



Ohio Revised Code

Section 3714.07 Administration fee levied on disposal of construction and demolition debris.

Effective: September 30, 2025

Legislation: Senate Bill 147

(A)(1) For the purpose of assisting boards of health and the environmental protection agency in administering and enforcing this chapter and rules adopted under it, there is hereby levied a fee of thirty cents per cubic yard or sixty cents per ton, as applicable, on both of the following:

(a) The disposal of construction and demolition debris at a construction and demolition debris facility that is licensed under this chapter or at a solid waste facility that is licensed under Chapter 3734. of the Revised Code;

(b) The disposal of asbestos or asbestos-containing materials or products at a construction and demolition debris facility that is licensed under this chapter or at a solid waste facility that is licensed under Chapter 3734. of the Revised Code.

(2) The owner or operator of a construction and demolition debris facility or a solid waste facility shall determine if cubic yards or tons will be used as the unit of measurement. If basing the fee on cubic yards, the owner or operator shall utilize either the maximum cubic yard capacity of the container, or the hauling volume of the vehicle, that transports the construction and demolition debris to the facility or the cubic yards actually logged for disposal by the owner or operator in accordance with rules adopted under section 3714.02 of the Revised Code. If basing the fee on tonnage, the owner or operator shall use certified scales to determine the tonnage of construction and demolition debris that is disposed of.

(3) The owner or operator of a construction and demolition debris facility or a solid waste facility shall calculate the amount of money generated from the fee levied under division (A)(1) of this section and shall hold that amount as a trustee for the health district having jurisdiction over the facility, if that district is on the approved list under section 3714.09 of the Revised Code, or for the state. The owner or operator shall prepare and file with the appropriate board of health or the director of environmental protection monthly returns indicating the total volume or weight, as applicable, of



construction and demolition debris and asbestos or asbestos-containing materials or products disposed of at the facility and the total amount of money generated during that month from the fee levied under division (A)(1) of this section on the disposal of construction and demolition debris and asbestos or asbestos-containing materials or products. Not later than thirty days after the last day of the month to which the return applies, the owner or operator shall mail to the board of health or the director the return for that month together with the amount of money calculated under division (A)(3) of this section on the disposal of construction and demolition debris and asbestos or asbestos-containing materials or products during that month or may submit the return and money electronically in a manner approved by the director. The owner or operator may request, in writing, an extension of not more than thirty days after the last day of the month to which the return applies. A request for extension may be denied. If the owner or operator submits the money late, the owner or operator shall pay a penalty of ten per cent of the amount of the money due for each month that it is late.

(4) Of the money that is submitted by a construction and demolition debris facility or a solid waste facility on a per cubic yard or per ton basis under this section, a board of health shall transmit three cents per cubic yard or six cents per ton, as applicable, to the director not later than forty-five days after the receipt of the money. The money retained by a board of health under this section shall be paid into a special fund, which is hereby created in each health district, and used solely for the following purposes:

- (a) To administer and enforce this chapter and Chapter 3734. of the Revised Code and rules adopted under them;
- (b) To abate abandoned accumulations of construction and demolition debris as provided in section 3714.074 of the Revised Code;
- (c) To mitigate any impacts to public health, safety, and welfare of any construction and demolition debris facility and solid waste disposal or transfer facility within the health district, including ensuring appropriate inspection of any such facility to prevent any negative public health, safety, and welfare impact.

The director shall transmit all money received under this section to the treasurer of state to be



deposited in the state treasury to the credit of the waste management fund created in section 3734.061 of the Revised Code.

(B) The board of health of a health district or the director may enter into an agreement with the owner or operator of a construction and demolition debris facility or a solid waste facility for the quarterly payment of money generated from the disposal fee as calculated in division (A)(3) of this section. The board of health shall notify the director of any such agreement. Not later than forty-five days after receipt of the quarterly payment, the board of health shall transmit the amount established in division (A)(4) of this section to the director. The money retained by the board of health shall be deposited in the special fund of the district as required under that division. Upon receipt of the money from a board of health, the director shall transmit the money to the treasurer of state to be credited to the waste management fund.

(C) If a construction and demolition debris facility or a solid waste facility is located within the territorial boundaries of a municipal corporation or the unincorporated area of a township, the municipal corporation or township may appropriate up to four cents per cubic yard or up to eight cents per ton of the disposal fee required to be paid by the facility under division (A)(1) of this section for the same purposes that a municipal corporation or township may levy a fee under division (C) of section 3734.57 of the Revised Code.

The legislative authority of the municipal corporation or township may appropriate the money from the fee by enacting an ordinance or adopting a resolution establishing the amount of the fee to be appropriated. Upon doing so, the legislative authority shall mail a certified copy of the ordinance or resolution to the board of health of the health district in which the construction and demolition debris facility or the solid waste facility is located or, if the facility is located in a health district that is not on the approved list under section 3714.09 of the Revised Code, to the director. Upon receipt of the copy of the ordinance or resolution and not later than forty-five days after receipt of money generated from the fee, the board or the director, as applicable, shall transmit to the treasurer or other appropriate officer of the municipal corporation or clerk of the township that portion of the money generated from the disposal fee by the owner or operator of the facility that is required by the ordinance or resolution to be paid to that municipal corporation or township.

Money received by the treasurer or other appropriate officer of a municipal corporation under this



division shall be paid into the general fund of the municipal corporation. Money received by the clerk of a township under this division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the clerk of the township, as appropriate, shall maintain separate records of the money received under this division.

The legislative authority of a municipal corporation or township may cease appropriating money under this division by repealing the ordinance or resolution that was enacted or adopted under this division.

The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing requirements for prorating the amount of the fee that may be appropriated under this division by a municipal corporation or township in which only a portion of a construction and demolition debris facility is located within the territorial boundaries of the municipal corporation or township.

(D) The board of county commissioners of a county in which a construction and demolition debris facility or a solid waste facility is located may appropriate up to three cents per cubic yard or up to six cents per ton of the disposal fee required to be paid by the facility under division (A)(1) of this section for the same purposes that a solid waste management district may levy a fee under division (B) of section 3734.57 of the Revised Code.

The board of county commissioners may appropriate the money from the fee by adopting a resolution establishing the amount of the fee to be appropriated. Upon doing so, the board of county commissioners shall mail a certified copy of the resolution to the board of health of the health district in which the construction and demolition debris facility or the solid waste facility is located or, if the facility is located in a health district that is not on the approved list under section 3714.09 of the Revised Code, to the director. Upon receipt of the copy of the resolution and not later than forty-five days after receipt of money generated from the fee, the board of health or the director, as applicable, shall transmit to the treasurer of the county that portion of the money generated from the disposal fee by the owner or operator of the facility that is required by the resolution to be paid to that county.

Money received by a county treasurer under this division shall be paid into the general fund of the county. The county treasurer shall maintain separate records of the money received under this division.



A board of county commissioners may cease appropriating money under this division by repealing the resolution that was adopted under this division.

(E)(1) Beginning three years after the effective date of this amendment, the solid waste management policy committee of a county or joint solid waste management district may levy fees upon the following activities:

(a) The disposal of construction and demolition debris and asbestos or asbestos-containing materials or products generated within the jurisdiction of the district at construction and demolition debris facilities located in an authorized county and within the district's jurisdiction and at solid waste disposal facilities located in an authorized county and within the district's jurisdiction;

(b) The disposal of construction and demolition debris and asbestos or asbestos-containing materials or products generated outside of the jurisdiction of the district, but inside this state, at construction and demolition debris facilities located in an authorized county and within the district's jurisdiction and at solid waste disposal facilities located in an authorized county and within the district's jurisdiction;

(c) The disposal of construction and demolition debris and asbestos or asbestos-containing materials or products generated outside the boundaries of this state at construction and demolition debris facilities located in an authorized county and within the district's jurisdiction and at solid waste disposal facilities located in an authorized county and within the jurisdiction of the district.

The fee levied under division (E)(1)(a) of this section shall be not less than one dollar per ton nor more than two dollars per ton, the fee levied under division (E)(1)(b) of this section shall be not less than two dollars per ton nor more than four dollars per ton, and the fee levied under division (E)(1)(c) of this section shall be not more than the fee levied under division (E)(1)(a) of this section.

(2) The district shall establish, amend, or repeal the schedule of fees levied pursuant to this division in the same manner that applies to fees levied under division (B) of section 3734.57 of the Revised Code. All procedural requirements governing the administration and collection of solid waste fees levied under divisions (A) and (B) of that section apply to the administration and collection of the



construction and demolition debris fees levied under this division and collected by an owner or operator of a solid waste facility or construction and demolition debris facility. Such procedural requirements include requirements governing fee collection and accounting, filing of returns, extensions on returns, discounts, refunds or credits, the conversion rate for fee collection in cubic yards, notices, and district composition changes. Any notices required to be made pursuant to those procedural requirements to the owner or operator of a solid waste facility also shall be provided to the owner or operator of a construction and demolition debris facility for purposes of this division, when applicable.

(3)(a) The solid waste management district may forward seventy-five per cent of the money received from an owner or operator of a facility under this division to the health district in which the facility is located, which shall deposit it into the special fund established under division (A)(4) of this section to be used solely for the purposes specified in that division. If a solid waste management district does not forward money received under this division to the health district in which the facility is located, the solid waste management district shall retain that money and use it for the purposes specified in division (G) of section 3734.57 of the Revised Code.

(b) The solid waste management district shall forward twenty-five per cent of the money received from an owner or operator of a facility under this division to the environmental protection agency, which shall deposit half of the money into the environmental protection fund created in section 3745.015 of the Revised Code and half of the money into the waste management fund created in section 3734.061 of the Revised Code.

(c) A solid waste management district shall not levy fees under this division with respect to a construction and demolition debris facility or solid waste facility that is located in a health district that is not on the approved list under section 3714.09 of the Revised Code.

As used in this division, "authorized county" means a county with a population between fifty-three thousand and fifty-eight thousand, according to the most recent decennial census.

(F) This section does not apply to the disposal of source separated materials that are exclusively composed of reinforced or nonreinforced concrete, asphalt, clay tile, building or paving brick, or building or paving stone at a construction and demolition debris facility that is licensed under this



chapter when either of the following applies:

(1) The materials are placed within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under section 3714.06 of the Revised Code, are not placed within the unloading zone of the facility, and are used as a fire prevention measure in accordance with rules adopted by the director under section 3714.02 of the Revised Code.

(2) The materials are not placed within the unloading zone of the facility or within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under section 3714.06 of the Revised Code, but are used as fill material, either alone or in conjunction with clean soil, sand, gravel, or other clean aggregates, in legitimate fill operations for construction purposes at the facility or to bring the facility up to a consistent grade.