

Tuscarawas County Health Department

Solid Waste Code

Regulations of the Board of Health of the Tuscarawas County
General Health District



Public Health
Prevent. Promote. Protect.

Table of Contents

	Page
Revision Page	2
Section 1: Declaration	3
Section 2: Definitions	3
Section 3: Solid Waste Hauler Permit Requirement	5
Section 4: Vehicle Identification	6
Section 5: Vehicle Operation, Design, Maintenance	7
Section 6: Storage and Disposal of Solid Waste	8
Section 7: Residential Recycling, Scrapping and Composting	9
Section 8: Disposition and Transportation of C&D	10
Section 9: Denial, Revocation, Suspension of Solid Waste Hauler Permit	11
Section 10: Variance	12
Section 11: Exemptions	12
Section 12: Penalty	13
Section 13: Effect of Partial Invalidity	13
Section 14: Repeal	13
Appendix F: Fees	14

Section 1: Declaration

A regulation establishing standards for the storage, transportation, and collection of solid wastes; the disposal and transportation of construction and demolition wastes; and providing for the registration by permit of persons engaging in the collection of transportation of solid waste in order to protect public health, welfare and to prevent unsanitary conditions and nuisances.

By authority of Section 3709.21 of the Ohio Revised Code, be it resolved and ordered by the Board of Health of the Tuscarawas County, Ohio, Health Department as follows:

Cross References:

Ohio Revised Code (ORC): 3707.01; 3709.21; 3714.01(C); 3734.01

Ohio Administrative Code (OAC): 3745-19; 3745-21-01 (C); 3745-27; 3745-400-05

Section 2: Definitions

- (A) Board of Health means the Board of Health of the Tuscarawas County, Ohio, Health Department.
- (B) Clean Hard Fill has the same meaning as in OAC 3745-400-05.
- (C) Collection means the act of collecting solid waste and placing it into a vehicle for transportation to another location.
- (D) Construction and Demolition Waste has the same meaning as in ORC 3714.01(C).
- (E) Disposal has the same meaning as in ORC 3734.01.
- (F) Facility means a site, location, tract of land, installation, or building as defined in 3745-27-01 (C) of the Ohio Administrative Code.
- (G) Hazardous Waste has the same meaning as in ORC 3734.01.
- (H) Health Commissioner means the Health Commissioner of the Tuscarawas County, Ohio, Health Department or authorized representative.
- (I) Open Burning has the same meaning as in ORC 3734.01.
- (J) Open Dumping has the same meaning as in ORC 3734.01.

- (K) Nuisance means anything that is injurious to human health, offensive to the senses, interferes with the comfortable enjoyment of life or property, and affects a community, neighborhood, or any considerable number of persons (although the extent of annoyance or damage inflicted upon individual persons may be unequal).
- (L) Person has the same meaning as in ORC 3734.01.
- (M) Premises means any location, tract of land, area or building where solid wastes are stored, placed or allowed to accumulate.
- (N) Scrap Tire has the same meaning as in ORC 3734.01.
- (O) Site means any geographic location, tract of land, area, building, structure or premises used for stabilization, conversion, transfer, incineration, resource recovery, or burial of solid waste, construction or demolition wastes.
- (P) Solid Waste has the same meaning as in ORC 3734.01.
- (Q) Transportation means the act of conveying solid waste from the location from which it was generated, stored, processed, condensed or treated, to another location.
- (R) Yard Waste means grass clippings, leaves, brush, shrub trimmings, branches, garden waste, tree trunks, holiday trees, tree trimmings, herbaceous waste and other plant waste generated as a result of gardening, landscaping or other similar activities.
- (S) White Good means residential and commercial appliances that are composed primarily of steel and other recyclable metals including, but not limited to, refrigeration equipment, laundry equipment, ranges, furnaces, heating equipment, and water heating devices.

Section 3: Solid Waste Hauler Permit Requirement

- (A) No person shall engage in the collection, removal or the transportation of solid wastes within the Tuscarawas County General Health District until a Solid Waste Hauler Permit is obtained from the Board of Health.
- (B) The Health Commissioner shall issue a Solid Waste Hauler Permit only to those persons having proper equipment and personnel for collection of solid waste and agreeing to comply with all the conditions of issuance or possession of the certificate and otherwise having met the requirements of this regulation.
- (C) Application for a Solid Waste Hauler Permit shall be in writing on a form provided by the Health Commissioner and contain pertinent information as required by the Board of Health. The annual fee for a Solid Waste Hauler Permit shall be determined by the Board of Health and shall accompany the application.
- (D) Each Solid Waste Hauler Permit issued shall expire on May 1 of each year.
- (E) A renewal application for a Solid Waste Hauler Permit shall be submitted in writing accompanied by the annual fee and contain pertinent information as required by the Board of Health, to the Health Commissioner and shall be submitted at least ten (10) days prior the expiration date.
- (F) Every holder of a Solid Waste Hauler Permit shall maintain, and submit to the Board of Health, data and records as may be required for determining compliance to this regulation.
- (G) The issuance of a Solid Waste Hauler Permit does not exempt the holder thereof from securing any other local registrations, permits or licenses as may be required.
- (H) Ownership of a Solid Waste Hauler Permit is not transferable.
- (I) Application for a Solid Waste Hauler Permit from out-of-state haulers must be accompanied by a valid copy of their consent-to-service document.

Section 4: Vehicle Identification

- (A) Each vehicle authorized for use by the issuance of a Solid Waste Hauler Permit shall be in satisfactory mechanical condition and be properly maintained.
- (B) Each vehicle authorized for use by issuance of a Solid Waste Hauler Permit shall be properly identified with an identification marking as furnished by the Board of Health. Said identification shall be affixed in a conspicuous manner as determined by the Health Commissioner.
- (C) For the purpose of establishing the fee, the following shall apply;
 - (i) When the vehicle is a two-part unit, i.e., tractor and trailer, each trailer shall be considered as a single unit and must be properly identified. Said identification shall be affixed in a conspicuous manner as determined by the Health Commissioner.
 - (a) When used to transport solid wastes over public roads, all trailers must be in satisfactory mechanical condition and be attached to vehicles in satisfactory mechanical condition.
 - (ii) Vehicles designed to pick up and transport large, bulk-type containers are considered as a single unit. However, each container shall be considered as part of said vehicle and therefore subject to the provisions of this regulation.
- (D) Vehicle identification may be transferred from one vehicle to another provided that;
 - (i) the original vehicle was taken out of service,
 - (ii) official written notification is submitted to the Board of Health,
 - (iii) the vehicle to which the identification is to be affixed is inspected to confirm that it is in sufficient mechanical condition and meets the requirements of this regulation.

Section 5: Vehicle Operation, Design, and Maintenance

- (A) When solid wastes are collected which have a moisture content of sufficient quantity, or are of consistency that could cause leakage, said waste must be transported in a manner that will not cause leakage onto the ground surface or roadway.
- (B) That portion of the vehicle in which solid waste is contained must be easily cleanable, provided with a suitable cover, and designed in a manner that will not permit the loss of solid waste during transportation.
- (C) The storage or parking of vehicles used to transport solid wastes shall be in the manner that will not cause a nuisance, as referenced in ORC 3707.01.
- (D) All vehicles used to transport solid waste shall be cleaned as often as necessary to prevent odors and insect breeding and shall be maintained in satisfactory repair.
- (E) The Health Commissioner is hereby authorized to inspect vehicles, storage areas and other facilities used in the operation of solid waste collection business at a reasonable time to assure compliance to this regulation.
- (F) The Health Commissioner may determine that vehicles be brought to a central location at a specified time for the purpose of inspection.

Section 6: Storage and Disposal of Solid Waste

- (A) All solid waste not transported or stored for salvage, recycling, or reuse shall be disposed of at an approved, licensed solid waste disposal site unless otherwise approved by the Health Commissioner or the Board of Health.
- (B) No person shall dispose of solid waste by means of open burning or open dumping, as defined in Ohio Administrative Code 3745-19 and 3745-27.
- (C) No person shall store, place, or dispose on his or her premises or the premises of another or permit to accumulate on his or her premises, any solid waste in such a manner whereby it will create a health menace or nuisance condition.
- (D) Solid waste shall be removed from the premises as often as necessary to prevent nuisance conditions, as referenced in ORC 3707.01.
- (E) Owners and/or lessees of commercial and/or industrial premises shall provide an adequate number of refuse storage containers to hold all solid wastes generated between collections. Waste containers shall be durable, cleanable, rodent and insect proof, free of leaks, not absorb liquids, have tight fitting lids, doors, or covers, and be placed on a level, stable surface. Storage containers shall be cleaned as frequently as necessary to prevent the development of a public health nuisance, as referenced in ORC 3707.01.
- (F) The owner of dumpsters and/or industrial/commercial type solid waste storage containers shall be responsible for the maintenance and cleaning thereof.

Section 7: Residential Recycling, Scrapping and Composting

- (A) The collection of any scrap material, including but not limited to metal products, white goods, and plastic products, shall be separated, neatly stacked and stored in containers that meet the requirements of Section 6(E) of this regulation.
- (B) All scrap material shall be stored in such a manner whereby it will not create a health menace or nuisance condition, as referenced in ORC 3707.01.
- (C) All scrap material shall be removed from the premises as often as necessary to prevent nuisance conditions, as referenced in ORC 3707.01.
- (D) All recycled, recovered and/or reprocessed materials shall be stored and/or transported in compliance with all applicable local, state, and federal laws and regulations.
- (E) No person shall engage in the act of composting on or off their premises in a manor contrary to all applicable provisions provided in Section 6 of this code.

Section 8: Disposition and Transportations of Construction and Demolition Debris

- (A) Sites used to dispose of construction and demotion wastes, including clean hard fill, must be approved by the Health Commissioner, County Commissioners, Regional Planning and any local authorities having jurisdiction over the location of said site. In the event of a disaster or other catastrophic condition, the Health Commissioner may approve a site for the temporary disposal of construction and demolition waste and other materials not inimical to public health.
- (B) Sites used to dispose of construction and demolition wastes shall be operated in a manner that will not cause a nuisance, as referenced in ORC 3707.01.
- (C) The use of construction or demolition waste disposal sites must be limited to construction and/or demolition wastes only. All necessary provisions shall be made to exclude other solid waste material.
- (D) Construction and demolition wastes shall be transported in a manner that said wastes are not scattered on the roadway or ground surface.
- (E) Sites used to dispose of clean hard fill shall maintain compliance with Ohio Administrative Code 3745-400-05.

**Section 9: Denial, Revocation, or Suspension of Solid Waste Hauler
Permit Appeal**

- (A) Whenever the Health Commissioner determines that there has been a violation of any provision of this regulation, written notice of such violation shall be given to the person or agent of the concern to whom the Solid Waste Hauler Permit was issued. The notice shall state the provisions of this regulation that are violated and shall allow such time to correct the alleged violation as the health Commissioner determines necessary, giving due consideration to the immediacy of the threat to health by reason of the alleged violation. The notice provided herein shall be served to the owner or his agent personally or by certified mail with return receipt requested. Service by certified mail shall be deemed sufficient if mailed to the holder of the Solid Waste Hauler Permit or other person in charge thereof at the address listed in the application for a Solid Waste Hauler Permit.
- (B) The Board of Health, at the recommendations of the Health Commissioner, may deny, revoke or suspend the Solid Waste Hauler Permit of any person to collect or transport solid waste who has demonstrated inability or unwillingness to comply with this regulation.
- (C) Any person whose Solid Waste Hauler Permit is being considered for denial, suspension or revocation, shall be notified by certified mail and may, within then (10) day, make a written request for a hearing before the Board of Health of the Tuscarawas County Health Department. The Board of Health shall grant such a hearing within a reasonable time after request is made.
- (D) Any person whose application for a Solid Waste Hauler Permit has been denied, may make written request for a hearing before the Board of Health of the Tuscarawas County Health Department. The Board of Health shall grant such hearing within a reasonable time after request is made.

Section 10: Variance

- (A) The Board of Health may grant a variance from the requirements of this code, inclusive of this regulation, as will not be contrary to the public interests, where a person shows that because for practical difficulties or other special conditions, their strict application will cause unusual and unnecessary hardships. However, no variance shall be granted that will defeat the spirit and general intent of said regulations or be otherwise contrary to the public interest.

Section 11: Exemptions

- (A) The following are exemptions from Sections 2, 3 and 7;
- (i) The State and political subdivisions not engaging in individual residential or commercial establishment waste collection.
 - (ii) Persons performing the services of a sewage tank cleaner.
 - (iii) Participants in officially organized special clean-up campaigns.
 - (iv) Persons transporting solid waste generated on the premises which they occupy.
 - (v) Persons engaged in interstate and intrastate transporting of solid waste not collected or disposed of within the jurisdiction of the Tuscarawas County, Ohio, Board of Health.
 - (vi) Persons engaged in transportation of construction and/or demolition wastes only;
 - (a) this does not exempt any person engaging in disposal of construction and demolition debris and clean hard fill from the requirements in Section 8 of this code.
 - (vii) Persons engaged in transportation of wastes resulting from a disaster or other catastrophic condition as determined by the Health Commissioner.

Section 12: Penalty

- (A) Any person who violates any provision of this regulation shall upon conviction be subject to the penalties provided in Section 3709.99 of the Ohio Revised Code.

Section 13: Effect of Partial Invalidity

- (A) Should any part of this regulation be declared invalid or unconstitutional for any reason, any remainder of this regulation shall not be affected thereby.

Section 14: Repeal

- (A) Any other regulation or parts thereof, of the Tuscarawas County Health Department, in conflict with the provision of these regulations are hereby repealed.