

## **APPENDIX P. Designation**

### **A. Statement Authorizing/Precluding Designation**

Ohio law gives each SWMD the ability to control where waste generated from within the SWMD can be taken. Such control is generally referred to as flow control. In Ohio, SWMDs establish flow control by designating facilities. SWMDs can designate any type of solid waste facility, including recycling, transfer, and landfill facilities.<sup>1</sup>

Even though a SWMD has the legal right to designate, it cannot do so until the policy committee (or the Board in the case of an Authority) specifically conveys that authority to the board of directors. The policy committee does this through a solid waste management plan. If the SWMD desires to have the ability to designate facilities, then the policy committee includes a clear statement in the solid waste management plan giving the designation authority to the board of directors. The policy committee can also prevent the board of directors from designating facilities by withholding that authority in the solid waste management plan.

Even if the policy committee grants the board of directors the authority to designate in a solid waste management plan, the board of directors decides whether or not to act on that authority. If it chooses to use its authority to designate facilities, then the board of directors must follow the process that is prescribed in ORC Section 343.014. If it chooses not to designate facilities, then the board of directors simply takes no action.

Once the board of directors designates facilities, only designated facilities can receive the SWMD's waste. In more explicit terms, no one can legally take waste from the SWMD to undesignated facilities and undesignated facilities cannot legally accept waste from the SWMD. The only exception is when the board of directors grants a waiver to allow an undesignated facility to take the SWMD's waste. Ohio law prescribes the criteria that the board must consider when deciding whether to grant a waiver and the time period available to the board for making a decision on a waiver request.

#### **1. Authorization Statement to Designate**

The District is hereby authorized to establish facility designations in accordance with ORC Section 343.013, 343.014 and 343.015.

#### **2. Description of the SWMD's Designation Process**

---

<sup>1</sup> Source-separated recyclables delivered to a "legitimate recycling facility" as defined in Ohio law are not subject to the requirements of designation. (A legitimate recycling facility is loosely defined as a facility which consistently recycles a majority of the materials processed on-site.)

Decisions regarding designation or the granting of a designation waiver shall be made by the District, following a review of the request by the Policy Committee.

Where the District designates facilities, it may grant a waiver to a non-designated entity to provide solid waste disposal, transfer or resource recovery facilities or activities at any time after the plan update is approved and in accordance with the criteria specified in ORC 343.01(I)(2). The Policy Committee will evaluate each request for designation or waiver based upon, at least, the following general criteria:

- The facility's compatibility with the District's Solid Waste Management Plan.
- The facility's compliance with all rules promulgated by the District and the District's Solid Waste Management Plan.

The full procedure for granting a designation waiver is included in the District's *Designation Procedure and Evaluation Document*, found in Appendix V.

## B. Designated Facilities

The currently designated facilities for the solid waste generators are shown in Table P-1.

**Table P-1. Facilities Designated**

Facility Name	Location		Facility Type	Year Designated
	County	State		
<b><i>In-District</i></b>				
None.				
<b><i>Out-of-District</i></b>				
Crawford County Landfill	Crawford	OH	Landfill	2011
Mahoning Landfill	Mahoning	OH	Landfill	2011
Lorain County Landfill	Lorain	OH	Landfill	2011
Noble Rd. Landfill	Richland	OH	Landfill	2011
American Landfill	Stark	OH	Landfill	2011
Countywide Landfill	Stark	OH	Landfill	2011
Evergreen Recycling & Disposal Facility	Wood	OH	Landfill	2011
Suburban Recycling & Disposal Facility	Perry	OH	Landfill	2011
Stony Hollow Landfill	Montgomery	OH	Landfill	2011

Facility Name	Location		Facility Type	Year Designated
	County	State		
County Environmental of Wyandot	Wyandot	OH	Landfill	2011
Kimble Sanitary Landfill	Tuscarawas	OH	Landfill	2011
Gallia County Landfill	Gallia	OH	Landfill	2011
Coshocton Landfill	Coshocton	OH	Landfill	2011
Geneva Landfill	Ashtabula	OH	Landfill	2011
Marion County Solid Waste Transfer Station	Marion	OH	Transfer Facility	2011
Kimble Transfer & Recycling	Carroll	OH	Transfer Facility	2011
Cambridge Transfer & Recycling	Guernsey	OH	Transfer Facility	2011
Mt. Vernon Transfer Station	Knox	OH	Transfer Facility	2011
Kimble Transfer & Recycling Facility	Stark	OH	Transfer Facility	2011
Kimble Transfer & Recycling Facility	Summit	OH	Transfer Facility	2011
Lorain County Resource Recovery	Lorain	OH	Material Recovery Facility	2011
Oakwood Transfer Station	Cuyahoga	OH	Transfer Facility	2011
Richland County Transfer Station	Richland	OH	Transfer Facility	2011
<b>Out-of-State</b>				
None.				

Appendix P3 contains a sample uniform designation agreement used for each of the designated facilities listed above.

### C. Waiver Process for the Use of Undesignated Facilities

In the event that any person wants to use a facility, other than a designated facility, for the disposal of municipal solid waste, the person must submit a written request for a waiver of designation to the Board of the Ashland County Solid Waste Management District. The request must state the type and amount of material, the facility to be used, the intended duration of the waiver, and the reason for requesting the waiver.

The Ashland County Solid Waste Management District staff will review the request and may request additional information if necessary. The Board shall act on the request for a waiver within 90 days after receiving the request. The Board may grant the request for a waiver if the Board determines that:

- a. The waiver request is not inconsistent with the projections contained in the District's initial or amended solid waste management plan;

- b. The waiver request will not adversely affect the implementation and financing of the District's initial or amended solid waste management plan;
- c. The waiver request assures the Maximum Feasible Utilization of existing in-District Solid Waste Facilities;
- d. The waiver request includes solid waste that will be beneficially used or managed through recycling, reuse, energy recovery or other forms of management that are accepted by Ohio EPA as diversion from the landfill;
- e. The length of time requested for the waiver;
- f. The location for the alternate final disposal or recycling processing facility;  
and
- g. The detailed explanation for the waiver request.

The Board and/or the District Coordinator (as authorized by the Board), within ninety days following receipt of a request for a waiver authorizing the delivery of solid waste generated within the District to an undesignated solid waste facility, shall act upon the waiver request. The waiver request will be evaluated pursuant to District Rule 9, section 343.01(l)(2) of the Revised Code and the policy herein. The District Coordinator will notify the Person requesting the waiver of the action/decision of the Board or District Coordinator. If the waiver is approved, the District Coordinator will notify the Person identified on the District's Application for Waiver from Designation Requirements that the Board or District Coordinator approved the waiver.

If a waiver is granted, the terms and conditions that provide the basis for the approval of the waiver request shall be included in a Waiver Agreement. The Waiver Agreement shall be effective on the date of last execution of the Waiver Agreement. The Waiver Agreement will include a waiver fee. The Board may assess the waiver fee on each ton of solid waste or each ton of source separated solid waste recyclable materials waste covered by the waiver, by a waiver application fee, or other mechanism decided by the Board. The waiver fees are decided by the Board and reviewed annually.

All waivers will be reviewed periodically, but at a minimum annually, by the District Coordinator to determine whether the waiver should be terminated or continued. This waiver policy does not apply to any contract by and between the Board and any Person relating to the transportation, delivery, disposal or processing of Solid Waste or Solid Waste Recyclable Materials generated within the District.