

**As Reported by the Senate Environment and Natural Resources
Committee**

**126th General Assembly
Regular Session
2005-2006**

H. B. No. 100

**Representatives Taylor, Carano, Collier, C. Evans, McGregor, Otterman,
Reidelbach, Seitz, White, Willamowski, J. Stewart, Cassell, Domenick,
Aslanides, Daniels, Flowers, Hood, Hughes, Kearns
Senators Spada, Mumper**

—

A B I L L

To enact section 3734.576 of the Revised Code to 1
authorize a solid waste management district to 2
exempt automotive shredder residue from the 3
district's generation fee. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3734.576 of the Revised Code be 5
enacted to read as follows: 6

Sec. 3734.576. (A) As used in this section: 7

(1) "Recycling" means the process of collecting, sorting, 8
cleansing, treating, and reconstituting waste or other discarded 9
materials for the purpose of recovering and reusing the materials. 10

(2) "Automotive shredder residue" means the nonrecyclable 11
residue that is generated as a direct result of processing 12
automobiles, appliances, sheet steel, and other ferrous and 13
nonferrous scrap metals through a hammermill shredder for purposes 14
of recycling and that meets all of the following requirements: 15

(a) The residue is solid waste. 16

(b) The residue is not hazardous waste. 17

(c) The residue created during the recycling process 18
comprises not more than thirty-five per cent of the total weight 19
of material that is processed for recycling. 20

(d) The residue is generated by processing recycled materials 21
that are to be sold, used, or reused within ninety days of the 22
time when the material is processed. 23

(B)(1) The solid waste management policy committee of a solid 24
waste management district that is levying a solid waste generation 25
fee under section 3734.573 of the Revised Code may adopt a 26
resolution exempting automotive shredder residue from that fee 27
without the necessity for ratification of the resolution or may 28
include the exemption in an amended solid waste management plan of 29
the district adopted under section 3734.56 of the Revised Code at 30
the time when adoption of an amended plan is required. Not later 31
than seven days after the adoption of such a resolution or the 32
approval of an amended plan, the committee shall notify by 33
certified mail the owner or operator of each solid waste disposal 34
facility or transfer facility that is required to collect 35
generation fees on behalf of the district of the exemption. The 36
exemption shall take effect on the first day of the first month 37
following the month in which notification is sent to each disposal 38
facility and transfer facility, as applicable. 39

The policy committee of a solid waste management district may 40
establish procedures and requirements, including record-keeping 41
procedures and requirements, that are necessary for the 42
administration and enforcement of an exemption established under 43
division (B)(1) of this section. 44

(2) If the policy committee of a solid waste management 45
district has adopted a resolution under division (B)(1) of this 46
section and the committee seeks to continue exempting automotive 47

shredder residue from the district's generation fee at the time
when the district is required to adopt an amended solid waste
management plan under section 3734.56 of the Revised Code, the
committee shall include the exemption in the amended plan of the
district. If the exemption is not included in the amended plan of
the district, the exemption shall expire and shall cease to apply
as provided in division (C) of this section.

48
49
50
51
52
53
54

(C) If the policy committee of a solid waste management
district seeks to eliminate an exemption of automotive shredder
residue from the district's generation fee that was established
under division (B)(1) of this section, the committee shall adopt a
resolution eliminating the exemption without the necessity for
ratification of the resolution. After adoption of the resolution
and if the district has included the exemption in its amended
solid waste management plan in accordance with either division
(B)(1) or (2) of this section, the committee shall subsequently
amend the plan to reflect the elimination of the exemption at the
time when the adoption of an amended plan is required under
section 3734.56 of the Revised Code.

55
56
57
58
59
60
61
62
63
64
65
66

Upon expiration of the exemption or adoption of a resolution
eliminating the exemption, the policy committee shall notify by
certified mail the owner or operator of each solid waste disposal
facility or transfer facility that is required to collect
generation fees on behalf of the district of the expiration or
elimination of the exemption, as applicable. The exemption shall
cease to apply on the first day of the first month following the
month in which notification is sent to each disposal facility and
transfer facility, as applicable.

67
68
69
70
71
72
73
74
75