

**OTTAWA-SANDUSKY-SENECA
JOINT SOLID WASTE MANAGEMENT DISTRICT**

Rule 2023-01

Requirement for Approval of Plans and Specifications for the Construction of Solid Waste Facilities.

No person, municipal corporation, township or other political subdivision, shall construct, enlarge, or modify any solid waste transfer, disposal, recycling or resource recovery facility until the general plans and specifications for the proposed improvement have been submitted to and approved by the Board of Directors of the Ottawa-Sandusky-Seneca Joint Solid Waste Management District as complying with District's Solid Waste Management Plan as determined by the Board of Directors pursuant to the siting review procedures and criteria contained in Sections I through VI of this rule.

I. PURPOSE AND OBJECTIVE

The District's siting review criteria and procedure for solid waste facilities ensures that proposals to construct, enlarge or modify a solid waste facility within the District complies with the District's solid waste management plan. The Board shall not approve the general plans and specifications for the proposed construction, enlargement or modification of a solid waste facility unless the Board of Directors finds that the applicant has demonstrated all of the following:

- (1) The construction and operation of the proposed facility will not:
 - a. Have significant adverse impacts upon the Board's ability to finance and implement the District's solid waste management plan;
 - b. Have significant adverse impacts upon the local community and its resources that cannot be eliminated; or
 - c. Adversely affect the quality of life of residences; and
- (2) The proposed facility or expansion will benefit the public and serve the public convenience and necessity.

II. PROCEDURE

A. Submittal of Plans and Specifications

Any person, firm, entity, municipal corporation, township or other political subdivision proposing to construct, enlarge or modify a solid waste facility within the District shall submit general plans and specifications for the proposed facility to the Board of Directors of the Ottawa-Sandusky-Seneca Joint Solid Waste Management District at 1875 E. State Street, Fremont, Ohio 43420. The general plans and specifications shall be submitted to

the Board after the owner or operator of the proposed facility has submitted a complete application for a permit to install the facility to Ohio EPA. 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 (treatment, storage, disposal, transfer, recycling, processing, resource recovery, and legitimate recycling facility as defined by the Ohio Revised Code or Ohio Administrative Code) proposed to be constructed or modified, including: 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")); the materials to be accepted at the solid waste facility (e.g., asbestos, construction and demolition debris, automobile shredder residue, exempt waste (specify type), industrial solid waste; municipal solid waste, residual solid waste, source separated recyclables); a description of the geographic area to be served by the facility; and the anticipated life span and closure date of the facility.
2. **Site Plan Map:** A site plan showing the location, placement, height, and size of all natural and man-made 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, highways, county and township roads; the location and description of public utilities located on the site or within 300 feet of the property boundaries of the site, including water, sewer, gas, electric, and any underground gas, petroleum, or petrochemical pipelines; and the location and nature of development located within 2,500 feet of the property boundaries of the site.
3. **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 or modification and, in the case of a landfill, surface contours (gradients) both at the start of operation and upon final closure.
4. **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, including but not limited to, waste loading and unloading areas, scales, gates, fences, paved and unpaved roadways; 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 present all uses and names of property owners within 2,500 feet of the property lines of the solid waste facility.

5. **Size and Capacity:** The projected size (average daily and monthly tonnage of solid waste and other wastes, Authorized Maximum Daily Waste Receipts and processing capacity) of the proposed 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; the anticipated daily and monthly tonnage of solid waste generated within the District that will be disposed at the proposed facility.
6. **Landscaping:** A landscaping plan showing all proposed temporary and permanent landscaping, fencing, berms, and buffers at the proposed facility.
7. **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.
8. **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.
9. **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 routes to be used when transfer vehicles, direct haul vehicles, rail cars or other modes of transportation either enter the District to deliver solid waste or transport solid waste generated within the District to the solid waste facility or to exit the District after waste is unloaded at the facility. The traffic or transportation plan shall also identify the areas where waste vehicles or rail cars that cannot be promptly unloaded upon arrival will be parked or stored while waiting to be unloaded; the maximum number of waste vehicles and rail cars that will be sitting in the parking or storage area at the same time; identification of the facilities, equipment and procedures that will be utilized to unload rail-delivered waste.
10. **Hours of Operation:** Identification of the proposed solid waste facility's hours of operation including the projected date for commencement of operation.

11. **Anticipated Source of Solid Waste and Recyclable Materials:** (a) identification of the types of commercial, industrial, agricultural, residential and institutional generators of solid waste and other waste materials that are expected to use the solid waste facility and an estimate of the ratio of District-generated solid waste to the total quantity of solid waste and other waste materials that will be disposed, received, treated, stored or processed at the proposed solid waste facility; (b) an estimate of the types and quantity of materials other than municipal solid waste (e.g., construction and demolition debris, contaminated soil, asbestos, automobile shredder residue, and exempt waste) that will be disposed, received, treated, stored, or processed at the proposed solid waste facility; (c) an estimate of the types and quantity of solid waste and other materials that will be delivered to the facility by rail; and (d) 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, and the anticipated amount of residual waste that will be generated.
12. **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.
13. **Other Relevant Information:** Any other information the Applicant considers necessary for the Board of Directors to evaluate in determining whether the proposed solid waste facility complies with each of the criteria specified in these rules. The Board reserves the right to require the Applicant to provide such additional information the Board considers necessary to complete its review.
14. **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 of Directors explaining why, in the Applicant's opinion, the proposal complies with the Plan.

B. Board Review

1. General Procedures

If the Board of Directors finds that (a) the Applicant has submitted a complete permit-to-install application to the Director of Ohio EPA for the proposed solid waste facility, and (b) the Applicant has obtained all required zoning permits and approvals from the local jurisdictions where the facility is proposed to be located, the Board shall notify the Applicant in writing that the siting review process is commencing and the Board will

proceed to determine whether the Applicant has adequately demonstrated that the proposed solid waste facility will be constructed, enlarged, or modified, and operated, in compliance with the procedures and criteria contained herein. The Board may obtain the assistance of the County Sanitary Engineer of Ottawa, Sandusky or Seneca County to assist with the review of the general plans and specifications for the proposed construction, enlargement, or modification. In addition to or in place of the County Sanitary Engineer, the Board may employ such engineers, consultants, and advisors as it deems necessary to assist with the review of the general plans and specifications.

Within sixty days after receiving the general plans and specifications from the Applicant, the Board shall make a determination as to whether the general plans and specifications submitted by the Applicant contain sufficient information for the Board to complete its review of the proposal. If at any time during the review process the Board determines that more information is necessary to complete its review of the proposal, the Board shall notify the Applicant of such request in writing within ten days from the date the Board determines that additional information is required.

Within ninety days after determining the Applicant has submitted a complete set of general plans and specifications, the Board shall determine whether the proposal complies with the District's solid waste management plan based on the criteria in Sections I and II(B)(2)(a) and (b) of this rule. The Board may conduct a townhall or a period for submitting written comments for the purpose of receiving comments from relevant stakeholders and members of the public in order to identify potential impacts and issues of concern regarding the proposed construction or modification. The Board may request information and opinions from other appropriate agencies or experts regarding potential impacts and issues of concern. The Board reserves the right to extend the time for making a final determination regarding the proposed facility by up to thirty days if necessary to obtain additional information requested by the Board during the review process. The Sanitary Engineer, or other consultants, engineers or advisors employed by the Board, if requested by the Board, shall prepare a report summarizing the review. The report may include a recommendation to the Board as to whether the general plans and specifications comply with the solid waste management plan and satisfy the criteria stated herein. The Board shall notify the Applicant of its decision in writing. While the Board has broad discretion regarding the approval of general plans and specifications for a proposed solid waste facility or modification of an existing solid waste facility, it is the intent of this siting review that the Board shall not approve general plans and specifications for a proposed solid waste facility unless the Board determines that the proposed solid waste facility or modification of an existing solid waste facility complies with the solid waste management plan and the criteria stated herein.

2. Facility Evaluation Criteria

- a. The Applicant must demonstrate to the Board that, by clear and convincing evidence, the proposed solid waste facility construction, enlargement or modification:
 - i) Is consistent with the goals, objectives, projections, and strategies contained in the Plan and will be operated in compliance with all OSS District rules.
 - ii) Will not adversely affect the Board's ability to finance and implement the Plan.
 - iii) Will benefit the public and serve the public convenience and necessity considering, but not limited to, the following factors:
 - a. The tonnage of solid waste and other waste materials, (e.g., construction and demolition debris, contaminated soil, asbestos, automobile shredder residue, and exempt waste), regardless of geographic origin, that is likely to be delivered to the facility each day, month, and annually;
 - b. whether there is an existing public need for the services to be provided by the proposed facility;
 - c. the availability and adequacy of alternate waste disposal facilities providing similar services;
 - d. the lifespan of the proposed or existing facility;
 - e. whether the owner and operator of the proposed facility has the ability to provide economical and convenient service for the community;
 - f. the impact of the proposed facility on needs and criteria contained in the statewide solid waste management plan; and
 - g. Any other factors relating to operation, maintenance, or use of solid waste facilities the Board may utilize in making such determination provided that any such factors shall not establish facility design standards or conflict with ORC Chapter 3734 or rules promulgated thereunder.
 - iv) Will not materially and adversely affect the local community, its resources, and the adequacy of existing local infrastructure, that cannot be eliminated based on reasonable terms and conditions specified in the Board of Director's written decision approving the proposed facility or specified in a host community agreement between the District and the owner or operator of the proposed facility.

- v) Will be constructed, installed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the area.
- vi) 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; police, fire protection, and emergency medical services; and state and local regulatory personnel responsible for enforcement of vehicle weight limitations and the safety and security of solid waste transportation systems and vehicles (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 and enforcement of waste and nuisance regulations.
- vii) 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 such costs through payment of impact fees sufficient to recover the public cost of converting a county or township road to an arterial street and thereafter maintaining such arterial street.
- viii) Will not be detrimental to the economic welfare of the community based on consideration of waste disposal costs, revenues and expenditures by the host community, job creation, tax revenues based on the value of the proposed improvements and the effect of the proposed solid waste facility on property values including the generation of tax revenues for public schools.
- ix) Will have vehicular approaches, including but not limited to the construction of turn lanes, traffic lights, street signage and on-site roads to manage traffic, all of which will be designed to minimize interference with traffic on public streets and highways.
- x) Will not result in the destruction, loss or damage of cultural, natural, scenic, or historic features of the District or the host community.
- xi) Will not involve the excessive production of traffic, noise, smoke, dust, fumes, or odors, and has a written plan to manage, control and minimize these issues.
- xii) Will not create a risk of fire, explosion, or other hazardous conditions, because of proximity to petroleum, gas, or chemical pipelines.

- xiii) Will not create a risk of improper disposal or runoff of contaminants or pollution into natural water courses, surface water bodies, or public water supplies.
- xiv) 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 historic or archaeological site.

The Applicant shall submit any additional information as the Board requests to establish, to the reasonable satisfaction of the Board, that the construction, enlargement, or modification and subsequent operation of the proposed solid waste facility will comply with District's solid waste management plan based on the criteria in this siting review.

- b. In addition to the criteria under Section (B)(2)(a), above, a proposed solid waste facility must meet the following additional siting requirements, such that:
 - i) The solid waste facility shall be located adjacent to a state highway or major arterial street which does not create traffic, for ingress and egress for the facility, through an area developed primarily for residential purposes.
 - ii) 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.
 - iii) Will include designed sight barriers along all setback lines of any solid waste facility that otherwise lack natural screening, which shall consist of berms parallel to the property lines of the property at least ten (10) feet in height with plantings not more than ten (10) feet apart 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 shrubbery planted not more than five (5) feet apart in staggered rows on the berms (trees or shrubs that comprise a sight barrier must be replaced if they die).
 - iv) Shall be fenced with an eight (8)-foot chain link fence with three (3) strands of barbed wire at the top angled forty-five degrees (45°) toward the outside of the premises (such fence shall be located inside of any berms or screening).

- v) Shall be connected to a municipal water supply system and municipal sanitary sewer system for the treatment of sanitary waste (and, if applicable, leachate generated by the solid waste facility), if such systems exist and are available. If such systems are not available, then the facility must demonstrate it will have water and wastewater systems in place capable of meeting fire and emergency response and management of leachate, surface runoff and other liquid waste management needs.
- vi) 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 affect the use and enjoyment of the improved parcel.

III. WAIVER

A determination by the Board to construct or modify any District-owned solid waste facility shall be deemed to comply with the solid waste management plan and the other requirements of this siting review without further evaluation.

Waiver for Legitimate Recycling Facilities

Upon adequate demonstration to the Board of the likelihood of attainment of applicable waste reduction goals, the Board may waive application of this siting review for any facility determined by the Board as likely to qualify as a “legitimate recycling facility” as defined in Section 3745-27-01(C)(2) of the Ohio Administrative Code. In the event an Applicant desires a waiver from the application of this siting review for a legitimate recycling facility, the Applicant shall submit sufficient information to the Board regarding the proposed facility, the waste reduction method to be implemented, technology to be used in the operation of the facility, the source and type of waste to be received at the facility, the materials to be removed from the waste stream and the anticipated amount of waste reduction. In the event the Board determines that such facility is likely to qualify as a legitimate recycling facility, the Board may grant a waiver of the application of this siting review to the proposed facility.

IV. 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 facility design standard within the meaning of ORC 343.01(G)(2), or in conflict with ORC Chapter 3734 or rules promulgated thereunder, such

provision shall not be considered in the Board's review of any proposed solid waste facility pursuant to this rule.

V. OPERATIONAL STANDARDS

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

- A. **Quiet Enjoyment:** Odors, noise and vibration shall be minimized by the proper use of berms, walls, natural planting screens and soundproofed equipment and buildings. A Solid Waste Facility shall not create noise levels beyond 60dBA during the hours of 6 a.m. to 6 p.m. measured at the property line. All road surfaces within the property lines of a Solid Waste Facility shall be paved or gravel to minimize mud and dust.
- B. **Security Lighting:** Any security lighting deemed necessary by the Applicant shall be aligned so that no portion of the illuminated field extends into any adjoining residential property.
- C. **Emergency Public Water Supply:** All solid waste facilities shall have an adequate water supply to provide for quick delivery of water to any part of the facility for the purpose of extinguishing fires. Capacity shall be such that at least one thousand (1,000) gallons of water per minute can be applied to any fire, continuously, for at least ten (10) hours, unless the owner or operator demonstrates that less capacity is reasonable for the purpose of extinguishing fires.
- D. **Litter:** All litter shall be collected from the solid waste facility site by the end of each day the facility operates and properly disposed or stored in a covered container.
- E. **Vehicle Wheel Wash:** To prevent mud and dirt from being tracked on to local roads, vehicle operators shall wash any excess mud or dirt from the tires of their vehicles prior to exiting a solid waste facility.
- F. **Street and Highway Access:** Under no circumstances shall trucks use private drives or private access routes from the solid waste facility property which are within one hundred fifty (150) feet of any residence.
- 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.
- H. **Hours of Operation:** All solid waste facility operations, other than the maintenance of equipment within an enclosed building, shall be conducted only between the hours of 6:00 a.m. and 6:00 p.m. Monday through Saturday. 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. Keys for admittance to the solid waste facility shall be given to the local fire department. solid waste facilities shall have qualified personnel on duty at all times to direct the operations of the solid waste facility.

VI. **DEFINITIONS**

For the purposes of Rule 2023-01 and the siting review procedure and criteria, the following definitions shall apply irrespective of whether the terms are capitalized in this Rule and Sections I through V herein:

- A. **Applicant** shall mean a person, firm, entity, municipal corporation, township or other political subdivision that proposes to construct, enlarge or modify a solid waste facility within the OSS Solid Waste District.
- 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 expressed in tons per day.
- C. **Board** means the Board of Directors of the Ottawa-Sandusky-Seneca Joint Solid Waste Management District.
- D. **Modify** or **Modification** means an enlargement or significant change in operation of an existing in-District Solid Waste Facility: (1) that requires the issuance or modification of a permit to install by the Director of the Ohio Environmental Protection Agency; or (2) that involves a significant change in the type of solid waste or other waste materials, manner of delivery or operation, or activities conducted at the facility.
- E. **Solid Waste Management Plan** means the solid waste management plan of the Ottawa-Sandusky-Seneca Joint Solid Waste Management District adopted and approved pursuant to Ohio Revised Code Sections 3734.53 to 3734.56.
- F. **Solid Waste** has the same meaning as in Section 3734.01 of the Ohio Revised Code.
- G. **Solid Waste Facility or Solid Waste Facilities** shall mean all solid waste treatment, collection, storage, disposal, transfer, recycling, processing, and resource recovery facilities.
- H. **Ottawa-Sandusky-Seneca Joint Solid Waste Management District, or District**, means all the incorporated and unincorporated territory comprising the Ottawa-Sandusky-Seneca Joint Solid Waste Management District established and maintained pursuant to ORC Chapter 343.
- I. **Transfer Facility** has the same meaning as in Ohio Administrative Code § 3745-27-01(S)(27).