vehicle used to collect or transport solid waste within the Licking County Combined General Health District; or,
- (2) Submits a variance request to the Board, in accordance with Section 6 of this regulation, and is granted a variance from the Collection Vehicle registration requirement.

4.2 COLLECTION VEHICLE REGISTRATION

(a) Commercial waste haulers must obtain an annual vehicle registration from the Board for each collection vehicle used to collect or transport Solid Waste, Construction and Demolition Debris or Yard Waste within the Licking County Combined General Health District to ensure that such collection vehicles are fit to transport such waste without causing or creating nuisance conditions, including, but not limited to, littering, leakage, insect or rodent infestations, and odors.

(b) Applications for collection vehicle registrations shall be in writing and on a form prescribed by the Board. The collection vehicle inspection fee shall accompany the application for each collection vehicle that a commercial waste hauler intends to use to collect or transport Solid Waste, Construction and Demolition Debris or Yard Waste within the Licking County Combined General Health District. Collection Vehicle registrations shall expire on December 31 of each year. If a commercial waste hauler makes its initial application for registration on or after October 1, the initial registration will expire on December 31 of the following year.

4.3 EXEMPTIONS

(a) Private individuals who incidentally collect and transport Solid Waste, Construction and Demolition Debris or Yard Waste generated at their own place of residence are exempt from the Collection Vehicle registration requirement.

4.4 COLLECTION VEHICLE INSPECTIONS TO PREVENT NUISANCES

No vehicle registration will be issued by the Board, or their designee, for any collection vehicle used to collect or transport Solid Waste, Construction and Demolition Debris or Yard Waste within the Licking County Combined General Health District without a collection vehicle inspection. The

Board, or their designee, shall inspect, or cause to be inspected, any collection vehicle for which a commercial waste hauler requests a registration. Such inspection is for the purpose of ensuring that such collection vehicle will not cause Nuisance conditions during collection or transport of Solid Waste, Construction and Demolition Debris or Yard Waste. The Board, or their designee, may specify limitations on the type of waste that a waste hauler may collect and transport based upon the collection vehicles likelihood to cause a public health nuisance. Upon receipt of a complete application and inspection fee(s) for each collection vehicle for which registration is requested, the commercial waste hauler will be notified by the Board, or their designee, of inspection dates and times.

4.5 DENIAL OF OR REVOCATION OF A COLLECTION VEHICLE REGISTRATION

- (a) The Board may deny the issuance of a collection vehicle registration if upon inspection, a collection vehicle is deemed not fit or capable of collecting or transporting waste in a manner which will prevent a public health nuisance.
- (b) Failure to respond to request for an inspection, or refusal to permit a collection vehicle inspection, may result in collection vehicle registration being denied, suspended or revoked.
- (c) Should a collection vehicle registration be denied, suspended or revoked by the Board, the commercial waste hauler may appeal the decision provided the appeal is provided to the Board in writing within ten (10) days of the date the denial, suspension or revocation took place.
- (d) Upon receipt of the appeal request, the Board will schedule an appeal hearing and notify the commercial waste hauler of the hearing no less than ten (10) days prior to the hearing.

4.6 ANNUAL COLLECTION VEHICLE INSPECTION FEE AND REGISTRATION STICKERS

- (a) The fee for the annual collection vehicle inspection shall be determined by the Board by resolution. Once the fee has been established by the Board, a resolution will only be required if and when the fee is updated.
- (b) A commercial waste hauler shall immediately report in writing to the Board any change in the status of a registered collection vehicle.
- (c) Collection Vehicle Registrations shall not be transferred between collection vehicles.
- (d) A Commercial Waste Hauler shall immediately notify the Board in writing when a registered collection vehicle is sold, removed from service, or if the commercial waste hauler changes the nature of its operation or is merged with or acquired by another person or corporation.

4.7 OPERATION OF COLLECTION VEHICLES AND EQUIPMENT IN A MANNER TO PREVENT NUISANCES

- (a) The portions of any collection vehicle used for the collection and transportation of solid waste, construction and demolition debris, or yard waste shall be constructed of durable, non-absorbent, smooth and easily cleanable material. The sides and bottom of all collection vehicles shall be in proper operating condition and shall be able to contain the mass and volume of material to which it may be subjected. All collection vehicles shall be watertight. All doors, hatches or gates shall close securely to prevent the accidental discharge of waste. All seams shall be sealed in such a manner as to prevent the leakage of liquids from solid waste, Construction and Demolition Debris or Yard waste being collected and/or transported.

- (b) All collection vehicles shall be designed and/or equipped with devices that shall prevent Solid Waste, Construction and Demolition Debris and Yard Waste from being dislodged during collection or transportation.
- (c) Collection vehicles with a powered mechanical compaction system or similar device shall be designed and operated to prevent public health nuisances or littering during operation. The loading hopper and compaction mechanisms shall be maintained in a safe manner and shall be in good state of repair. All waste shall be compacted within the enclosed compartment of the loading hopper, between the compaction blade and the closed end of the compartment. Waste shall not be tied, secured, or placed in any way upon the loading hopper.
- (d) Non-compaction collection vehicles and open transportation containers shall be equipped and operated with an acceptable cover that will prevent waste from being blown from the vehicle during transport.
- (e) All collection vehicles shall bear the name of the commercial waste hauler to whom they are registered. All such markings shall be clearly readable from a distance of fifty (50) feet.
- (f) All Collection Vehicles shall be operated and maintained in a manner which will prevent the creation of nuisance conditions.

SECTION 5.0: RECYCLING and MRF FACILITIES

5.1: RECYCLING and RECOVERING OF SOLID WASTE

All Recycling Facilities and Material Recovery Facilities (MRF) located within the Licking County Combined General Health District may be inspected by the Health Commissioner. Solid waste may be recycled or reprocessed within the Licking County Combined General Health District provided that such operational activity occurs at the site where generated, or at a facility that has met the criteria established within this regulation. The operation of a facility where solid wastes are remanufactured, recycled, reprocessed, recovered or reused shall not create a public health nuisance.

5.2: RECYCLING FACILITY AND MRF REGISTRATION AND INSPECTIONS

The owner and/or operator of a recycling or MRF facility shall register annually with the Board. All registrations will expire on December 31. The Board, or their designee, will conduct an annual inspection of each facility in the Licking County Combined General Health District in order to determine that the facility is in compliance with items (a)-(h) contained in Section 5.3 of this regulation and is not creating a public health nuisance. Any violations identified during an annual inspection are subject to a reinspection to insure compliance with items (a)-(h) contained in Section 5.3 is maintained.

The Board may establish a fee for the annual inspection in accordance with Ohio Revised Code Chapter 3709.09.

5.3: OPERATION OF A RECYCLING or MRF FACILITY

- (a) Putrescible solid waste shall be excluded from recycling and facilities. If putrescible wastes are received, they shall be placed in durable, cleanable, insect proof and rodent proof containers that do not leak or absorb liquids. Containers shall be provided with tight fitting lids, doors, and/or covers. Putrescible solid wastes shall be disposed of in a manner to prevent a public health nuisance and removed from the facility every seven (7) days, or more often if necessary.
- (b) Any material that is classified as hazardous waste or infectious waste shall be prohibited from recycling and MRF facilities.
- (c) All blowing litter and/or solid waste shall be collected at the end of each work day or more frequently if necessary, for recycling and/or disposal.
- (d) All leachate, generated on the site, shall be appropriately collected, treated and disposed of in accordance with applicable regulations.
- (e) All processing and separating areas shall be maintained in a clean condition and shall be free of accumulation of dirt and debris.
- (f) Lightweight material such as paper and plastic shall be baled or stored in a manner that prevents it from becoming a fire hazard or a public health nuisance.
- (g) Any public health nuisance created as part of a recycling or MRF facility operation shall be properly abated within the timeframe specified by the Board.
- (h) Recycled, recovered and/or reprocessed material shall be stored in a manner that prohibits the harborage of rodents or other vermin.
- (i) Liquid residue, that has leaked from materials that are being recycled, recovered or reprocessed, shall be cleaned from the equipment, storage facilities, floors, walls and other surfaces as often as necessary to prevent a public health nuisance.

5.4: DENIAL OR REVOCATION OF A RECYCLING OR MRF FACILITY REGISTRATION

- (a) The Board may deny the issuance of a recycling or MRF facility registration if upon inspection, a facility is deemed not fit or capable of operating in a manner which will prevent a public health nuisance.
- (b) Failure to respond to request for an inspection, or refusal to permit a facility inspection, may result in a facility registration being denied, suspended or revoked.
- (c) Should a facility registration be denied, suspended or revoked by the Board, the facility may appeal the decision provided the appeal is provided to the Board in writing within ten (10) days of the date the denial, suspension or revocation took place.
- (d) Upon receipt of the appeal request, the Board will schedule an appeal hearing and notify the facility of the hearing no less than ten (10) days prior to the hearing.

SECTION 6.0: VARIANCE

The Board may grant variances from the requirements of this regulation upon their finding that compliance with such requirements is not feasible, economically unreasonable, or impossible due to conditions beyond the control of the applicant. The Board may place conditions on any variance approved in regard to this regulation. The variance application shall be made in writing as required by the Board. No variance shall be granted that will defeat the spirit and general intent of these regulations or be otherwise contrary to the public's health. The Board may modify or revoke a variance upon a finding that the conditions affecting the feasibility or economic reasonableness of compliance with this regulation have changed.

SECTION 7.0: SEVERABILITY

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

SECTION 8.0: PENALTIES

Any person who violates any provision of this regulation is subject to the penalties provided in 3709.99 of the Ohio Revised Code.

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