

THE COMBINED ALLEN COUNTY GENERAL HEALTH DISTRICT
WASTE HANDLING REGULATION

A regulation establishing standards for the handling, storage, collection, transportation, and disposal of solid wastes and materials from construction or demolition operations in order to protect the public health, environment, welfare, and safety of persons and prevent unsanitary conditions and nuisances within the Combined Allen County General Health District.

Authority for adoption: Section 3709.21, Revised Code.

Section 1.0 Definitions

1.1 "Board of Health" means the Board of Health of the Combined Allen County General Health District.

1.2 "Cell" means compacted waste materials in a landfill that are enclosed by cover material.

1.3 "Construction or Demolition materials" means physical substances resulting from construction or demolition operations and includes items normally affixed to a structure such as brick, concrete, stone, glass, wallboard, framing and finish lumber, roofing, plumbing fixtures and piping, wiring, insulation, eaves spouting, heating pipes, and similar items herein listed, but excludes materials whose removal has been required prior to demolition; and also spent nontoxic foundry sand, nontoxic fly ash, slag and other substances that are not harmful or inimical to public health. This definition does not include asbestos or asbestos containing products unless specifically authorized for disposal by rules promulgated by the Director of the Ohio Environmental Protection Agency.

1.4 "Cover material" means earth and other non-putrescible materials having low permeability to water, good compactability and relativity uniform texture.

1.5 "Dispose(d) of or Disposal" means to transfer to the control or another, to get rid of, or systematic destruction of any substance.

1.6 "Facility" means any site, location, tract or land or installation used for transferring or disposing of construction materials; transferring or disposing of solid wastes; or transferring or storing of recyclable materials.

1.7 "Hardfill" means rocks, stones, brick, concrete, earth, and gravel.

1.8 "Health Commissioner" means the Health Commissioner for the Combined Allen County General Health District or his designated agent.

1.9 "Littering" means throwing, dropping, discarding, placing or depositing waste in any public property, or private property not owned by him, or in, or on waters of the states.

1.10 "Nuisance" means any condition arising from the handling, storage, collection, transportation or disposal of wastes or recyclable materials which is injurious to human health or offensive to the senses; interferes with the comfortable enjoyment of life or property; or affects a community, neighborhood, or any considerable number of persons (although the extent of annoyance or damage inflicted upon individual persons may be unequal).

1.11 "Open Burning" means the combustion of any material or substance wherein smoke, gases and other contaminants are emitted directly into the surround air.

1.12 "Open Dumping" means the depositing of waste into waters of the state or onto the surface of the ground at any place other than a licensed solid waste disposal facility or permitted construction or demolition waste disposal facility.

1.13 "Person" means the state, any political subdivision, public or private corporation, individual, partnership or other entity.

1.14 "Premise" means any land, buildings, or structure upon or in which unwanted materials or wastes may be temporarily stored, placed or accumulated.

1.15 "Solid Wastes" as defined in Section 3745-27-01 (S)(23) O.A.C. means such unwanted residual solid or semi-solid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, tires, combustible and noncombustible material, street dirt, and debris. Solid waste does not include any material that is an infectious waste or a hazardous waste.

For the purpose of this definition solid wastes includes bulky items such as automobiles, car parts, furniture, bed springs, appliances, paper, cardboard, barrels, boxes, ashes, rags, carpets, glass jars and bottles, crockery, metal cans or containers, rubber products, tires, mattresses and items similar to those herein listed.

1.16 "Unwanted Material" means a substance generated by an activity, entity, or person who wishes to be rid of said substance.

1.17 "Solid Waste Hauler" means any person who for a consideration collects and transports refuse, garbage or other solid waste materials.

1.18 "District" means the Combined Allen County General Health District

Section 2.0 Premises Maintenance of Waste

2.1 No person shall conduct, permit, or allow the storage or accumulation of recyclable materials, solid wastes or construction or demolition materials on a premise in a manner that causes a nuisance as defined in Section 1.10 of this regulation.

For the purpose of this section food wastes or other organic matter stored for removal from any premise that may decompose and cause foul odors or provide food for insects and animals, shall be maintained in suitable closed containers and in such a manner whereby the contents of the container cannot be easily or casually removed by animals and become scattered about or litter the surrounding surfaces.

For the purpose of this section solid wastes or construction or demolition materials shall not be stored in such a manner whereby harborage for rats or hazard of fire to a structure or premise is eminent.

For the purpose of this section any person using a large, bulk type container (dumpster) to store solid waste for collection and removal from the premises shall maintain the facility in a sanitary manner free from accumulation of putrescible garbage waste, odor, and conditions that propagate flies. Wet garbage shall be drained of liquid and placed in a plastic bag or suitable container before being stored in the bulk container. The lids of the bulk type container shall be closed when in use to prevent undue exposure of the contents to birds, insects, and animals. Adequate facilities for cleaning large bulk type containers must be available at either the location where the container is used for storage or by the person who furnishes and/or collects the waste from the container.

2.2 All unwanted solid wastes shall be disposed of at a licensed solid waste disposal facility.

2.4 Any accumulation of boxes, lumber, scrap metal or similar materials permitted to remain on a premise shall be stored or stacked neatly. If rodents are found to be present, these materials shall be elevated at least eighteen inches above the ground surface, and extermination of said rodents shall be required.

2.50 No person shall engage in the business of solid waste collection for disposal, for compensation, unless they register each solid waste collection vehicle operated within the Combined Allen County General Health District, with the Board of Health. Transporters of infectious solid waste who have obtained a registration certificate from the Ohio Environmental Protection Agency shall be exempt from local registration.

2.51 The Board of Health shall approve registrations to collect solid waste only to persons having proper equipment, as required by this regulation, and who agree to comply with all conditions of said registration.

2.52 Any person intending to collect solid waste within the Combined Allen County General Health District shall make written application for registration on an application form to the Board of Health during the month of September each year. An application form shall be provided by the Board of Health.

2.53 The written application shall include the following:

- (1) Name, address and telephone number of the business
- (2) Name, address and telephone number of the owner(s) and the name of the responsible contact person
- (3) Description of equipment used for collection and transportation
- (4) List places of refuse hauler controlled sites used for salvaging, recycling and overnight truck equipment parking
- (5) Year, make, model and license plate number of each vehicle
- (6) List disposal and/or transfer facilities used including the State and County in which they are located

2.55 The Health Commissioner or his authorized representative shall not be denied or hindered during any solid waste vehicle inspections.

2.56 The Board of Health may deny, revoke or suspend the registration of any person who has demonstrated an unwillingness or inability to comply with any or all of the regulations.

2.57 All vehicles used for the collection and transportation of solid wastes containing garbage shall have enclosed bodies or suitable provisions for covering the body of the vehicle. All vehicles shall be leak proof and of easily cleanable construction and shall be equipped to prevent littering.

2.58 All vehicles used to collect and transport solid waste shall be cleaned as often as necessary to prevent odors and/or harborage of insects or rodents. Said vehicles shall be maintained in satisfactory repair at all times.

2.59 The company or individual's name of the solid waste hauler and business telephone number shall be displayed on the sides of each vehicle.

2.7 No person shall cause, allow, or permit open burning of solid wastes or construction or demolition materials, except as provided in Chapter 3745-19, "Open Burning Standards", Ohio Administrative Code.

Section 3.0 Relief From Personal Liability

3.1 The Health Commissioner or any person charged with the enforcement of any provisions of the Waste Handling Regulation shall not be personally liable while acting for the Board of Health of the Combined Allen County General Health District, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his official duties.

Section 4.0 Penalties

4.1 Any person who violates any provision of this regulation is subject to penalties provided by Section 3709.99 of the Ohio Revised Code.

Section 5.0 Effect of Partial In Validity

5.1 Should any part of this regulation be declared unconstitutional for any reason, the remainder of the regulation shall be affected thereby.

Section 6.0 Repeal of Existing Waste Handling Regulations

6.1 All regulations or parts of regulations in conflict with this regulation are hereby repealed

Section 7.0 Effective Date

7.1 This regulation shall be effective on and after the 1st day of April, 1990 and was adopted this 9th day of February 1990 by the Combined Allen County General Health District Board of Health. Last amended September 1, 2009.