

**Section \_\_:**            **STW District Rules**

The following Rules have been adopted by the Board of Directors, as authorized by the Ohio Revised Code, to ensure the implementation of the Solid Waste Management Plan for the STW District.

Any existing Solid Waste Facility in operation as of the adoption date of STW District Rule 9.02, Operational Standards, shall have 180 days to comply with such Rule, unless otherwise stated in the specific Rule, or subpart thereof.

To the extent that the terms of any STW District Rule(s) conflict with the terms of the existing Solid Waste Industry Voluntary Guidelines of July 2003 (“Voluntary Guidelines”), the STW District Rule(s) shall control.

It is the intent of the STW District to enter into Host Agreements with all existing and new Solid Waste Facilities within the STW District. Such Host Agreements may contain certain directives of additional restrictions outside these Rules. All current host agreements shall remain in full force and effect.

The STW District may, by majority vote of the full Board, elect to incorporate into such Host Agreements a waiver of any STW District Rule or subpart thereof if the Board concludes such waiver is in the best interest of the STW District and will assist the STW District in the successful implementation of the Plan and further STW District goals.

If any STW District Rule, or any provision thereof, is held invalid by any court of competent jurisdiction, such ruling shall not affect the validity of any remaining provisions of these Rules.

**Rule 9.01    DEFINITIONS**

For the purposes of these STW District Rules, the following definitions shall apply:

- A.    **Applicant** shall mean a person, firm, entity, municipal corporation, township or other political subdivision that proposes to construct or modify a Solid Waste Facility within the STW District and has submitted an application with regard thereto under Title 3745 of the Ohio Administrative Code, including without limitation an application for a registration certificate, permit-to-install, or alternate infectious waste treatment technology approval in accordance with Chapter 3745-27, 3745-29, or 3745-30 of the Ohio Administrative Code.
  
- B.    **Authorized Maximum Daily Waste Receipts** means the maximum amount of solid waste a solid waste disposal facility may receive or process on any calendar day. The waste receipt limit shall be expressed in tons per day for facilities utilizing scales or cubic yards per day for all other facilities. The tons to cubic yards ratio shall be one ton equals three cubic yards unless the solid waste is baled, in which case the ratio is one ton equals one cubic yard.

- C. **Board** means the Stark-Tuscarawas-Wayne Joint Solid Waste Management District Board.
- D. **General Plans and Specifications** means that information required to be submitted to the Board pursuant to Rule 9.03 Solid Waste Facility Siting Rules, Section III, B.
- E. **Host Agreement** means any agreement between the Solid Waste Management STW District and any Solid Waste Facility within the STW District.
- F. **Host Community** means the unit of local government, such as a city, village or township, in which a Solid Waste Facility is or would be located.
- G. **Modify** shall mean a significant change in the operation of an existing in-District Solid Waste Facility that includes an application to: (1) change the Authorized Maximum Daily Waste Receipt for a solid waste facility; (2) to expand an existing solid waste facility; or (3) to convert a legitimate recycling facility into a transfer station; provided such application was submitted to the Ohio EPA after the effective date of these rules.
- H. **Plan** means the solid waste management plan of the Stark-Tuscarawas-Wayne Joint Solid Waste District, as required in Ohio Revised Code Sections 3734.53 and 3734.54, and any rules promulgated thereunder.
- I. **Person** means any individual, firm, entity, municipal corporation, township or other political subdivision.
- J. **Rule** means the action of the Board in promulgating, adopting and publishing such action as a rule of the STW District authorized by Sections 343.01 (G) and 3734.53 of the Revised Code, as now existing or hereafter amended.
- K. **Siting Rules** shall mean those rules applicable to new or modified Solid Waste Facilities as set forth in Rule 9.03.
- L. **Solid Waste Facility (or Facilities)** shall have the same meaning as defined in Ohio Revised Code 3734.01 (N) to include all solid waste disposal, transfer, recycling, processing, and resource recovery facilities.
- M. **STW District** means the Stark-Tuscarawas-Wayne Joint Solid Waste Management District established by Agreement on November 28, 1988, in accordance with Ohio Revised Code Section 343.01.
- N. **Transfer Facility** has the same meaning as in Ohio Administrative Code §3745-27-01(S)(29).

## **Rule 9.02 OPERATIONAL STANDARDS**

The following standards apply to the operation of Solid Waste Facilities within the STW District:

- A. **Quiet Enjoyment**: Odors, noise, dust and vibration shall be minimized by the proper use of berms, walls, natural planting screens and soundproofed equipment and buildings. Any onsite landfill operational activities shall not exceed 90 dBA based on an average eight hour weighted day when measured from the affected residences. All road surfaces within the property lines of a Solid Waste Facility shall be paved or graveled to minimize mud and dust.
- B. **Security Lighting**: Any security lighting deemed necessary by the Applicant (or by these Rules) shall be aligned so that no portion of the illuminated field extends into any residential property.
- C. **Fire & Emergency Management Plan**: All Solid Waste Facilities shall have in place a written Fire & Emergency Management Plan that has been submitted to the primarily responsible local fire department. The facility shall incorporate any recommendations suggested by the primary responsible local fire department.
- D. **Litter**: All Solid Waste Facilities shall have in place a Litter Collection Plan which addresses the prompt collection and disposal of on and off-site litter generated as a result of the facility activities, including any such litter deposited along the designated hauling routes leading to the Solid Waste Facility. The Solid Waste Facility operator shall be responsible for the removal and disposal of any such litter deposited along the hauling routes leading to the Solid Waste Facility.
- E. **Vehicle/Wheel Wash**: To prevent mud and dirt from being tracked on to local roads, landfill facility operators must install a multi-stage wheel washing unit approved by the local health department. The first part of the unit shall consist of rumble strips and a tire bath. A truck washing station shall follow the wheel washing unit. All vehicle operators, to the extent that it is practical given weather conditions, shall wash any mud or dirt from their vehicles prior to exiting a Solid Waste Facility.
- F. **Street and Highway Access**: Trucks shall not use private drives or private access routes to or from the Solid Waste Facility property which are within one hundred fifty (150) feet of any existing residence. This provision does not apply to any existing private drives or access routes in use as a means of ingress or egress to or from a Solid Waste Facility as of the date of enactment of this Rule.
- G. **Gates**: The entrance to a Solid Waste Facility shall have a gate which shall be closed and locked at all times that the Solid Waste Facility is not open. Keys for admittance to the Solid Waste Facility shall be given to the primarily responsible local fire department.

- H. **Hours of Operation:** The hours of operation, when a Solid Waste Facility is open to accept waste, other than the maintenance of equipment within a fully enclosed building, shall be conducted only between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and 7:00 a.m. and 3:00 p.m. on Saturdays and legal holidays, except Sunday, unless alternative hours of operation are otherwise authorized by the local Board of Health and approved by the STW District. In times of natural disaster or emergency that necessitate additional hours for waste disposal, the local Board of Health may authorize additional hours to accommodate the STW District's resulting short-term waste disposal needs without prior approval from the STW District. In lieu of complying with this provision, existing Solid Waste Facilities may continue to operate under their respective hours of operation in place at the time of the adoption of these rules.

A sign stating the hours of operation and prohibiting unauthorized dumping (e.g., during non-operating hours or unacceptable waste) shall be placed in a conspicuous location at the entrance to the facility. Solid Waste Facilities shall have qualified personnel on duty at all times during operational hours to direct the operations of the Solid Waste Facility.

- I. **Liability Insurance:** Current copies of any and all policies of liability insurance maintained by a Solid Waste Facility shall be filed with the STW District, including documentation of the approval of the financial assurance mechanism required by Ohio Administrative Code Section 3745-27-16. A Solid Waste Facility shall promptly inform the STW District in writing of the subsequent cancellation or modification of any of the above referenced policies of insurance.
- J. **Ground Water Monitoring:** Each Solid Waste Facility that is required to perform semi-annual ground water monitoring pursuant to Ohio Admin. Code Sec. 3745-27-10 shall comply with this section. Each covered Facility will provide the STW District with thirty (30) days advance written notice of its semi-annual ground water monitoring, and allow for split sampling with the local Board of Health as requested by the STW District. The STW District will bear the costs for any split sample testing by the Board of Health. The covered Facilities shall provide the STW District with copies of any reports regarding the monitoring well testing within thirty (30) days of receipt.

The STW District may request additional ground water testing, the costs for such tests to be borne by the STW District.

- K. **Odor Control Plan:** Each Solid Waste Facility within the STW District shall submit to the STW District a written Odor Control Plan that has been approved by the local certified Board of Health. The Plan shall contain the means by which the Facility will respond to and control odors and airborne particulate matter.

- L. **Airbourne Particulate Control Plan.** The Airbourne Particulate Control Plan as defined by the Ohio EPA shall be submitted to the STW District and monitored by the local air permitting authority.
- M. **Overweight Truck Deterrence Plan:** Each Solid Waste Facility within the STW District shall adopt and submit to the STW District a written policy designed to deter the use of the Facility by any truck with a total weight, including truck and load, in excess of the applicable total federal vehicle limit. The policy shall include a procedure incorporating a deterrence system subjecting any landfill bound vehicle weighing over the applicable federal weight limit to deterrents, which shall include, but are not limited to, at least two of the following :
- 1) allowing a local law enforcement officer to monitor infractions on site and issue citations; and
  - 2) issuing a written warning to the violating company;
  - 3) directing the vehicle to wait for one hour in a staging area prior to unloading;
  - 4) for multiple offenses per driver or business within a six-month period, the Facility management may deny the offender(s) access to the landfill.

Each Solid Waste Facility shall annually submit to the STW District a report demonstrating the extent to which its written policy has effectively deterred the use of the Facility by any vehicle with a weight, including truck and load, in excess of the applicable federal limits.

- N. **Certified Board of Health Inspection and Testing:** All Solid Waste Facilities within the STW District shall grant Health Department employees access to the Facility at reasonable times in order for the Certified Board of Health to conduct random and/or scheduled inspections. Such inspections may include random testing of the waste materials as requested by the STW District, and/or inspection of the daily operational records of the Facility.
- O. **Waste Acceptance Procedures and Notification:** All Solid Waste Facilities within the STW District shall provide to the STW District a copy of the written program for PCB and hazardous waste prevention and detection, which it is required to implement pursuant to Ohio Administrative Code 3745-27-19(L). In addition, each Facility shall provide notice to the STW District upon receipt of a NOV (notice of violation) arising from the acceptance of hazardous waste or PCB regulated wastes. Further, such Facility shall submit any information on detection of PCB's or hazardous wastes to the STW District in the same manner as it is required to give to the EPA or Board of Health under the Ohio Revised Code or Administrative Code.
- P. **Separated Recyclables:** Solid Waste Facilities that also operate solid waste collection vehicles within the STW District shall not:

- (1) knowingly incinerate or landfill separated recyclable material without the prior written consent of the STW District; or
- (2) knowingly combine separated recyclable materials with solid waste that is intended for landfilling without the prior written consent of the STW District.

## **Rule 9.03 SOLID WASTE FACILITY SITING RULES**

### **I. PRECONSTRUCTION APPROVAL REQUIREMENT**

No Person shall construct or modify any Solid Waste Facility until the General Plans and Specifications for the proposed Solid Waste Facility have been submitted to and approved by the Board as complying with the Plan or a variance or waiver from these Siting Rules has been granted by a majority vote of the full Board.

### **II. GENERAL STANDARDS**

Unless a variance or waiver has been granted pursuant to Section I, the Board shall not approve the General Plans and Specifications for any proposed Solid Waste Facility, or for the modification of any existing Solid Waste Facility, where the construction and operation of the proposed Solid Waste Facility or modification thereof has not been found to comply with the Plan, including such matters as a determination that the proposed construction or modification will have adverse impacts upon the Board's ability to implement the Plan, will interfere with the Board's obligation to provide for the maximum feasible utilization of existing Solid Waste Facilities within the Solid Waste Management District ("STW District"), will adversely affect the quality of life of residents or will have adverse impacts upon the local community and its resources that cannot be eliminated.

### **III. PROCEDURES AND STANDARDS FOR EVALUATION**

Unless a variance or waiver has been granted by the Board, the following process shall govern proposals for the construction of a new Solid Waste Facility or the modification of an existing Solid Waste Facility within the STW District:

#### **A. Timing of the Submission of Plans and Specifications for Review**

Any Person proposing to construct a new Solid Waste Facility or modify an existing Solid Waste Facility within the STW District shall submit to the Board the required information, listed in subsection B below, after the conditional permit to install has been issued by the applicable regional office of the Ohio Environmental Protection Agency ("Ohio EPA").

Permits for the installation or modification of a Solid Waste Facility require a lengthy and considerable technical review by the Ohio EPA to assure compliance with Ohio EPA standards. The time required and the scope of the review may

result in significant modifications to the proposed Solid Waste Facility. Those modifications may affect such matters as the size of the Solid Waste Facility, the surface dimensions (or “footprint”) of any Solid Waste disposal or transfer areas, the volume of Solid Waste accepted at the Solid Waste Facility on a daily basis, the number and size of vehicles delivering Solid Waste to the Solid Waste Facility, the volume of leachate generated (if the proposed Solid Waste Facility would be a landfill), and other aspects of the Solid Waste Facility that potentially impact the STW District and its residents. Similar considerations exist with respect to any required zoning permits from the Host Community. Any changes made to the Plans or Specifications, including such changes required by the Director of the Ohio EPA in the application for a permit to install a Solid Waste Facility or by the Host Community, may require that the Applicant’s proposal for the Solid Waste Facility be revised by the Applicant and re-evaluated by the Board.

Any subsequent changes to the Plans and Specifications shall be submitted to the Board. If the Board, in its discretion, determines that such changes warrant further review and approval, the Board shall notify the Applicant. Such additional review will be limited to the changes submitted.

**B. Required Information**

Any Person proposing to construct a new Solid Waste Facility or modify an existing Solid Waste Facility within the STW District shall submit General Plans and Specifications to the Board. The General Plans and Specifications required herein shall be prepared by professional engineers, architects, surveyors, geologists and/or other professionals as required by these rules or as requested by the Board. Such General Plans and Specifications shall include, but are not limited to, the following documents and information:

1. **Type of Solid Waste Facility:** A description of the type of Solid Waste Facility (disposal, transfer, processing, resource recovery, and legitimate recycling facility as defined by Ohio Administrative Code) proposed to be constructed, including, but not limited to: the equipment and technology to be used (such as automated systems, mixed waste processing, or unseparated recyclable materials combined by the generator in a single collection container (“single stream”)); and the materials to be accepted at the Solid Waste Facility.
2. **Zoning Approval Documentation:** Documentation from the appropriate local zoning authority evidencing that the Facility conforms to any and all applicable zoning regulations. If the Facility is located in a jurisdiction which has not adopted zoning regulations, the Applicant shall provide an affirmation to that effect.
3. **Site Plan Map:** A site plan showing the placement, height, and size of all natural and manmade features and buildings to be constructed or modified

at the proposed site; all proposed means of vehicle ingress and egress to and traffic within the proposed site; the location and dimensions of proposed parking areas, location of abutting public streets, arterial streets, County and township roads, if any, to be constructed; and the location and nature of adjoining development.

4. **Drawings:** Architectural drawings or artist's renderings of the proposed Solid Waste Facility with sufficient detail to depict the appearance of the proposed Solid Waste Facility upon completion of construction, and in the case of a landfill, surface contours (gradients) both at the start of operation and upon final closure.
5. **Survey:** A survey by a registered surveyor showing: the location of the principal Solid Waste Facility; all proposed Solid Waste management units and supporting or ancillary buildings or structures; the distance from each such unit or improvement to the property lines of the site; and a contour map of the site including existing elevations of the Solid Waste Facility and the approximate final grade and elevations to be established following completion of the disposal areas, if disposal is the proposed use, and the grade and elevation of any proposed buildings or structures to be constructed at the Solid Waste Facility. The survey shall indicate the property uses and the names of property owners for all real property located within one mile of the property lines of the Solid Waste Facility.
6. **Size and Capacity:** The projected size (daily and annual volumes, Authorized Maximum Daily Waste Receipts or processing capacity) of the proposed Solid Waste Facility including, in the case of a landfill, the proposed phases for development (construction) of disposal capacity and the corresponding acreage for each such phase.
7. **Landscaping:** A landscaping plan showing all proposed temporary and permanent landscaping, fencing, berms, and buffers at the Solid Waste Facility.
8. **Lighting:** A lighting plan showing all proposed exterior lighting for structures, onsite roadways, gates and fencing, and identifying the lighting type, height, intensity, and shielding.
9. **Utility Plan:** A plan outlining the necessary public utility services for the proposed Solid Waste Facility including the proposed vendor or public entity provider of such necessary public utility services.
10. **Traffic or Transportation Plan:** A plan showing the proposed routes to and from the proposed Solid Waste Facility and the types and anticipated number and weight of transfer and direct haul vehicles utilizing the proposed Solid Waste Facility, including identification of the main access routes to be used when transfer vehicles, direct haul vehicles, rail cars or

other modes of transportation either enter the STW District to deliver Solid Waste or transport Solid Waste generated within the STW District to the Solid Waste Facility.

11. **Hours of Operation:** Identification of the proposed Solid Waste Facility's hours of operation including the projected date for commencement of operation.
12. **Anticipated Source of Solid Waste and Recyclable Materials:** (a) identification of the types of commercial, industrial, agricultural, residential and institutional generators of Solid Waste that are expected to use the Solid Waste Facility and an estimate of the ratio of in District Solid Waste to the total volume of Solid Waste that will be disposed, received, treated, stored or processed at the proposed Solid Waste Facility; and (b) if recycling activities will be conducted at the proposed Solid Waste Facility, a detailed description of such recycling activity, including all materials to be recycled, technology to be utilized and anticipated percentage of Solid Waste reduction and recyclable materials to be recovered as a result of the operation of the proposed Solid Waste Facility.
13. **Control of Onsite Debris:** A description of Applicant's proposed management and control procedures to minimize the potential for debris from the Solid Waste Facility being deposited on arterial streets and County and township roads, and adjacent property.
14. **Other Relevant Information:** Any other information the Applicant or the Board considers necessary for the Board to evaluate in determining whether the proposed Solid Waste Facility complies with each of the criteria specified in these rules.
15. **Applicant's Report:** When the Applicant submits its General Plans and Specifications and provides all other information required by these rules, the Applicant shall, in addition, submit a written report to the Board explaining why, in the Applicant's opinion, the proposal complies with the Plan.

**C. Funding of Board Expenses**

Pursuant to ORC § 343.0 1(G)(2), the Applicant shall reimburse the Board all reasonable costs and expenses incurred by the Board to review the General Plans and Specifications as provided herein. The Board will submit to the Applicant, a quarterly invoice for the costs and expenses incurred by the Board in its review of the General Plans and Specifications.

Within thirty (30) business days of receiving the Board's invoice, the Applicant will submit a check to the Board (payable to the STW District Treasurer) for the costs and expenses incurred. In the event the Applicant fails to submit payment to

the Board within thirty (30) business days of receiving an invoice from the Board, the Board reserves the right to suspend the review of the Applicant's General Plans and Specification until such payment is received by the Board.

**D. Evaluation Criteria:**

1. The Applicant must demonstrate to the Board, by clear and convincing evidence, that the proposed Solid Waste Facility:
  - a. is consistent with the goals, objectives, projections and strategies contained in the Plan and will be operated in compliance with all STW District rules;
  - b. will not have an adverse impact on the quality of life within the affected community;
  - c. is consistent with the proposed land use of the area in which the Solid Waste Facility would be sited, as determined by the applicable Comprehensive Development Plan or any other applicable planning standards, including but not limited to the planning standards of any other political subdivision that has developed land use and/or zoning plans, and which would be affected by the proposed Solid Waste Facility;
  - d. will be constructed, installed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the area;
  - e. will be adequately served by, and will not impose excessive additional requirements at public cost for public services, including but not limited to the following: delivery of water; wastewater treatment; maintenance, improvement and reconstruction of arterial streets used by the vehicles delivering Solid Waste to the Solid Waste Facility; emergency services including police and fire protection; and state and local regulatory personnel responsible for enforcement of vehicle weight limitations, security of solid waste transportation regulations (e.g., verification of the use of enclosed Solid Waste containers or tarps on open top vehicles), and the licensing and inspection of Solid Waste Facilities;
  - f. will not require converting any County or township road to an arterial street for purposes of truck access to the Solid Waste Facility or, if otherwise, will fully offset the public cost of converting a County or township road to an arterial street and thereafter maintaining such arterial street;

- g. will not be detrimental to the economic welfare of the affected community, when taking into consideration the resulting revenues to and expenditures by the Host Community, job creation, additional tax revenues generated by the Solid Waste Facility, and the effect of the proposed Solid Waste Facility on property values including the impact such valuation will have on the generation of tax revenues for public schools;
- h. will have vehicular approaches, which include but are but not limited to the construction of turn lanes, traffic lights, street signage and on-site roads to manage traffic, designed to minimize interference with traffic on public streets and highways;
- i. will not result in the material destruction, loss or damage of cultural, natural, scenic, or historic features of the STW District or the affected community, cause or contribute to the taking of any endangered or threatened species of plants, fish or wildlife, or result in the destruction or adverse modification of critical habitat of endangered or threatened species as identified in 50 CFR part 17 (“endangered or threatened species” means any species listed pursuant to Section 4 of the Endangered Species Act, 16 U.S.C. § 1533; “destruction or adverse modification” means a direct or indirect alteration of critical habitat which appreciably diminishes the likelihood of the survival and recovery of threatened or endangered species using such habitat; and “taking” means harassing, harming, pursuing, hunting, wounding, killing, trapping, capturing or collecting or attempting to engage in such conduct).

**IV. FACILITY SITING REQUIREMENTS:**

A proposed new Solid Waste Facility or proposed modification to an existing Solid Waste Facility must meet the following siting requirements, such that:

- A. the Solid Waste Facility shall be located adjacent to a federal, state or county highway such that ingress and egress for the facility does not create traffic through an area developed primarily for residential purposes;
- B. the Solid Waste Facility shall not be located within 2,500 feet (measured from any property line of the Solid Waste Facility) of a historical site identified in a municipal, County or state historic preservation plan, the National Register of Historic Places or the Ohio Registry of Archaeological Landmarks, and shall not cause or contribute to the destruction or loss of any such historic or archaeological site;
- C. any temporary, moveable or permanent building or structure including, without limitation, any landfill cells or other solid waste management units, shall not be located closer than two hundred fifty (250) feet from the

property lines of the facility, and, if located within one thousand (1,000) feet of a residence, such building, structure, landfill cell or other solid waste management unit shall be obscured by a suitable barrier not less than ten (10) feet high;

- D. the Solid Waste Facility will include designed sight barriers within the setback area of any portion of the Solid Waste Facility that otherwise lack natural screening. Such sight barriers shall consist of berms parallel to the property lines of the property at least ten (10) feet in height with plantings of evergreen trees (sufficiently spaced two-year transplants or older at the time of planting which will grow to not less than ten (10) feet in height) or evergreen shrubbery planted in staggered rows on the berms. (Trees or shrubs that comprise a sight barrier must be replaced if they die.);
- E. the Solid Waste Facility shall not be proposed for any location that is within one mile of a school, hospital, or place of worship, County, municipal or township park, licensed child day care facility, public library or, to the extent not included in the preceding list, any other improved parcel where the public gathers, and the construction and operation of a Solid Waste Facility would adversely effect the use and enjoyment of the improved parcel. The requirements of this subsection do not preclude the landfill from providing any of the above referenced public services;
- F. the Solid Waste Facility must comply with all required setbacks from the property lines of the parcel; and
- G. the height of any landfill cells or other waste management units shall conform to the existing topography of the surrounding area, such that the maximum elevation of any cell or unit when closed shall not be more than fifty (50) feet above the highest naturally occurring point within 1000 feet of the Solid Waste Facility boundary.

## **V. BOARD REVIEW**

After the Applicant has provided all of the required information as set forth in Section III, subsection B, the Board will proceed to determine whether the Applicant has adequately demonstrated that the proposed Solid Waste Facility will be constructed or modified and operated in compliance with the standards established herein.

The Board shall appoint a Siting Committee to assist in the review of the General Plans and Specifications. The Board, upon recommendation of the Siting Committee, may request the assistance of the host county Health Department and/or host county Sanitary Engineer to perform or to supervise the review of the General Plans and Specifications for the proposed construction or modification as the same relates to these siting rules. The Board may employ such engineers, consultants and advisors as it deems necessary to assist in the review of the General Plans and Specifications as they relate to these siting rules. The Siting Committee may include, but is not limited to, the following representatives:

- a member of the Board;
- a representative of the host county Board of Health;
- the host county Sanitary Engineer;
- a representative of the host County's Regional Planning Commission;
- a representative of the STW District's Policy Committee;
- if the location proposed for the facility is within a township, at least one township trustee from the proposed host township;
- if the location proposed for the facility is within a municipality, at least one elected officer of that municipality; and
- a representative citizen of the host county as recommended by the Commissioners of the host County.

Within 60 days of the Applicant's submission of the General Plans and Specifications the Board shall determine whether the General Plans and Specifications submitted by the Applicant contain sufficient information for the Board to complete its review of the proposal. In the event it is determined that more information is necessary to complete its review of the proposal, the Board shall notify the Applicant of such request in writing.

The Board will proceed to determine whether the Applicant has demonstrated that the proposed Solid Waste Facility will be constructed or modified and operated in compliance with the standards established herein. The Sanitary Engineer and/or the Siting Committee, if requested by the Board, shall prepare a report summarizing the review. This report shall include a recommendation to the Board as to whether the General Plans and Specifications comply with the Plan and satisfy all other criteria stated herein. The final determination of whether the General Plans and Specifications for the proposed construction or modification demonstrates compliance with the standards herein is the sole discretion of the Board.

## **VI. DEVELOPMENT AGREEMENT**

In the event the Board determines that the proposed construction or modification and operation of a Solid Waste Facility, as set forth in the Applicant's General Plans and Specifications with respect thereto, comply with the Plan and the other requirements and criteria set forth in these rules, the Applicant and the Board shall enter into a development agreement memorializing the terms and conditions that are the basis of the above mentioned determination by the Board. The Applicant and any successor in interest shall have an ongoing obligation to comply with the development agreement, the Plan, and the General Plans and Specifications as submitted and approved by the Board.

## **VII. WAIVER**

The Board may waive, by majority vote of the full Board, the requirement for submission and Board approval of General Plans and Specifications or otherwise grant waivers to these rules if the Board concludes such waiver is in the best interest of the STW District and will assist the Board in the successful implementation of the Plan and further STW District goals with respect to Solid Waste management and Solid Waste reduction activities.

## **VIII. SEVERABILITY**

If any provision hereof is ruled invalid by any court of competent jurisdiction, such decision shall not affect the validity of any other provision hereof. Additionally, in the event any provision hereof is determined to be a design standard within the meaning of ORC §343.01(G)(2), such provision shall not be considered in the Board's review of any proposed Solid Waste Facility under these regulations.

### **Rule 9.04 Prohibition or Limitation of Out-of-District Wastes**

No Solid Waste Facility within the STW District shall accept waste originating in another solid waste district or authority within the State, unless such originating district or authority meets or exceeds the STW District's Recycling Standards. Each originating district or authority's recycling standard is either: (1) the percentage of waste recycled in both (a) the residential/commercial and (b) industrial waste streams; or (2) the access percentage; as is set forth in each respective district or authority's Ohio EPA approved report. For the purpose of this Rule, the STW District Recycling Standards shall be the percentage of waste recycled within the STW District in each category (residential/commercial and industrial), or the access percentage, as established by an average of the STW District's Ohio EPA approved reports for the previous three (3) consecutive calendar years, beginning with the baseline year of 2005. The STW District Recycling Standards will be adjusted accordingly on an annual basis. This Rule 9.04 will be effective January 1, 2008. Nothing in this Rule shall impair any third party's contract rights in existence at the time of the adoption of Rule 9.04.

Rule 9.04 will cease to have effect on December 31, 2010, unless the Board affirmatively acts to renew the Rule, provided that the Board has the written authority from the Ohio EPA to amend, rescind, or adopt rules governing the STW District as of December 1, 2010. If the District is not so authorized as of December 1, 2010, Rule 9.04 shall remain in effect.