



OHIO CONSENT TO JURISDICTION/SERVICE OF PROCESS AND SUBPOENAS GENERAL INFORMATION AND INSTRUCTIONS

I. GENERAL INFORMATION

A. GENERAL REQUIREMENTS

Section 3734.131 of the Ohio Revised Code (O.R.C.) provides that no person shall transport or cause to be transported solid waste to a solid waste facility in the State of Ohio unless certain persons involved with the waste irrevocably consent to the jurisdiction of Ohio courts and to service of process in Ohio. The term "person" is defined in Section 1.59 (C) of the O.R.C. as either "an individual, corporation, business trust, estate, trust, partnership, and association." Section 3734.131 of the O.R.C. has been reprinted on the reverse side of the form.

B. EXEMPTIONS

The Consent to Service form is not required if:

1. the person is a U.S. Government Agency;
2. the wastes are not solid wastes, as defined by Ohio law;
3. all wastes in a shipment are household wastes generated by residences within 10 miles of Ohio's borders; or,
4. the wastes are only being transported through the state without being removed from the original transport vehicle/vessel.

II. INSTRUCTIONS FOR COMPLETING THE FORM

Please read the entire form and the instructions carefully. All entries must be typed or legibly printed in ink.

A. 1. **Drivers and Individuals:** This section is not required to be completed.

2. **All Others:** Type or print the name of the business and the business address.

B. 1. **Drivers and Individuals:** Type or print the name and home address.

2. **All Others:** Type or print the name and the business address of the individual who has the authority to give consent. This may include the following:

- a. a corporate officer of a corporation;
- b. a partner in a partnership;
- c. the sole proprietor of a sole proprietorship;
- d. any member of management of the business; or,
- e. any other person who has permission by any of the above to give consent on behalf of the respective business.

C. 1. **Drivers and Individuals:** Initial or check "individual."

2. **All Others:** Initial or check the appropriate space that applies to the business listed in Section A.

(over)

- D. 1. **Drivers:** Initial or check "...transports the solid waste."
- 2. **Individuals and All Others:** Initial or check the appropriate space(s) that is applicable.
- E. 1. **Everyone:** The name of the individual that is listed in Section B of the form must sign and date the signature space.
- 2. **Everyone:** The witness must sign and date the signature of witness space and then type or legibly print his/her name below that signature as indicated. Anybody except the individual whose name appears in Section B can be a witness.

III. WHERE TO SEND THE FORM

Send the original signed form to the Ohio EPA at the following address:

Lazarus Government Center
Ohio EPA
Division of Solid and Infectious Waste Management
Attention: Greg Nichols
P.O. Box 1049
Columbus, Ohio 43215-1049

Send a copy of that original form to each location where the solid wastes will be disposed of, either as their final destination, or as a transfer or other intermediate point prior to their final destination.

IV. WHEN TO SEND THE FORM

The original and all copies must be sent at least three (3) days prior to the first shipment of solid waste to any location that is required to receive the form. All subsequent shipments after the initial shipment will be covered under that first filing. All original forms received by the Ohio EPA are subject to a completeness review. Renewal of the Consent-to-Service forms is required every four (4) years.



OHIO ENVIRONMENTAL PROTECTION AGENCY
Division of Solid and Infectious Waste Management

OHIO CONSENT TO JURISDICTION/SERVICE OF PROCESS AND SUBPOENAS

A. In accordance with the requirements of Section 3734.131 of the Ohio Revised Code, which is reprinted in its entirety on the reverse, and on behalf of the person fully described in Parts C and D, hereof, and known as:

Name of Business Entity (corporation or transporter): _____
(Print or Type)

Business Address: _____

City, State, Zip: _____

B. I, Name of Individual (driver): _____ (Title) _____
(Print or Type)

Address: _____

City, State, Zip: _____

hereby irrevocably consent to jurisdiction of the State of Ohio for all purposes required by Section 3734.131 of the Ohio Revised Code in any legal or judicial proceeding arising out of or relating to solid waste that is transported to a facility in this State.

C. the person on whose behalf I am executing this consent is a(n): [Please check the appropriate space]

- _____ myself, as an individual;
- _____ sole proprietorship;
- _____ partnership, firm, or association;
- _____ foreign (non-Ohio) corporation incorporated under the laws of the State of _____;
- _____ other (please specify): _____.

D. The person on whose behalf I am executing this form is: [Please check the appropriate space(s)]

- _____ The individual who actually transports the solid waste (i.e. the truck driver);
- _____ The business concern who employs the person who actually transports the solid waste (i.e. the employer of the truck driver);
- _____ A person who has contracted with the transporter for transportation of the solid waste to a facility in Ohio;
- _____ A person who has contracted with the owner or operator of the Ohio facility to which the solid wastes will be transported for treatment, transfer, storage, or disposal.

E. Signed: _____ Date: _____

Signature of Witness: _____ Date: _____

Name of Witness: _____
(Print or Type)

Sec. 3734.131. (A)(1) Except as provided in divisions (D)(1) and (2) of this section, no person shall transport any solid wastes from outside this state to a solid waste facility in this state unless that person has first irrevocably consented in writing to the jurisdiction of the courts of this state and service of process in this state, including, without limitation, summonses and subpoenas, for any civil or criminal proceeding arising out of or relating to the wastes that are shipped to a facility in this state.

(2) The original of the consent-to-jurisdiction document shall be legible and shall be filed with the director of environmental protection on a form provided by the director. A legible copy of the completed document shall be filed with the owner or operator of each solid waste facility, to which the wastes are transported. A consent-to-jurisdiction document applies only to shipments into this state of wastes described in division (A)(1) of this section.

(3) All consent-to-jurisdiction documents required under division (A)(1) or (3) of this section shall be filed during the month of December, 1995, and during the month of December of every fourth year thereafter. Except as provided in division (D)(1) of this section, after December 31, 1995, or after the thirty-first day of December of every fourth year thereafter, whichever is applicable, no person shall continue to transport any solid wastes from outside this state to a solid waste facility in this state unless the person refiles with the director and the owner or operator of each facility to which the wastes are transport consent-to-jurisdiction documents, in the manner prescribed in division (A)(2) of this section, during the month of December next preceding the period for which the refiled document is required.

(4) If the address of a person changes from that listed on the current consent-to-jurisdiction document filed under division (A)(1) or (3) of this section, the person shall file amended consent-to-jurisdiction documents containing the new address with the director and the owner or operator of each facility to which the wastes are transported.

(5)(a) Except as provided in division (D)(1) of this section, no person identified in divisions (D)(2)(a) to (d) of this section shall transport any solid wastes from outside this state to a solid waste facility in this state unless the person has first filed a notification and authorization document naming the person's agent who is authorized to accept service of process in this state, including, without limitation, summonses and subpoenas, for any civil or criminal proceeding arising out of or relating to the wastes that are shipped to a facility in this state.

The original of the notification and authorization document shall be legible and shall be filed with the director on a form provided by the director. A legible copy of the completed document shall be filed with the owner or operator of each solid waste facility to which the wastes are transported.

(b) All notification and authorization documents required under division (A)(5) of this section shall be refiled during the month of December, 1995, and during the month of December of every fourth year thereafter. Except as provided in division (D)(1) of this section, after December 31, 1995, or after the thirty-first day of December of every fourth year thereafter, whichever is applicable, no person identified in divisions (D)(2)(a) to (d) of this section shall continue to transport any solid wastes from outside this state to a solid waste facility in this state unless the person refiles with the director and the owner or operator of each facility to which the wastes are transported notification and authorization documents, in the manner prescribed in division (A)(5)(a) of this section, during the month of December next preceding the period for which the refiled document is required.

(c) If a person's agent or the address of a person's agent changes from that listed on the current notification and authorization document filed under division (A)(5)(a) or (b) of this section, the person shall file amended notification and authorization documents containing the name and address of the new agent or the agent's new address with the director and the owner or operator of each facility to which the wastes are transported.

(B) A person who enters this state pursuant to a summons, subpoena, or other form of process authorized by this section is not subject to arrest or the service of process, whether civil or criminal, in connection with other matters that arose before this entrance into this state pursuant to the summons, subpoena, or other form of process authorized by this section.

(C)(1) Except as provided in division (D)(1) of this section, no owner, operator or employee of a solid waste facility shall accept for treatment, transfer, storage or disposal at the facility any solid wastes from outside the boundaries of this state unless the facility has received a copy of the consent-to-jurisdiction document or notification and authorization document required under this section and applicable to the wastes.

(2) The owner or operator of a solid waste facility shall keep the consent-to-jurisdiction documents and the notification and authorization documents filed with him under this section at the facility in such a location and manner that they are readily accessible to the director or his authorized representative, and the board of health having jurisdiction over the facility and its authorized representative, for the purposes of sections 3734.07 and 3734.10 of the Revised Code. (D)(1) Divisions (A), (B), and (C) of this section do not apply to the ten miles outside the boundaries of this state.

(2) Divisions (A)(1) to (4) of this section do not apply to any of the following:

(a) A corporation incorporated under the laws of this state that has appointed a statutory agent pursuant to section 1701.07 of the Revised Code;

(b) A foreign corporation licensed to transact business in this state that has appointed a designated agent pursuant to section 1703.041 of the Revised Code;

(c) A nonresident motor carrier that has designated an agent to section 4919.77 of the revised code;

(d) Any other person who is a resident of this state.