



Ohio Administrative Code

Rule 109:6-1-04 Fees.

Effective: February 13, 2017

(A) Initial disclosure statement fees for off-site hazardous waste facilities, solid waste disposal facilities, infectious waste facilities, solid waste transfer facilities, scrap tire monocell or monofill facilities, and class I scrap tire recovery or storage facilities.

Each applicant filing a disclosure statement for a facility of the type listed in Column 1 below, which facility annually receives wastes within the range listed in Column 2, shall pay to the attorney general the fee listed in Column 3:

Column 1	Column 2		Column 3
Type of facility:	Annual waste receipt in tons greater than or equal to	less than	Fee (per facility)
Off-site solid waste facility, scrap tire monofill or monocell facilities (other than a transfer facility, an infectious waste facility, a class I composting facility, or a class I scrap tire recovery or storage facility) for which a governmental entity neither holds the permit nor operates the facility			
	0	30,000	\$ 5,000
	30,000	75,000	\$10,000
	75,000	135,000	\$15,000
	135,000	210,000	\$20,000
	210,000	300,000	\$25,000
	300,000		\$40,000



AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
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Off-site solid waste facility, scrap tire monofill or monocell facilities (other than a transfer facility, an infectious waste facility, a class I composting facility, or a class I scrap tire recovery or storage facility) for which a governmental entity holds the permit and a nongovernmental entity operates the facility			
	0	30,000	\$ 2,000
	30,000	75,000	\$ 4,000
	75,000	135,000	\$ 6,000
	135,000	210,000	\$ 8,000
	210,000	300,000	\$10,000
	300,000		\$12,000
Off-site solid waste facility, scrap tire monofill or monocell facilities (other than a transfer facility, an infectious waste facility, a class I composting facility, or a class I scrap tire recovery or storage facility) for which a governmental entity holds the permit and operates the facility			
	0	30,000	\$ 1,000
	30,000	75,000	\$2,000
	75,000	135,000	\$3,000
	135,000	210,000	\$4,000
	210,000	300,000	\$5,000
	300,000		\$6,000
Off-site hazardous waste facility			
	0	5,000	\$10,000
	5,000	10,000	\$15,000
	10,000	20,000	\$20,000



	20,000	40,000	\$25,000
	40,000	60,000	\$35,000
	60,000	100,000	\$40,000
	100,000+		\$50,000

(B) Initial disclosure fees for off-site transfer facilities. Each applicant filing a disclosure statement for an off-site solid waste transfer facility shall pay to the attorney general a fee of five thousand dollars.

(C) Initial disclosure fees for infectious waste facilities. Each applicant filing a disclosure statement for an off-site infectious waste facility shall pay to the attorney general a fee of ten thousand dollars.

(D) Initial disclosure fees for class I composting facilities. Each applicant filing a disclosure statement for a class I composting facility shall pay to the attorney general a fee of ten thousand dollars.

(E) Initial disclosure statement fees for class I scrap tire recovery or storage facilities.

Each applicant filing a disclosure s for a class I scrap tire recovery or storage facility shall pay the attorney general a fee of five thousand dollars.

(F) Maintenance fees

(1) Investigative fees. The attorney general will charge and collect the following maintenance fees for investigations conducted once every three years.

Off-site solid waste facility, scrap tire monofill or monocell facilities (other than a transfer facility, an infectious waste facility, a class I composting facility, or a class I scrap tire recovery or storage facility) for which a governmental entity neither holds the permit nor operates the facility	\$5,000 triennially
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Off-site solid waste facility, scrap tire monofill or monocell facilities (other than a transfer facility, an infectious waste facility, a class I composting facility, or a class I scrap tire recovery or storage facility) for which a governmental entity holds the permit and a nongovernmental entity operates the facility	\$3,500 triennially
Off-site solid waste facility, scrap tire monofill or monocell facilities (other than a transfer facility, an infectious waste facility, a class I composting facility, or a class I scrap tire recovery or storage facility) for storage facility) for which a governmental entity holds the permit and operates the facility:	\$1,500 triennially
Off-site hazardous waste facility	
Less than 20,000 tons annually	\$2,500 triennially
Greater than 20,000 tons annually	\$5,000 triennially
Solid waste transfer facility	\$2,500 triennially
Infectious waste facility	\$2,500 triennially
Class I composting facility	\$2,500 triennially
Class I scrap tire recovery or storage facilities	\$2,500 triennially

(2) Retained applicant fingerprint database fees. In addition to paragraph (F)(1) of this rule, the attorney general will charge and collect fees from an applicant in accordance with section 109.5721 of the Revised Code and the rules adopted thereunder.

(G) Fees applicable to applicants previously subject to a background investigation.

Each applicant filing a disclosure statement in connection with a change of ownership, previously subject to a background investigation conducted by the attorney general pursuant to rules 109:6-1-01 to 109:6-1-05 of the Administrative Code shall pay to the attorney general a fee according to the following schedule:

	Fee (per facility)
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<p>Off-site solid waste facilities, scrap tire monofill or monocell facilities (including transfer facilities, class I scrap tire recovery or storage facilities, and class I composting facilities), off-site hazardous waste facilities, and infectious waste facilities, where the applicant, permittee or prospective owner has been the subject of a background investigation conducted by the attorney general within four years prior to the date of the submission of the disclosure statement.</p>	<p>Fee equal to the applicable maintenance fee chargeable for such facility pursuant to paragraph (F) of this rule</p>
<p>Off-site solid waste facilities, scrap tire monofill or monocell facilities (including transfer facilities, class I scrap tire recovery or storage facilities, and class I composting facilities), off-site hazardous waste facilities, and infectious waste facilities, where the applicant, permittee or prospective owner has not been the subject of a background investigation conducted by the attorney general within four years prior to the date of the submission of the disclosure statement.</p>	<p>Fee equal to the applicable initial disclosure statement fee chargeable for such facility pursuant to paragraph (A), (B), (C), (D) or (E) of this rule</p>

(H) Timing of payment of fee.

(1) Each applicant filing a disclosure statement shall pay the fee such that the fee is received by the attorney general no later than the date upon which the disclosure statement is due, regardless of whether the disclosure statement is timely filed.

(I) The fee must be paid in a form of currency or commercial paper acceptable to the attorney general.

(J) The annual waste receipts in column 2 of paragraph (A) of this rule shall be determined in the following manner:

(1) For a solid waste facility, other than a transfer station, in operation prior to the date of the adoption of these rules and for a solid waste facility, other than a transfer facility, for which a permit has been issued, but at which operation has not commenced;

(a) If the facility has a maximum daily waste receipt limit established under Chapter 3734. of the Revised Code and rules promulgated thereunder, the annual waste receipts shall be that limit multiplied by the number of days of operation per year as stated in the permit or otherwise by three hundred twelve;



(b) If the facility does not have a maximum daily waste receipt limit established under Chapter 3734. of the Revised Code and rules promulgated thereunder, the annual waste receipts shall be the annual waste receipts for the most recent calendar year which have been reported to the director of environmental protection pursuant to paragraph (M) of rule 3745-27-19 of the Administrative Code; and

(c) If the facility does not have a maximum daily waste limit established under Chapter 3734. of the Revised Code and rules promulgated thereunder or has not reported annual waste receipts to the director of environmental protection pursuant to paragraph (M) of rule 3745-27-19 of the Administrative Code, then the annual waste receipts shall be the maximum daily waste receipt established pursuant to paragraph (C) of section 7 of Amended substitute House Bill 592 of the 117th General Assembly or any variance granted from such maximum by the director of environmental protection multiplied by the number of days of operation per year as stated in the permit or by three hundred twelve if no permit has been issued;

(2) For all solid waste facilities and proposed solid waste facilities other than those referred to in paragraph (B), (C), (D) or (E) of this rule, the annual waste receipts shall be the projected daily waste receipts contained in the application multiplied by the number of days of operation per year as projected in the application;

(3) For a hazardous waste facility in operation prior to the date of the adoption of these rules, those waste receipts for the most recent calendar year which have been reported to the director of environmental protection pursuant to rule 3745-54-75 or 3745-65-75 of the Administrative Code;

(4) For all hazardous waste facilities and proposed hazardous waste facilities other than those referred to in paragraph (H)(3) of this rule, the annual quantities of hazardous waste to be received at the facility as projected or stated in the application;

(5) If annual waste receipts cannot be determined pursuant to the procedures established in paragraphs (G) to (J)(4) of this rule, the applicant or permittee or prospective owner shall so notify the attorney general thirty days prior to the date upon which the fee for the disclosure statement is due. The attorney general shall review whatever other information is available to him or her and



calculate annual waste receipts which are representative of the facility's current annual waste receipts. The facility shall then pay to the attorney general within ten days, the fee resulting from the determination of the attorney general.

(6) Notwithstanding the above, if the attorney general discovers specific information which indicates that the annual waste receipts calculated pursuant to paragraphs (J)(1) to (J)(5) of this rule is less than the current annual waste receipts, the attorney general may notify the applicant of the specific information discovered by the attorney general and provide the applicant with fourteen days in which to explain the discrepancy. After reviewing the explanation and determining that discrepancy still exists, the attorney general may require the applicant to pay within ten days an additional fee based upon the increased level of waste receipts resulting from the specific information discovered by the attorney general.

(K) If a facility may be classified as more than one type of facility, the facility shall pay and only pay the highest fee computed for that facility under this rule.

(L) If waste receipts have been reported to the director of environmental protection in cubic yards as the unit of measurement, the waste receipts shall be converted to tons based upon a conversion factor of three cubic yards per ton generally and one cubic yard per ton for baled waste.