



Ohio Revised Code

Section 3734.522 Withdrawal from a joint solid waste management district.

Effective: September 30, 2025

Legislation: Senate Bill 147 - 136th General Assembly

(A) As used in this section, "deliver" has the same meaning as in division (G)(2) of section 3734.55 of the Revised Code.

(B) Subject to division (H) of this section, a board of county commissioners of a county that is a member of a joint solid waste management district may withdraw from the district by doing all of the following:

(1) Adopting a resolution declaring that the county will unilaterally withdraw from the district;

(2) Providing the notice required under division (C) of this section;

(3) Complying with the requirements under division (D) of this section governing the memorandum of understanding.

(C) Upon adopting the resolution under division (B) of this section, the board shall deliver a copy of it to the board of directors of the district. Upon receiving the resolution, the board of directors shall deliver written notice of the proposed withdrawal to the boards of county commissioners of the other counties forming the joint district and to the director of environmental protection.

(D) If a board of county commissioners adopts a resolution under division (B) of this section, the boards of county commissioners of all the counties that are members of the joint district shall enter into a memorandum of understanding within forty-five days after notice of the withdrawal is received in accordance with division (C) of this section. The memorandum of understanding shall describe the terms of how the counties that comprise the joint district will operate as a joint district during a two-year period beginning on the date that the memorandum of understanding is agreed upon by all counties that comprise the joint district. The counties that are members of the joint district may include in the memorandum of understanding a reasonable allocation of funds for each newly formed district that will result from the withdrawal to conduct the solid waste management



planning process.

In the event that those counties do not agree upon the terms of the memorandum of understanding, the county that is withdrawing shall, within ten days after it is determined that an agreement cannot be reached by the counties, request a court of common pleas located in a county adjacent to the withdrawing county to hear the parties and decide the terms of the memorandum of understanding on behalf of the counties. Not later than ninety days after the request is made, the court of common pleas shall hear the parties and issue an order that details the terms of the memorandum of understanding. The court may include in the memorandum of understanding a reasonable allocation of funds for each newly formed district that will result from the withdrawal to conduct the solid waste management planning process.

The memorandum of understanding expires two years after the date that memorandum of understanding is entered into by the counties or the court issues the order determining the details of the memorandum of understanding, as applicable, unless all parties agree in writing to an earlier date.

If a board of county commissioners wishes to extend the term of the memorandum of understanding, the board, prior to sixty days before the memorandum is scheduled to expire, shall request the boards of county commissioners of all other counties that form the joint district to agree to the extension and shall include in the request the period of time proposed for the extension, which shall not exceed forty-five days. If all such boards agree to the extension, the memorandum of understanding is extended for such time period as agreed to. If a court of common pleas issued an order establishing the terms of the memorandum of understanding, the board of county commissioners seeking the extension, prior to sixty days before the memorandum is scheduled to expire, may request the court to extend the memorandum. If so requested, the court shall issue an order either denying an extension or extending the term of the memorandum by a period of not to exceed forty-five days.

(E) The director of environmental protection shall take all actions necessary under this chapter to effectuate the withdrawal of a county from a joint solid waste management district pursuant to a memorandum of understanding executed under this section so that the withdrawal is effective upon the expiration date of the memorandum of understanding. The director shall begin taking all such necessary actions on the date that such memorandum is executed.



(F) The board of directors of the joint district shall take all actions necessary to ascertain, apportion, and order a division of the funds on hand, credits, and real and personal property of the district, either in money or in kind, on an equitable basis between the district and the withdrawing county, effective upon the expiration date of the memorandum of understanding.

(G) Notwithstanding any provision of law to the contrary, on the date that the memorandum of understanding expires, all of the following apply:

(1) The withdrawing county is severed from the joint district, becomes a county solid waste management district, and shall comply with all necessary provisions of Chapter 343. of the Revised Code and this chapter that apply to county solid waste management districts. The severed county's members on the board of directors of the joint district cease to be members of that board. That board's power to levy a tax upon taxable property in the severed county to support the former joint district terminates, except that each county of the former district shall continue to levy and collect any taxes levied for the payment of indebtedness of the district that was incurred prior to the severed county's withdrawal from the district.

(2) The county or counties remaining in the former joint district become a county or joint solid waste management district, as applicable, and shall comply with all necessary provisions of Chapter 343. of the Revised Code and this chapter that apply to county or joint solid waste management districts.

(3) The solid waste management policy committee of the severed county and such committee of the county or counties of the remaining district may form or join a joint solid waste management district or a regional solid waste management authority as provided in this chapter and Chapter 343. of the Revised Code. However, in no circumstance shall the director require the county or counties to form or join a joint district or regional solid waste management authority.

(H) In the case of a joint solid waste management district that is managed by a board of trustees of a regional solid waste management authority and that is operating under an agreement entered into pursuant to section 343.011 of the Revised Code, any withdrawal of a county from the district is subject to the following:



(1) If the agreement governs the withdrawal of a county from the joint district, the board of county commissioners of a county that is a member of the joint district may withdraw from the district only pursuant to that agreement.

(2) If the agreement does not govern the withdrawal of a county from the joint district, the board of county commissioners of a county that is a member of the joint district may withdraw from the district in accordance with divisions (B) to (G) of this section, provided the board first does all of the following:

(a) Adopts a resolution proposing to withdraw from the district;

(b) Delivers written notice of the proposed withdrawal to the legislative authority of each municipal corporation and township under the jurisdiction of the regional solid waste management authority. Not later than ninety days after the receipt of the written notice under this division, each such legislative authority shall either approve or disapprove of the proposed withdrawal by ordinance or resolution and deliver a copy of the ordinance or resolution to the board of county commissioners.

(c) Obtains the approval of the withdrawal from a combination of municipal corporations and townships with a combined population comprising at least sixty per cent of the total population of the solid waste management district, provided that that combination shall include the municipal corporation having the largest population in each county within the boundaries of the district.

Upon satisfaction of the requirements of divisions (H)(2)(a) to (c) of this section, the board of county commissioners may proceed to withdraw from the joint solid waste management district in the manner specified in divisions (B) to (G) of this section.