



WAYNE COUNTY HEALTH DEPARTMENT

Nicholas V. Cascarelli, Ed.D. Health Commissioner **Eric A. Smith, MD Medical Director**

BOARD OF HEALTH RESOLUTION # 07-17-2025

A RESOLUTION BY THE BOARD OF HEALTH OF THE WAYNE COUNTY COMBINED GENERAL HEALTH DISTRICT TO ADOPT A REGULATION NO. 98R AS A SUPERSEDING REPLACEMENT FOR ITS FORMER REGULATION NO. 98.

WHEREAS, the Board of Health for the Wayne County Combined General Health District (hereafter "Board") is responsible for maintaining public health and safety within the district under its authority of R.C. 3707.01, 3709.21, 3709.22, and other sections of the Revised Code; and

WHEREAS, the Board is tasked with the enforcement of Chapters 3714, 3734, and 3767 of the Revised Code, as well as Ohio Administrative Code Chapter 3745; and

WHEREAS, the Board seeks to ensure the safe disposal of solid waste, tires, construction and demolition debris, and other waste materials in order to prevent the spread of disease, protect public health, and reduce health hazards and nuisances; and

WHEREAS, the Board aims to eliminate public health nuisances arising from the accumulation or improper disposal of waste on residential, commercial, and industrial properties; and

WHEREAS, the Board has the authority to enact orders and regulations to ensure the well-being of the public pursuant to R.C. 3709.21; and

WHEREAS, in accordance with R.C. 731.17(A)(2) and 3709.21, three-quarters of the Board has voted in favor of dispensing with the requirement to read this Resolution # 07-17-2025 on three different days; and

WHEREAS, the Board intends to fully comply with the notice requirements of R.C. 7.16 and 3709.21 prior to taking any action to enforce Regulation No. 98R;

NOW, THEREFORE, BE IT RESOLVED, by the Board, a majority thereof voting in favor, that Regulation No. 98R establishes standards and procedures for the temporary storage and disposal of solid waste, construction and demolition waste, and other types of waste within the district, and be it further

RESOLVED, that the Board hereby adopts and enacts the following:

Section 1. The Board hereby revokes Regulation No. 98.



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The Wayne County Health Department is an Equal Opportunity Employer and Provider

Section 2. The Board hereby adopts Regulation No. 98R, which was provided to each member of the Board in advance of the meeting at which it voted to adopt this Resolution, and Regulation No. 98R shall supersede and/or otherwise replace Regulation No. 98.

Section 3. The Board of Health adopts all of the aforesaid recitals as findings of the Board.

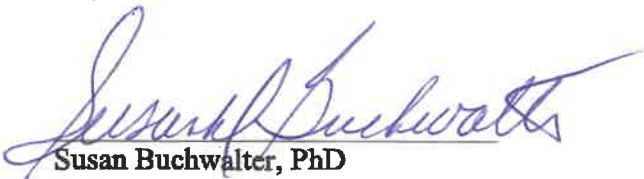
Section 4. The Board hereby directs the Health Commissioner to certify a copy of Regulation No. 98R and record the same in the Board's records.

Section 5. The Board hereby directs the Health Commissioner or his designee to issue public notice of the Board's adoption of the Regulation No. 98R in accordance with R.C. 7.16 and 3709.21.

Section 6. Pursuant to R.C. 3709.21, Regulation No. 98R shall go into effect ten (10) days after the first publication of notice.

Section 7. The Board also finds that all formal actions of the Board concerning and relating to the passage of this Resolution took place in an open meeting in accordance with R.C. 121.22.

ADOPTED by the Board of Health of the Wayne County Combined General Health District this 17th day of July, 2025.



Susan Buchwalter, PhD
President
Wayne County Board of Health



Nicolas Cascarelli, EdD
Health Commissioner
Wayne County Board of Health

CERTIFICATION

I, Nicholas Cascarelli, Secretary of the Board of Health of the Wayne County Combined General Health District, hereby certify that the Regulation No. 98R was published in the Daily Record on _____ and _____ in accordance with R.C. 7.16 and 3709.21,

Nicholas Cascarelli, EdD (date)
Secretary, Board of Health

REGULATION NO. 98R

A regulation establishing guidelines for the proper management of solid waste, construction and demolition debris, tires, and other waste materials on premises, to protect public health, prevent unsanitary conditions, and eliminate nuisances under the jurisdiction of the Wayne County Combined General Health District. This Regulation No. 98R was adopted by the Board of Health of the Wayne County Combined General Health District in Resolution # 07-17-2025.

SECTION 1: GENERAL PROVISIONS

No person within the Wayne County Combined General Health District shall store, use, or dispose of solid waste, infectious waste, construction and demolition debris, putrescible waste, or scrap tires except as provided for in Revised Code Chapters 3714, 3734, and 3745 and this Regulation No. 98R.

SECTION 2: DEFINITIONS

(A) **"Board of Health" or "Board"** means the Wayne County Combined General Health District Board, formed pursuant to R.C. 3709.07.

(B) **"Construction and demolition debris"** has the same meaning as the term is defined in Ohio Adm.Code 3745-400-01(C)(4).

(C) **"Disposal"** means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any solid wastes, hazardous waste, construction and demolition debris, or scrap tires into or on any land or ground or surface water or into the air as set forth in Ohio Adm.Code 3745-400-01(D)(3).

(D) **"Hazardous waste"** has the same meaning as the term is defined in Ohio Adm.Code 3745-51-03.

(E) **"Health Commissioner"** means the appointed Health Commissioner of the Wayne County Combined General Health District, appointed pursuant to Section 3709.11 of the Revised Code.

(F) **"Infectious waste"** means any wastes or combination of wastes that include cultures and stocks of infectious agents and associated biologicals, human blood and blood products, and substances that were or are likely to have been exposed to or contaminated with or are likely to transmit an infectious agent or zoonotic agent and as further defined in Section 3734.01(R) of the Revised Code.

(G) **"Licensed or Registered Facility"** means any approved site used for the disposal, treatment, or recycling of construction and demolition debris, hazardous waste, infectious waste, solid waste, or scrap tires duly operating under Chapter 3714 or Chapter 3734 of the Revised Code.

(H) **"Ohio EPA"** means the Ohio Environmental Protection Agency, or any agency or office delegated authority by the Ohio EPA director.

(I) **"Open Burning"** has the same meaning as the term is defined in Ohio Adm.Code 3745-19-01.

(J) **"Open Dumping"** has the same meaning as the term is defined in Ohio Adm.Code 3745-27-01.

(K) **"Person"** means any individual, business, partnership, trust, registered organization, or other legal entity or as described in Sections 1.59 or 3734.01(G) of the Revised Code.

(L) **"Premises"** means any property or land owned or controlled by a person, including areas connected by right-of-ways.

(M) **"Public Health Nuisance"** means anything that is injurious to human health or offensive to the senses; interferes with the comfortable enjoyment of life or property; and affects a community, neighborhood, or any considerable number of persons, although the extent of annoyance or damage inflicted upon individual persons may be unequal. Additionally, it includes any establishment, business, operation, residence or activity set forth in Section 3767.01 of the Revised Code.

(N) **"Putrescible Waste"** means waste that contains organic matter capable of being decomposed by microorganisms.

(O) **"Scrap Tire"** in addition to the definition found in R.C. 3734.01(Z), this term shall mean any tire, regardless of size, that has been removed from its original use, including all whole scrap tires and pieces of scrap tires that are identifiable as parts of scrap tires by visual inspection.

(P) **"Solid Waste"** means unwanted residual solid or semisolid materials, including garbage, trash, tires, and unapproved construction or demolition debris.

(Q) **"Storage"** means holding solid waste for a temporary period in a manner that prevents it from becoming a public health nuisance.

(R) **"Vermin"** includes any animal or insect that may spread disease or cause, or contribute to, a public health nuisance.

SECTION 3: SOLID WASTE STORAGE, DISPOSAL, AND PREMISES MAINTENANCE

3.1: PUBLIC HEALTH NUISANCE

No person shall accumulate or shall allow the accumulation or disposal of construction and demolition debris, hazardous waste, infectious waste, putrescible waste, or solid waste in such a manner that it constitutes a public health nuisance.

3.2: DISPOSAL

All construction and demolition debris, hazardous waste, infectious waste, putrescible waste, and solid waste must be disposed of at a licensed or registered facility unless specifically exempted by law.

3.3: OPEN BURNING AND OPEN DUMPING

Open burning and open dumping are prohibited except as authorized by the Director of the Ohio EPA in accordance with the applicable laws and regulations.

3.4: RESIDENTIAL WASTE STORAGE AND PREMISES MANAGEMENT

(A) No person may allow construction and demolition debris, hazardous waste, infectious waste, putrescible waste, or solid waste to accumulate in a way that creates a public health nuisance on premises that the person owns, leases, resides in, controls, maintains, manages, or occupies.

(B) Owners, tenants, lessees (including sub-lessees), residents, and any person who controls, maintains, manages, or occupies the premises must remove and properly dispose of any construction and demolition debris, hazardous waste, infectious waste, putrescible waste, or solid waste at a licensed or registered facility.

(C) Construction and demolition debris, hazardous waste, infectious waste, putrescible waste, or solid waste must be stored properly to avoid attracting or harboring vermin and to avoid creating a public health nuisance.

(D) Any person who owns, leases, controls, maintains, manages, or occupies Commercial or industrial property must provide appropriate, durable waste containers that comply with the rules and regulations of the Ohio EPA and this Regulation No. 98R. These containers must be cleaned regularly to prevent a public health nuisance.

(E) Open burning must be conducted in accordance with Ohio Administrative Code 3745-19-03.

SECTION 4: PENALTIES

Any person violating any provision of this regulation or an order by the Board of the Wayne County Combined General Health District is subject to penalties under R.C. 3707.48, 3707.99, and 3709.99 or other applicable regulations.

SECTION 5: SEVERABILITY

Should any section, division, paragraph, or clause of this Regulation No. 98R be found unlawful or unenforceable by a court of competent jurisdiction, the remainder these provisions shall remain in full force and effect unless and until the Board takes further action to repeal, replace, supersede, or otherwise amend the remaining provisions.

CERTIFICATION

I, Nicholas Cascarelli, Secretary of the Board of Health of the Wayne County Combined General Health District, hereby certify that the foregoing is a true and correct copy of Regulation No. 98R, duly adopted by the Board of Health of the Wayne County Combined General Health District at its regular meeting on July 17, 2025.

Handwritten signature of Nicholas Cascarelli in blue ink, written over a horizontal line. To the right of the signature, the date "7/17/25" is handwritten.

Nicholas Cascarelli, EdD
Secretary, Board of Health

(date)