

# Licking County Health Department

675 Price Road Newark, Ohio 43055-9546

## LICKING COUNTY SOLID WASTE REGULATION

WHEREAS, the Licking County General Health District is charged with maintaining public health services and protection to all citizens of the Health District by authority of sections 3707.01, 3709.22 and other sections of the Ohio Revised Code; and

WHEREAS, the Licking County General Health District, as an approved Health District, is charged with enforcement of the Ohio Revised Code, Sections 3734.01, 3734.02, 3734.03, 3734.04, 3734.05, 3734.06, 3734.07, 3734.08, 3734.09, 3734.10, 3734.11, 3734.12, 3734.13, 3734.44, 3734.45, and the Ohio Administrative Code, Sections 3745-27-01, 3745-27-03, 3745-27-05, 3745-27-08, 3745-27-09, 3745-27-11, 3745-27-12, 3745-27-13, 3745-27-14, 3745-27-19, 3745-27-23, 3745-27-24, 3745-27-30, 3745-27-31, 3745-27-32, 3745-27-33, 3745-27-34, 3745-27-35, 3745-27-37, 3745-27-40, 3745-27-44, 3745-27-45, 3745-27-47, 3745-27-52, 3745-27-53; and

WHEREAS, the Licking County General Health District 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 Licking County General Health District 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 Licking County General Health District may make such orders and regulations for its own government and for the general public under authority of Section 3709.21;

### 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, recovering or reprocessing operations within the Licking County 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 confines of Licking County General Health District unless that person complies with the applicable requirements set forth in this Regulation.

**SECTION 2.0 DEFINITIONS**

- 2.1: **“Board of Health”** means the Board of the Licking County General Health District.
- 2.2: **“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.
- 2.3: **“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.
- 2.4: **“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.
- 2.5: **“Composting Facility”** means any commercial or public facility, subject to registration and/or licensing under Revised Code Chapter 3745, including classification under Ohio Administrative Code Section 3745—27—40, at which yard waste, grass, shrubbery, leaves, animal

wastes defined in 3745—27—40 E of the O.A.C., and vegetation are biologically decomposed by controlled, predominately aerobic conditions into a stabilized soil conditioning agent.

**2.6: “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 block, plaster, drywall, 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 Waste” does not include materials identified or listed as solid wastes or hazardous waste pursuant to Ohio Revised Code Chapter 3734, pallets, cardboard or plastic containers, yard wastes, white goods, furniture, and clean fill.

**2.7: “Construction and Demolition Waste Disposal Facility”** means any site, location, tract of land, installation, or building used for the disposal of construction and demolition waste. 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 material composed exclusively of reinforced and non-reinforced concrete, 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.

**2.8: “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.

**2.9: “Facility”** means: a site, location, tract of land, installation, or building as defined in 3745-27-01 (C) of the Ohio Administrative Code.

**2.10: “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 or woodwork.

**2.11: “Hazardous Waste”** means any waste or combination of wastes in solid, liquid, semisolid, 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.

**2.12: “Health Commissioner”** means the Health Commissioner or an authorized representative of the Licking County Board of Health.

**2.13: “Health District”** means the Licking County Health Department and its contracting political subdivisions.

**2.14: “Infectious Waste”** means those substances that possess the properties and characteristics as defined in Ohio Revised Code Section 3734.01(R).

**2.15: “Material Recovery Facility (MRF)”** shall mean any structure, location or facility where mixed solid wastes are separated and recycled, reprocessed or recovered, and remainin9 solid wastes are transported to a licensed solid waste disposal facility.

**2.16: “Open Burning”** means the burning of solid waste in an open area or burning of solid wastes in a type of chamber or vessel that is not approved in rules adopted by the Director of the Ohio Environmental Protection Agency under Section 3734.02 of the Revised Code.

**2.17: “Open Dumping”** means the deposition of solid wastes into the waters of the State, and also means the final deposition of solid waste on or into the ground at a place other than a solid waste facility operated in accordance with Chapter 3734 of the Revised Code.

**2.18: “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.

**2.19: “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 anti 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.

**2.20: “Public Health Nuisance”** means any condition that presents or may present a threat or hazard to the public health, public safety, and the environment.

**2.21: “Recycling Facility”** means any facility or structure at which source—separated solid wastes are accepted for short-term stora9e until shipment to a facility that will remanufacture the waste into a useable product.

**2.22: “Recycling Collection Receptacles”** mean those containers that are placed on public or private property for the consolidation or collection of recyclable solid waste.

**2.23: “Reprocessing Facility”** means any site, location, or facility at which solid wastes are physically or chemically altered or modified so that they are reusable. “Reprocessing facilities” include, but are not limited to: facilities that convert any form of solid waste to fuel; municipal and private yard waste composting facilities exempt from Revised Code Chapter 3745 composting rules; waste oil collection facilities; and appliance recycling operations.

**2.24: “Solid Waste”** 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, tires, combustible and non-combustible material, street dirt, and debris, and also includes pallets, landscape waste, automobile parts, and discarded appliances, white goods and machinery. “Solid waste” means those substances that possess the properties and characteristics defined in Ohio Revised Code Section 3734.01 (E).

**2.245: "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.

**2.25: “White Goods”** mean residential and commercial appliances that are composed primarily of steel and other recyclable metals, including, but not limited to, refrigeration equipment, laundry equipment, ranges, furnaces, heating equipment, and water heating devices.

**2.26: “Yard Waste” and/or “Landscape Waste”** means grass clippings, leaves, brush, shrub trimmings, branches, garden waste, tree trunks, holiday trees, tree trimmings, herbaceous waste and other plant waste generated as a result of gardening, landscaping or other similar activities. “Yard Waste and/or Landscape Waste” is considered to be a form of solid waste under Section 3745-27-01, of the Ohio Administrative Code.

## **SECTION 3.0 WASTE STORAGE and PREMISES**

### **3.1: PUBLIC HEALTH NUISANCE**

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

### **3.2: DISPOSAL**

All waste not transported or stored for salvage, recycling or reuse shall be disposed of properly. All solid waste shall be disposed of in a licensed solid waste disposal facility. All hazardous waste shall be disposed of in a licensed hazardous waste facility. All infectious waste shall be disposed of in a licensed disposal or treatment facility. All construction and demolition waste shall be disposed of in a construction and demolition waste facility or licensed solid waste facility.

### **3.3: RESIDENTIAL WASTE STORAGE AND PREMISES MAINTENANCE**

(a) 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.

(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 finds that an owner has violated this regulation, the Board may require the owner to provide waste storage containers that are rust-resistant, watertight, non-absorbent 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 without prior approval from the Fire Department and the Ohio Environmental Protection Agency, or unauthorized disposal of hazardous waste, solid waste, infectious waste, or construction and demolition waste within Licking County General Health District is prohibited.

### **3.4: 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 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 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 create a public health nuisance or be stored or remain on the premises for more than fourteen (14) days.

(C) The opening dumping, open burning, unauthorized disposal, or creation of a nuisance by the accumulation of hazardous waste, solid waste, infectious waste, and construction and demolition waste is prohibited.

## **SECTION 4.0: VEHICLE INSPECTION AND REGISTRATION FOR THE PREVENTION OF NUISANCES**

### **4.1 COLLECTION VEHICLE REGISTRATION REQUIRED TO COLLECT OR TRANSPORT SOLID WASTE. CONSTRUCTION AND DEMOLITION WASTE AND YARD WASTE**

To prevent the creation of public health nuisance conditions caused by the collection and transportation of Solid Waste, Construction and Demolition Waste and Yard Waste within the jurisdiction of the Licking County Board of Health, no Commercial Waste Hauler shall be permitted to collect or transport Solid Waste, Construction and Demolition Waste, or Yard Waste within Licking County unless that Commercial Waste Hauler: (1) possesses a valid Collection Vehicle registration for each Collection Vehicle used to collect or transport solid waste within Licking County; (2) completes an exemption form under section 803.03; or (3) secures a letter/order from the Health Commissioner representing a waiver of this requirement.

## 4.2 COLLECTION VEHICLE REGISTRATION

Commercial Waste Haulers must obtain an annual vehicle registration from the Health Commissioner for each Collection Vehicle used to collect or transport Solid Waste, Construction and Demolition Waste or Yard Waste within Licking County to ensure that such Collection Vehicles are fit for the transport of Solid Waste, Construction and Demolition Waste or Yard Waste without causing or creating Nuisance conditions, including, but not limited to, littering, leakage, insect or rodent infestations, and odors. Applications for Collection Vehicle registrations shall be in writing and on a form prescribed by the Health Commissioner. 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 Waste or Yard Waste within Licking County. Collection Vehicle registrations shall expire on December 31 of each year regardless of the date of issuance.

## 4.3 EXEMPTIONS

(a) Private individuals who incidentally collect and transport Solid Waste, Construction and Demolition Waste 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 Health Commissioner for any Collection Vehicle used to collect or transport Solid Waste, Construction and Demolition Waste or Yard Waste within Licking County without a Collection Vehicle inspection. The Health Commissioner of the Licking County Health District 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 likely cause Nuisance conditions during collection or transport of Solid Waste, Construction and Demolition Waste or Yard Waste within Licking County. Health Commissioner may specify limitations on the type of waste that a waste hauler may collect and transport based upon the applicant's equipment. Upon receipt of a complete application and inspection fee for each Collection Vehicle for which registration is requested, the Commercial Waste Hauler will be notified in writing by the Health Commissioner and/or his/her authorized representative of inspection dates and times.

## 4.5 DENIAL OF OR REVOCATION OF A COLLECTION VEHICLE REGISTRATION

The Health Commissioner may deny the initial 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, abate or suppress Nuisances, or protect the public health and the environment. Failure to respond to request for an inspection, or refusal to permit a Collection Vehicle inspection, may result in the Commercial Waste Hauler being summoned to a hearing before the Board of Health, at which time the Collection Vehicle registration may be denied or revoked. Collection Vehicle registrations may also be denied or revoked when, in the opinion of the Health Commissioner, a previously registered Collection Vehicle has become unsanitary, creates or causes a Nuisance, or it is unable to transport waste in a manner consistent with protecting the public health and the environment. A Commercial Waste Hauler owning or operating a Collection Vehicle for which registration has been denied or revoked may make a written request for a

hearing before the Board of Health. The Commercial Waste Hauler shall be afforded an opportunity to attend the hearing and show cause why the Collection Vehicle registration should have been granted or should not be revoked. The Board of Health shall hold such hearing within a reasonable time after the request is received.

#### 4.6 ANNUAL COLLECTION VEHICLE INSPECTION FEE AND REGISTRATION STICKERS

The fee for the annual Collection Vehicle inspection shall be determined by the Licking County Board of Health by resolution. Upon inspection and issuance of a Collection Vehicle registration, it shall be the responsibility of the Commercial Waste Hauler to assure that a registration sticker is immediately affixed to the Collection Vehicle for which the registration has been issued. Further, the Commercial Waste Hauler shall immediately report in writing to the Health Department any change in the status of the registered Collection Vehicle. Registration stickers shall not be transferred between Collection Vehicles unless the Board of Health or its representative has conducted a new inspection and provided written approval of the transfer of the registration sticker. The Commercial Waste Hauler shall immediately notify the Health Department in writing any time a registered Collection Vehicle is sold, removed from service, or if the Commercial Waste Hauler changes the nature of his 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 shall be constructed of durable, non-absorbent, smooth and easily cleanable material. The sides and bottom of the Collection Vehicle shall be in good condition, and shall be sturdy and able to contain the mass and volume of material to which it likely be subjected. The Collection Vehicle shall be watertight. Any 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 the Solid Waste being collected or transported.

(b) All Collection Vehicles shall be designed and/or equipped with devices that shall prevent Solid Waste from being blown, thrown, or ejected during collection or transportation.

(c) Collection Vehicles with a powered mechanical compaction system or device shall be designed and operated to prevent Nuisance or littering conditions during operation. The loading hopper and compaction mechanisms shall be operated and maintained in a safe manner and shall be in good state of repair. All Solid Waste shall be compacted within the enclosed compartment of such Collection Vehicles, between the compaction blade and the closed end of the compartment. Solid Waste shall not be tied, secured, or placed in any way upon the hopper of such Collection Vehicles.

(d) 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 littering conditions will be created.

(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) If a Collection Vehicle registrant is unable to comply with Paragraph (e), above, because of contractual or proprietary agreements, the Health Commissioner or his representative shall require the Commercial Waste Hauler to obtain an additional numeric placard from the Board of Health. Said placard must be placed on the left-hand side of the Collection Vehicle. The costs associated with procuring the placard shall be assessed to the Commercial Waste Hauler as an additional fee.

(g) All Collection Vehicles shall be operated and maintained in a manner which will prevent or abate the creation of Nuisance conditions.

## **SECTION 5.0: RECYCLING, REPROCESSING and MRF FACILITIES**

### **5.1: RECYCLING, REPROCESSING and RECOVERING OF SOLID WASTE**

All Recycling Facilities, Reprocessing Facilities, and Material Recovery Facilities (MRF5) located within the Licking County General Health District may be inspected by the Health Commissioner. Solid waste may be recycled or reprocessed within the Licking County 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: ACCESS TO FACILITY: INSPECTION**

The owner and/or operator of a facility shall permit the Health Commissioner to conduct random, unannounced inspections of the facility in order to determine that the facility is not creating a public health nuisance.

### **5.3: OPERATION OF A RECYCLING, REPROCESSING and/or MRF FACILITY**

(a) Putrescible solid waste shall be excluded from a recycling and/or reprocessing facility. 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, or covers. Putrescible solid wastes shall be taken to a licensed solid waste disposal facility within seven (7) days. Putrescible solid waste shall not create a public health nuisance;

(b) Any material that is classified as a hazardous waste or infectious waste shall be prohibited from the recycling, reprocessing and MRF facility;

(c) All blowing litter and/or solid waste that is spilled, thrown, placed, deposited or dropped on the grounds of the facility or adjacent properties, shall be collected at the end of each work day or more frequently if necessary, for recycling, reprocessing or disposal;

(d) All leachate, generated on the site, shall be appropriately collected, treated and disposed of according to the Ohio E.P.A. regulations. All processing and separating areas shall be maintained in a clean condition, and shall be free of accumulation of dirt and debris;

(e) Lightweight material such as paper and plastic shall be baled or stored in a manner to avoid scattering, or becoming a fire hazard or a public health nuisance;

(f) Any recycled, recovered or reprocessed solid waste that is found to be public health nuisance shall be removed from the premises and disposed of at a licensed disposal facility within forty-eight (48) hours;

(g) Recycled, recovered and/or reprocessed material shall be stored in a manner that prohibits a habitat for rodents or other vermin;

(h) All recycled, recovered and/or reprocessed material shall be stored in compliance with all applicable local, State, and Federal laws and regulations.

(i) Liquid residue, that has leaked from containers 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 nuisances;

## **SECTION 6.0: VARIANCE**

The Licking County Board of Health may grant variances from the requirements of this regulation 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. The variance application shall be made in writing as per required by the Licking County Board of Health. No variance shall be granted that will defeat the spirit and general intent of said regulation or be otherwise contrary to the public interest. The Licking County Board of Health may modify or revoke a variance upon a finding that the conditions affecting the technical 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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