

3745-27-90

Standards for solid waste management districts.

[Comment: This rule has been promulgated for the purpose of codifying the goals established in the 1995 "State Solid Waste Management Plan" and the performance standards that were later developed as required by the plan. Section 3734.50 of the Revised Code requires the Ohio EPA, with the advice of the solid waste advisory council, to prepare a state solid waste management plan to reduce reliance on the use of landfills and to establish objectives for solid waste reduction, recycling, reuse, and minimization. In 1995, the "State Solid Waste Management Plan" was revised and approved by the solid waste advisory council. This plan established seven goals for solid waste management districts and stated that Ohio EPA would develop program standards to complete the details of the general requirements of [the state plan goals](#)~~goal #1 and #2 of the state plan~~. The performance standards were developed and approved by the solid waste [management](#) advisory council in 1995. The goals of the state plan and the performance standards have been incorporated into this rule and can be found in the following locations:

Goal #	Goal Subject	Location in the Rule
Goal #1	ensure availability of programs	paragraph (E)(1)
Goal #2		
Objective #1	twenty-five per cent municipal solid waste recycling goal	paragraph (E)(2)(a)
Objective #2	fifty per cent industrial recycling goal	paragraph (E)(2)(b)
Goal #3	strategies for waste reduction	paragraph (D)(2)
Goal #4	strategies for recycling	paragraph (D)(3) and (D)(4)
Goal #5	strategies for scrap tires and household-hazardous waste	paragraph (D)(5)
Goal #6	annual reporting of plan implementation	paragraph (F)
Goal #7	market development strategy	note at end of paragraph (D).]

(A) Applicability. [A solid waste management district amending a solid waste management plan pursuant to section 3734.56 of the Revised Code or to address a material change in circumstances shall prepare its amended plan in accordance with paragraphs \(B\) to \(E\) of this rule.](#)

~~(1) Those solid waste management districts that are scheduled to begin preparing their amended plan updates prior to August 1996, according to the schedule in appendix I of this rule, may prepare their plans in accordance with either:~~

~~(a) Paragraphs (B) to (E) of this rule or~~

~~(b) Rule 3745-27-90 of the Administrative Code as it was effective on June 1, 1994.~~

~~{Comment: Paragraph (A)(1) of this rule allows solid waste management districts that are scheduled to begin preparing their amended solid waste management plan updates prior to August 1996, to use version 2.1 or 3.0 of the "District Solid Waste Management Plan Format." Version 2.1 of this document incorporates the goals of the 1989 "State Solid Waste Management Plan." The goals in this plan direct districts to reduce, reuse, and recycle at least twenty-five per cent of the waste generated, show an annual rate of increase in recycling, and demonstrate an annual reduction in the use of landfills. Version 3.0 of the "State Solid Waste Management Plan Format" incorporates the goals of the 1995 "State Solid Waste Management Plan." This plan directs districts to reduce, reuse, and recycle twenty-five per cent of the municipal solid waste generated and fifty per cent of the industrial waste generated, or ensure the availability of programs that provide access to recycling opportunities for at least ninety per cent of the district's residents and show that district residents participate in the recycling programs and activities that are available. Ohio EPA encourages districts that have the option of using either version of the "State Solid Waste Management Plan Format," to use version 3.0.}~~

~~(2) Those solid waste management districts that are amending their plans due to: (a) material changes in circumstances or (b) are scheduled to begin preparing their amended plan update in August 1996, or any month thereafter, according to the schedule in appendix I of this rule, shall prepare their plans in accordance with paragraphs (B) to (E) of this rule.~~

(B) Each solid waste management district shall prepare a solid waste management plan that provides for, demonstrates, and certifies the availability of and access to, sufficient solid waste management facility capacity to meet the solid waste management needs of the district. This plan shall [conform to the following](#):

(1) Encompass at least a ten-year planning period.

(2) Be reviewed and revised by the solid waste management policy committee [as follows](#):

(a) Triennially, in accordance with the timelines established in division (A) of section 3734.56 of the Revised Code, if the solid waste management plan encompasses a planning period of less than fifteen years ~~or~~.

- (b) Every five years, in accordance with the timelines established in division (A) of section 3734.56 of the Revised Code, if the solid waste management plan encompasses a planning period of fifteen years or more.
 - (3) Be prepared in a format prescribed by the director in accordance with division (A) of section 3734.53 of the Revised Code.
- (C) The solid waste management district shall submit the solid waste management plan to Ohio EPA for approval by the director. The director shall not approve any county or joint county district plan unless ~~he~~[the director](#) determines that, in spite of any minor deficiencies, the plan meets the requirements of paragraphs (D) and (E) of this rule.

~~[Comment: Ohio EPA will also take into consideration local conditions that affect a district's ability to meet the access and participation standards in paragraphs (E)(1)(b) to (E)(1)(e) of this rule, such as the cost of programs, the availability of markets for recyclables, and transportation distances.]~~

- (D) The solid waste management plan shall include [the following](#):
- (1) Those items as required in section 3734.53 of the Revised Code.
 - (2) Strategies for providing informational or technical assistance on waste reduction to solid waste generators or particular categories of solid waste generators within the solid waste management district. The solid waste management plan shall describe the types of assistance that is, or will be, provided by the district ~~and/or~~ other entities within the district, and the specific categories of generators that are to be served. The district has the sole discretion to determine the types of assistance that are to be provided and the categories of generators that will be served.
 - (3) Strategies for providing informational assistance on reuse, recycling, and composting opportunities to the solid waste generators within the solid waste management district. The solid waste management plan shall describe the types of informational assistance available to residential, commercial, and industrial generators within the district that is, or will be, provided by the district or other entities within the district. The informational assistance strategies planned by the district should be comprehensive with regard to the types of materials, management opportunities, and generators served by the available opportunities in the district. Informational assistance may include; but is not limited to; public awareness efforts such as brochures or flyers on

the types of recyclable materials accepted and hours of operation for donation or drop-off locations.

(4) Strategies for providing technical assistance on reuse, recycling, and composting opportunities. The solid waste management plan shall describe the technical assistance available to residential, commercial, and industrial generators within the solid waste management district that is, or will be, provided by the district or other entities within the district. The technical assistance activities planned by the district should be comprehensive with regard to the types of materials, management opportunities, and generators served by the available opportunities in the district. Technical assistance may include, but is not limited to, programs and activities such as [the following](#):

(a) Waste audits for local businesses,.

(b) Assistance to local communities in setting up recycling or yard waste composting programs,.

(c) Marketing collected materials, ~~and~~.

(d) Workshops, conferences, and seminars.

(5) Strategies for the proper management of both of the following:

(a) Scrap tires. Strategies for the management of scrap tires may include, but are not limited to [the following](#):

(i) Estimates of the amount of tires that were generated in the solid waste management district and the amount of these tires recycled,.

(ii) Educational activities pertaining to the proper management of scrap tires and prevention of illegal tire dumps, ~~and~~.

(iii) A listing of the legal scrap tire recycling and disposal opportunities that exist within the boundaries of the solid waste management district, including their hours of operation.

[Comment: Division (A)(4) of section 3734.53 of the Revised Code states that a solid waste management plan shall include an inventory of open dump sites for solid wastes. This inventory should include tire dump sites.]

- (b) Household hazardous wastes. Strategies for the management of household hazardous wastes may include, but are not limited to [the following](#):
 - (i) Education and awareness programs;
 - (ii) The operation of a household hazardous waste hotline;
 - (iii) Technical assistance activities, ~~and~~;
 - (iv) Programs and activities that collect household hazardous waste for proper reuse, recycling, ~~and/or~~ disposal.

(6) A list of all [of the following](#):

- (a) Areas in division (C) of section 3734.53 of the Revised Code that the solid waste management district authorizes adoption of rules during the time period covered by the solid waste management plan ~~and~~.
- (b) Rules that are already in effect within the solid waste management district and the dates when they were adopted.

~~[Comment: In addition to the requirements established in paragraph (D) of this rule, solid waste management districts are encouraged to include in their solid waste management plans, market development activities to promote the use of recycled products and to develop local markets for recovered materials. A market development strategy is not a mandatory element of the plan. For additional discussion of potential market development activities, see Chapter IX of the 1995 "State Solid Waste Management Plan."]~~

[\[Comment: In addition to the requirements established in paragraph \(D\) of this rule, solid waste management districts are encouraged to include in the solid waste management plans and market development activities to promote the use of recycled products and to develop local markets for recovered materials. A market development strategy is not a mandatory element of the plan. For additional discussion of potential market development activities, see Chapter IX of the 1995 "State Solid Waste Management Plan."\]](#)

- (E) The solid waste management plan shall demonstrate compliance with either paragraph (E)(1) or (E)(2) [and paragraph \(E\)\(3\)](#) of this rule. ~~In the event that the solid waste management district cannot demonstrate compliance with either paragraph (E)(1) or (E)(2) of this rule in its solid waste management plan, then the~~

~~solid waste management plan shall demonstrate compliance with paragraph (E)(3) of this rule.~~

[Comment: Although solid waste management districts have the option of demonstrating that their solid waste management plans are in compliance with either paragraph (E)(1) or (E)(2) of this rule, complying with both paragraphs should be the intent. Solid waste management districts may rely on private entities to comply with paragraphs (E)(1) ~~and/or~~ (E)(2) of this rule. Solid waste management districts are not required to directly provide services in order to comply with either paragraph (E)(1) or (E)(2) of this rule. ~~Paragraph (E)(3) of this rule is to be used by a solid waste management district that cannot demonstrate that its solid waste management plan complies with either paragraph (E)(1) or (E)(2) of this rule. A solid waste management district should not attempt to demonstrate compliance with paragraph (E)(3) of this rule until the solid waste management district, through its solid waste management plan, has demonstrated that it cannot comply with paragraphs (E)(1) and (E)(2) of this rule.~~]

(1) The solid waste management district shall, through its solid waste management plan provide strategies to ensure the availability of programs and activities to reduce, reuse, and recycle district-generated municipal solid waste, ~~and/or~~ ensure the availability of other methods of managing solid waste that are alternatives to landfilling. To obtain Ohio EPA approval under this paragraph, the plan shall demonstrate ~~that~~the following:

(a) The solid waste reduction, reuse, ~~and/or~~ recycling programs, activities, ~~and/or~~ other methods of managing solid waste that are alternatives to landfilling, ~~that are~~ in existence or scheduled in the solid waste management district's solid waste management plan to be implemented ~~by the year 2000~~not later than the end of the third year of the planning period established in accordance with paragraph (B)(1) of this rule, will be available to the residential and ~~commercial/institutional~~commercial or institutional sectors for a minimum of seven of the following eleven materials:

- (i) Corrugated cardboard~~;~~
- (ii) Office papers~~;~~
- (iii) Newspapers~~;~~
- (iv) Beverage and food containers made of glass~~;~~
- (v) Beverage and food containers made of steel~~;~~

- (vi) Beverage and other containers made of aluminum~~;~~.
- (vii) Plastic containers~~;~~.
- (viii) Wood packaging and pallets~~;~~.
- (ix) Lead acid batteries~~;~~.
- (x) Yard waste~~,~~ ~~and~~.
- (xi) Major appliances. These are also known as white goods. This category includes~~;~~ but is not limited to~~;~~ clothes washing machines and dryers, refrigerators, and water heaters. Small appliances such as toasters and hair dryers are not included in this category.

~~The solid waste management plan shall designate the seven materials that will be used to demonstrate compliance with this paragraph.~~

The solid waste management plan shall designate the seven materials that will be used to demonstrate compliance with this paragraph.

- (b) Residential solid waste generators have access to solid waste reduction, reuse, ~~and/or~~ recycling programs, activities, ~~and/or~~ other methods of managing solid waste that are alternatives to landfilling, that are in existence or scheduled in the solid waste management district's solid waste management plan to be implemented ~~by the year 2000,~~ not later than the end of the third year of the planning period established in accordance with paragraph (B)(1) of this rule for at least four of the seven materials designated by the district as required by paragraph (E)(1)(a) of this rule. These four materials will be used to demonstrate access for the residential sector.

For the purposes of this rule, residential sector access to solid waste reduction and recycling opportunities is defined as the presence of waste reduction, reuse ~~and/or~~ recycling services or opportunities, ~~and/or~~ other methods of managing solid waste that are alternatives to landfilling. Services or opportunities may include~~;~~ but are not limited to~~;~~ subscription curbside recycling, non-subscription curbside recycling, drop-off recycling, centralized materials recovery facility, or any combination of these.

For the purpose of determining if residential solid waste generators

have access to solid waste reduction and recycling opportunities, the solid waste management district shall be divided into service areas. Each county within the district will be a separate service area, including all the incorporated and unincorporated areas in the county. Districts may, however, establish smaller service areas as long as the entire district is included in a service area. The district shall ensure that each residential sector service area in the district has access by demonstrating ~~that~~the following:

- (i) ~~Four of the seven materials designated in accordance with paragraph (E)(1)(a) of this rule are reduced, reused, recycled, or managed by other solid waste management methods that are alternatives to landfilling, by solid waste management entities that provide opportunities or service the residential sector, and~~All solid waste reduction and recycling activities used to demonstrate compliance with paragraph (E)(1) of this rule for the residential sector collect four of the seven materials designated in accordance with paragraph (E)(1)(a) of this rule.
- (ii) A minimum of ninety per cent of the population of the service area has access. Determining the percentage of the population which has access to services depends upon the type of service or opportunity being provided. To calculate the percentage of the population that has access to reduction, reuse, and recycling programs, or other methods of managing solid waste that are alternatives to landfilling, the solid waste management district will add the population with access to the various recycling opportunities described in paragraphs (E)(1)(b)(ii)(a) to (E)(1)(b)(ii)(e) of this rule, divide by the total population of the service area, and multiply by one hundred.

[Comment: it is possible to calculate access over one hundred per cent in some situations. If the access provided by the combination of programs described in paragraphs (E)(1)(b)(ii)(a) to (E)(1)(b)(ii)(e) of this rule results in an access number greater than the population of the service area, the solid waste management district should make the total access estimate equal to the population. By making this adjustment, the final access percentage should never exceed one hundred per cent.]

The population which can be credited for each type of opportunity is as follows:

- (a) Subscription curbside recycling. For the purposes of this rule,

subscription curbside recycling is defined as curbside recycling programs that handle the four materials used to demonstrate access and are offered to individual households who voluntarily determine whether to participate in the program and pay a separate bill for this service. Access for subscription curbside recycling is determined by the number of households that have the opportunity to subscribe to curbside recycling collection, as a result of existing haulers in the service area that offer subscription curbside recycling, multiplied by twenty-five per cent. This figure is then multiplied by 2.6 residents per household to determine the number of residents that have access to subscription curbside recycling. If the solid waste management district can demonstrate greater access through the actual number of subscriptions, participation, or tons of recyclables recovered, the access contribution from these curbside programs may be increased.

(b) Non-subscription curbside recycling. For the purposes of this rule, non-subscription curbside recycling is defined as curbside recycling programs that handle the four materials used to demonstrate access and are contracted and the service paid by a political jurisdiction, or programs in which the resident does not pay separately for curbside collection, or in which residential payment for curbside recycling services is not voluntary. Assume all households provided non-subscription curbside recycling service within the political jurisdiction have access. Multiply the number of households in the political jurisdiction by 2.6 residents per household to determine the number of residents that have access to non-subscription curbside recycling.

(c) Full-service drop-off recycling. For the purposes of this rule, full-service drop-off recycling is defined as a drop-off site that is open to the public at least forty hours per week and handles the four materials designated by the solid waste management district to meet the access standard in accordance with paragraph (E)(1)(a) of this rule.

[Comment: The solid waste advisory council recommends that drop-off recycling opportunities be open to the public on at least some evenings and weekends, not just from nine a.m. to five p.m. on weekdays, as a convenience to users.]

For the purposes of this rule, a rural area is defined as any

municipality or township consisting of less than five thousand in population, while an urban area is any municipality or township equal to or greater than five thousand in population.

A full-service drop-off located in an urban area should be given access credit of five thousand persons. For full-service drop-offs in an urban area which are exclusively available for, or used by, residents of a specific city, village or township, access credit should be equal to the population of the jurisdiction, or five thousand, whichever value is lower. If the solid waste management district can demonstrate greater access based upon the actual number of tons of recyclables recovered, the access contribution from the full-service drop-off may be increased.

A full-service drop-off located in a rural area should be given access credit of two thousand five hundred persons. For full-service drop-offs in a rural area which are exclusively available for, or used by, residents of a specific city, village or township, access credit should be equal to the population of the jurisdiction, or two thousand five hundred, whichever value is lower. If the solid waste management district can demonstrate greater access based upon the actual number of tons of recyclables recovered, the access contribution from the full-service drop-off may be increased.

- (d) Part-time drop-off recycling. For the purposes of this rule, part-time drop-offs are drop-off sites that are available less than forty hours per week or accept less than the four designated materials.

Assume two thousand five hundred persons served, or have access, per drop-off, if the four materials designated to demonstrate access are handled and the drop-off is available to the public at least once per month at a regularly-scheduled time. The solid waste management district may combine drop-off sites which handle less than the four designated materials to get credit for one part-time drop-off. For the purposes of this rule, yard waste composting facilities can be credited as a part-time drop-off accepting one material. Buyback centers and other types of drop-off recycling opportunities should all be considered full-service or part-time drop-offs, depending upon the

hours available, and the number of designated materials handled. For drop-offs which are exclusively available for, or used by, residents of a specific city, village or township, access credit should be equal to the population of the jurisdiction, or two thousand five hundred, whichever value is lower. If the solid waste management district can demonstrate greater access based upon the actual number of tons of recyclables recovered, the access contribution from the part-time drop-off may be increased.

(e) Material recovery facility, or MRF. For the purposes of this rule, a MRF is a solid waste facility that receives mixed municipal solid waste for separation into recyclable materials for recovery, and waste to be disposed. To receive credit for access to a MRF, the four materials designated by the solid waste management district to demonstrate compliance in accordance with paragraph (E)(1)(b) of this rule must be recovered by the MRF. Access to a MRF is calculated as follows:

(i) Assume that each person whose mixed solid waste is taken to a MRF has access, provided that the MRF has an overall recovery rate of recyclables of at least fifteen per cent.

(ii) A MRF that has an overall recovery rate of less than fifteen per cent will receive partial credit for access.

[Comment: For a discussion on how to calculate partial credit for access to a MRF that has a recovery rate of less than fifteen per cent, see the most current version of the "District Solid Waste Management Plan Format" as provided by Ohio EPA.]

(c) Residential solid waste generators participate in reduction, reuse, ~~and/or~~ recycling programs and activities ~~and/or~~ other solid waste management programs and activities that are alternatives to landfilling, that are in existence or scheduled in the solid waste management plan to be implemented ~~by the year 2000~~ not later than the end of the third year of the planning period established in accordance with paragraph (B)(1) of this rule. Solid waste management districts shall meet the participation standard by complying with paragraphs (E)(1)(c)(i) and (E)(1)(c)(ii) of this rule.

(i) The solid waste management plan shall demonstrate that education and awareness strategies are in place for each waste reduction, reuse, and recycling program and activity, and other solid waste management methods that are alternatives to landfilling, that are used to meet the access standards. The education and awareness strategies described in the plan shall include; but are not limited to; information on [the following](#):

(a) Target audiences;

(b) Entity who will implement each strategy;

(c) Measurement method to be used for tracking success of education efforts;

(d) ~~Mechanism(s)~~[Mechanisms](#) used to reinforce the educational message; ~~and~~;

(e) Method of information delivery; including but not limited to; a description of how the solid waste management district will ensure residents are provided:

(i) Instructions for using recycling opportunities, including information such as how to prepare materials for recycling, the location of drop-off sites, hours and days of operation of drop-off sites, and curbside pickup schedule; ~~and~~;

(ii) An inventory of all recycling opportunities available in the solid waste management district that is updated annually and communicated to residents regularly.

(ii) If the solid waste management plan does not currently have a strategy in place for promoting financial incentives that encourage increased recycling ~~and/or~~[or](#) waste reduction, then the district shall evaluate the feasibility of developing and implementing both of the following:

(a) Financial incentives. The financial incentives should be designed to increase participation in the waste reduction and recycling programs and activities that are used to

demonstrate access. Options for financial incentives may include mechanisms that increase the relative cost of disposal, such as volume-based collection rates, or reduce the cost of recycling, such as drop-offs that are made more convenient by locating them closer to residents, curbside recycling replacing drop-off service, or rebates to residents who recycle. ~~[Comment: It is unlikely that the use of subsidies or grants to enlarge the size of a recycling center or purchase additional equipment will lead to increases in the participation rate of residents.]~~

[Comment: It is unlikely that the use of subsidies or grants to enlarge the size of a recycling center or purchase additional equipment will lead to increases in the participation rate of residents.]

(b) Programs to educate the following:

- (i) Residents and political jurisdictions regarding the advantages of financial incentives designed to increase participation in waste reduction programs and activities, and the steps for implementing the financial incentives, ~~and~~.
 - (ii) Haulers regarding the advantages of volume-based collection and encourage them to offer this service.
- (d) ~~Commercial/institutional~~Commercial or institutional solid waste generators have access to solid waste reduction, reuse, ~~and/or~~or recycling programs, activities, ~~and/or~~or other methods of managing solid waste that are alternatives to landfilling, that are in existence or scheduled in the solid waste management district's solid waste management plan to be implemented ~~by the year 2000~~not later than the end of the third year of the planning period established in accordance with paragraph (B)(1) of this rule. The ~~commercial/institutional~~commercial or institutional sector includes, but is not limited to, all retail and wholesale businesses, schools, banks, government office buildings, and prisons. For the purposes of this rule, access for the ~~commercial/institutional~~commercial or institutional sector is defined as the presence of waste reduction, reuse, recycling services ~~and/or~~or opportunities, ~~and/or~~or other methods of managing solid waste that are alternatives to landfilling.

For the purpose of determining if ~~commercial/institutional~~commercial

or institutional solid waste generators have access, the solid waste management district shall be divided into service areas. Each county within the district should be a separate service area and should include all the incorporated and unincorporated areas in the county. Districts may, however, establish smaller service areas as long as the entire district is included in a service area. The district shall ensure that each ~~commercial/institutional~~commercial or institutional sector service area in the district has access by demonstrating ~~that~~the following:

- (i) Four of the seven materials designated by the solid waste management district in accordance with paragraph (E)(1)(a) of this rule are recycled by entities that are used by the district to demonstrate access to the ~~commercial/institutional~~commercial or institutional sector~~;~~.
- (ii) Only one of the four materials referred to in paragraph (E)(1)(d)(i) of this rule may duplicate a material used to demonstrate access for the residential sector in accordance with paragraph (E)(1)(b)(i) of this rule~~, and~~.
- (iii) At least one of the following collection options is available to ~~commercial/institutional~~commercial or institutional solid waste generators for each service area:
 - (a) A drop-off or buyback center~~;~~.
 - (b) Haulers that will pick up recyclables for a fee or at no charge offer service within the service area~~;~~.
 - (c) A MRF that accepts ~~commercial/institutional~~commercial or institutional sector waste and recovers recyclables from this waste serves the service area~~, or~~.
 - (d) Other methods as described by the solid waste management district and approved by the director.
- (e) ~~Commercial/institutional~~Commercial or institutional solid waste generators participate in reduction, reuse, ~~and/or~~ recycling programs and activities ~~and/or~~ other solid waste management programs and activities that are alternatives to landfilling, that are in place or scheduled in the solid waste management plan to be implemented ~~by the year 2000~~not later than the end of the third year of the planning period established in accordance with paragraph (B)(1) of this rule.

Solid waste management districts shall meet the participation standard by complying with paragraphs (E)(1)(c)(i) and (E)(1)(c)(ii) of this rule for the ~~commercial/institutional~~commercial or institutional sector.

- (f) A solid waste management ~~districts~~district relying on incineration ~~and/or~~or municipal solid waste composting for managing more than fifty per cent of its solid waste shall have waste reduction, reuse, ~~and/or~~or recycling programs, or other methods for managing solid waste that are alternatives to landfilling, in place or scheduled in the solid waste management plan to be implemented ~~by the year 2000~~ not later than the end of the third year of the planning period established in accordance with paragraph (B)(1) of this rule for a minimum of three non-combustible ~~and/or~~or non-compostable materials out of the seven materials designated by the district, in accordance with paragraph (E)(1)(a) of this rule.
- (g) If a solid waste management district determines that it will be unable to reduce and recycle at least twenty-five per cent of its municipal solid waste stream ~~by the year 2000~~ not later than the end of the third year of the planning period established in accordance with paragraph (B)(1) of this rule, calculated in accordance with paragraph (E)(2)(a) of this rule, even after demonstrating compliance with paragraphs (E)(1)(a) to (E)(1)(f) of this rule, the district shall set a target reduction and recycling percentage. The target established by the district shall be higher than the most recent solid waste management plan's reference year municipal solid waste reduction and recycling percentage rate. The district shall incorporate strategies into its plan that will allow it to meet this target ~~by the year 2000~~ not later than the end of the third year of the planning period established in accordance with paragraph (B)(1) of this rule.
- (h) If a solid waste management district determines that it will be unable to reduce and recycle at least fifty per cent of its industrial solid waste stream ~~by the year 2000~~ not later than the end of the third year of the planning period established in accordance with paragraph (B)(1) of this rule, calculated in accordance with paragraph (E)(2)(b) of this rule, the district shall set a target reduction and recycling percentage. To demonstrate that the district cannot meet the fifty ~~percent~~per cent industrial waste reduction and recycling rate, the district shall document the composition of the waste stream generated by industries and explain the difficulty in reducing and recycling these materials in greater quantity. The target established by the district shall be higher than the most recent solid waste management plan's reference year industrial solid waste reduction and recycling percentage rate. The district shall

incorporate strategies into its plan that will allow it to meet this target ~~by the year 2000~~not later than the end of the third year of the planning period established in accordance with paragraph (B)(1) of this rule.

(2) The solid waste management district shall demonstrate that existing ~~and/or~~ new solid waste reduction, reuse, and recycling programs and activities, and other solid waste management methods that are alternatives to landfilling that are implemented in order to comply with paragraphs (D) and (E) of this rule will do the following:

(a) ~~Will reduce~~Reduce ~~and/or~~ recycle at least twenty-five per cent of the municipal solid wastes generated ~~by the year 2000~~not later than the end of the third year of the planning period established in accordance with paragraph (B)(1) of this rule. This twenty-five per cent goal differs from the twenty-five per cent goal established in the 1989 "State Solid Waste management Plan" in that the following are now creditable toward the goal:

(i) Documented recycling of yard wastes at centralized composting facilities or other operations such as land application and Christmas tree chipping~~;~~.

(ii) Recycled motor oil collected from persons who change their own motor oil~~;~~.

(iii) Household hazardous wastes which are recycled~~, and~~.

(iv) Scrap tires that are recycled or beneficially used.

(b) ~~Will reduce~~Reduce ~~and/or~~ recycle at least fifty per cent of the industrial solid wastes generated ~~by the year 2000~~not later than the end of the third year of the planning period established in accordance with paragraph (B)(1) of this rule. The following materials cannot be credited toward the solid waste management district's municipal or industrial source reduction and recycling percentage:

(i) Train boxcars~~;~~.

(ii) Ferrous metals from motor vehicle salvage operations conducted by licensed motor vehicle salvage dealers~~, and~~.

(iii) Metals from demolition activities.

[Comment: In calculating this percentage, solid waste management districts may now credit materials which were initially recycled or reduced by programs that began prior to January 1985.]

- (c) ~~Shall include~~Include solid waste reduction, reuse, or recycling programs and activities, or other alternative methods for managing solid waste that are alternatives to landfilling, ~~by the year 2000~~not later than the end of the third year of the planning period established in accordance with paragraph (B)(1) of this rule for a minimum of three of the following materials if the solid waste management district relies on incineration ~~and/or~~ municipal solid waste composting for managing more than fifty per cent of its solid waste:
- (i) Beverage and food containers made of glass~~;~~
 - (ii) Beverage and food containers made of steel~~;~~
 - (iii) Beverage and other containers made of aluminum~~;~~
 - (iv) Lead-acid batteries~~, and/or~~
 - (v) Major appliances. These are also known as white goods. This category includes~~;~~ but is not limited to~~;~~ clothes washing machines and driers, refrigerators, and water heaters. Small appliances such as toasters and hair driers are not included in this category.
- (3) A solid waste management district ~~that is unable, through its solid waste management plan, to demonstrate compliance with the goal contained in paragraph (E)(1) of this rule or with the goal contained in paragraph (E)(2) of this rule~~ shall ~~do all of the following:~~provide a schedule, in the solid waste management plan for achieving compliance with the requirements of paragraph (E)(1) or (E)(2) of this rule. This schedule shall do the following:
- ~~(a) Include narrative in the solid waste management plan that completely describes the impediments to meeting the goals contained in paragraphs (E)(1) and (E)(2) of this rule. This narrative shall, at a minimum, contain all of the following:~~
 - ~~(i) A calculation of the percentage of the residential population that has access to recycling opportunities in the year 2000. This calculation must be completed pursuant to paragraph (E)(1) of this rule;~~

- ~~(ii) A calculation of the percentages of residential/commercial solid waste and industrial solid waste generated within the solid waste management district that were reduced/recycled in the year 2000. This calculation must be made in accordance with paragraph (E)(2) of this rule;~~
- ~~(iii) A complete description of the impediment(s) preventing the solid waste management district from meeting the requirements of paragraph (E)(1) of this rule, along with an explanation regarding how these impediments are preventing the solid waste management district from meeting the requirements of paragraph (E)(1) of this rule, and~~
- ~~(iv) A complete description of the impediment(s) preventing the solid waste management district from meeting the requirements of paragraph (E)(2) of this rule, along with an explanation regarding how these impediments are preventing the solid waste management district from meeting the requirements of paragraph (E)(2) of this rule.~~
- ~~(b) Develop aggressive remedies within the solid waste management plan that will allow the solid waste management district to overcome the impediments described in paragraphs (E)(3)(a)(iii) and (E)(3)(a)(iv) of this rule. These remedies shall:
 - ~~(i) Be fully described in the solid waste management plan, and~~
 - ~~(ii) Be included as part of the solid waste management district's implementation schedule required pursuant to section 3734.53(A)(13) of the Revised Code.~~

~~{Comment: Ohio EPA expects that the solid waste management district will, at a minimum, implement new strategies, make changes to existing strategies, and/or escalate implementation of planned future strategies in an effort to provide aggressive remedies.}~~~~
- ~~(c) Provide a schedule, in the solid waste management plan for achieving compliance with the requirements of paragraph (E)(1) and/or (E)(2) of this rule. This schedule must:~~
- ~~(a) Demonstrate that the solid waste management district will achieve compliance with the requirements of either paragraph (E)(1) or (E)(2) of this rule by not later than the end of the third year of the planning period established pursuant to paragraph (B)(1) of this rule.~~

~~(a)~~(i) If the solid waste management district chooses in its solid waste management plan to demonstrate compliance with the requirements of paragraph (E)(1) of this rule, then the solid waste management plan ~~must present~~shall include the following:

~~(i)~~(a) The percentage of the solid waste management district's residential population that will have access to recycling opportunities in the year selected in accordance with paragraph ~~(E)(3)(e)(ii)~~(E)(3)(b) of this rule. The calculation of the population with access to recycling opportunities must be made in accordance with paragraph (E)(1) of this rule.

~~(ii)~~(b) Target reduction and recycling percentages for both the municipal and industrial waste streams for the year selected in accordance with paragraph ~~(E)(3)(e)(ii)~~(E)(3)(b) of this rule. These targets shall be higher than the waste reduction and recycling percentages reported for the reference year. The district shall incorporate strategies into its plan that will allow it to meet this target by the year selected in accordance with paragraph ~~(E)(3)(e)(ii)~~(E)(3)(b) of this rule, ~~and~~.

~~(b)~~(ii) If the solid waste management district chooses, in ~~its~~the solid waste management plan, to demonstrate compliance with the requirements of paragraph (E)(2) of this rule, then the solid waste management plan must demonstrate, for the year selected in accordance with paragraph ~~(E)(3)(e)(ii)~~(E)(3)(b) of this rule, that the solid waste management district will reduce ~~and/or~~or recycle at least twenty-five ~~percent~~per cent of its municipal solid waste stream and at least fifty ~~percent~~per cent of its industrial solid waste stream. This demonstration must include calculations for the ~~reduction/recycling~~reduction or recycling rates for both the ~~residential/commercial~~residential or commercial and industrial sectors. The calculations of the recycling rates must be made in accordance with paragraph (E)(2) of this rule.

~~(ii)~~(b) Clearly state which year of the planning period established pursuant to paragraph (B)(1) of this rule the solid waste management district will achieve compliance with the requirements of paragraph (E)(1) ~~and/or~~or (E)(2).

[Comment: Ohio EPA will expect solid waste management districts

~~invoking the provisions of paragraph (E)(3) of this rule~~ to demonstrate compliance with either paragraph (E)(1) or (E)(2) of this rule in the first, second, or third year of the planning period established pursuant to paragraph (B)(1) of this rule. ~~Each solid waste management district's situation will be evaluated on a case-by-case basis. It is expected~~[Ohio EPA expects](#) that each solid waste management district will make every effort to come into compliance as quickly as possible. Thus, it is expected that some solid waste management districts will be able to demonstrate compliance in less than three years. All solid waste management districts will be expected to demonstrate compliance ~~no~~[not](#) later than by the end of the third year of the planning period established pursuant to paragraph (B)(1) of this rule.]

- (F) Each solid waste management district shall submit an annual district report on a form prescribed by the director not later than the first day of June each year. Information in the report shall be based on the previous calendar year. This report will evaluate the solid waste management district's implementation of the strategies, programs, and activities listed in the implementation schedule of its approved solid waste management plan and the progress made toward the waste reduction and recycling requirements established in paragraphs (E)(1) and (E)(2) of this rule. The annual district report shall include [the following](#):
- (1) A detailed report on the status of the ongoing, new, and proposed facilities, strategies, programs, and activities listed in the implementation schedule of the solid waste management district's approved solid waste management plan~~;~~.
 - (2) An inventory of the solid waste management methods that are available in the solid waste management district as alternatives to landfilling, such as reducing, recycling, and composting, and the types and quantities of municipal solid waste, yard waste, and industrial waste managed by these methods during the year~~;~~.
 - (3) A description of waste reduction and recycling activities that occurred during the year and the amount reduced and recycled~~;~~.
 - (4) Quantities of waste generated in the solid waste management district that were disposed at out-of-state landfills~~;~~.
 - (5) Copies of revisions, additions, ~~and/or~~[and/or](#) rescissions of the solid waste management district's rules adopted under division (G) of section 343.01 of the Revised Code~~;~~.

- (6) An inventory of municipalities and townships that levy a host community fee under division (C) of section 3734.57 of the Revised Code and the amounts collected in accordance with this fee~~;~~.
- (7) A report on the results of the solid waste management district's household hazardous wastes strategies, programs, and activities, including the types and quantities of household hazardous wastes collected and recycled or properly disposed, and an evaluation of the effectiveness of the district's household hazardous waste program~~, and~~.
- (8) An update on the implementation of the solid waste management district's scrap tire strategies, programs, and activities.