

September 22, 2015

The Honorable Ryan Styer  
Tuscarawas County Prosecuting Attorney  
Courthouse Annex  
125 East High Avenue  
New Philadelphia, Ohio 44663

SYLLABUS:

2015-029

1. A “solid waste facility” is a site, location, tract of land, installation, or building where the disposal, transfer, treatment, storage, collection, recovery, or recycling of solid wastes occurs.
2. A composting facility is a “solid waste facility” for purposes of R.C. 3734.57(G)(4).
3. A scrap tire facility is a “solid waste facility” for purposes of R.C. 3734.57(G)(4).
4. Pursuant to R.C. 3734.57(G)(4), a board of directors of a joint solid waste management district may expend fees levied under R.C. 3734.57(B) and R.C. 3734.573(A) to provide financial assistance to a county within the joint solid waste management district to defray up to 100% of the added costs of road maintenance attributable to a solid waste facility located within the county’s boundaries so long as the solid waste management plan or amended plan includes a provision for that purpose, and the expenditure complies with the plan language.
5. R.C. 3734.57(G)(4) read *in pari materia* with R.C. 3734.53(B)(3)(c) requires that a solid waste facility be located within a county’s boundaries for the board of directors of a joint solid waste management district to provide financial assistance to defray the added costs of maintenance of the county’s roads.



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September 22, 2015

OPINION NO. 2015-029

The Honorable Ryan Styer  
Tuscarawas County Prosecuting Attorney  
Courthouse Annex  
125 East High Avenue  
New Philadelphia, Ohio 44663

Dear Prosecutor Styer:

We have received your request for an opinion raising the following questions about the construction and application of R.C. 3734.57(G)(4):

1. What is a “solid waste facility” for the purpose of determining whether particular road maintenance costs are payable under R.C. 3734.57(G)(4)? Is a composting facility or a scrap tire facility a “solid waste facility”?
2. To what extent may a joint solid waste management district “defray the added costs” of road maintenance as understood by R.C. 3734.57(G)(4)?
3. To further determine the eligibility of impacted roads for road maintenance expenditures under R.C. 3734.57(G)(4), is the solid waste facility required to be located “within the district” or “within the county”?

### **Joint Solid Waste Management Districts and Plans**

“In 1988, the General Assembly enacted 1987-1988 Ohio Laws, Part III 4418 (Am. Sub. H.B. 592, eff. June 24, 1988), which provides for the establishment of mandatory solid waste management districts throughout the state.” 1994 Op. Att’y Gen. No. 94-021, at 2-92; *see also* R.C. 343.01(A)(1)-(2); R.C. 3734.52(A). Each board of county commissioners is required to establish and maintain either a county solid waste management district, R.C. 343.01(A)(1), or a joint solid waste management district, R.C. 343.01(A)(2). Your request for a formal opinion addresses a joint solid waste management district, specifically, the Stark-Tuscarawas-Wayne Joint Solid Waste Management District. Thus, for purposes of this opinion, the discussion that follows will be limited to a joint solid waste management district, generally, and the Stark-Tuscarawas-Wayne Joint Solid Waste Management District in particular.

A joint solid waste management district is managed by the board of directors of the joint district. The board of directors of the joint solid waste management district is composed of the boards

of county commissioners of the counties constituting the joint district. R.C. 343.01(B). “Each ... joint solid waste management district established under [R.C. Chapter 343] shall prepare, adopt, submit to the director of environmental protection for review and approval, and implement a solid waste management plan for the district.” R.C. 3734.54(A).

R.C. Chapter 343 (solid waste management districts) and R.C. Chapter 3734 (solid and hazardous wastes) require a solid waste management district to prepare and implement a solid waste management plan for the safe and sanitary management of solid wastes. *See* R.C. 3734.52(A). Generally, “[t]he plan shall provide for, demonstrate, and certify the availability of and access to sufficient solid waste management facility capacity to meet the solid waste management needs of the district for the ten-year period covered by the plan.” R.C. 3734.53(A). The specific provisions mandated within the plan are comprehensive, and include information, inventories, projections, and certifications. *See* R.C. 3734.53(A)(1)-(14). The plan may establish a schedule of fees to be levied upon the activities described in R.C. 3734.57(B) and R.C. 3734.573(A). R.C. 3734.53(B)(1), (2). The plan shall prescribe the allocation and distribution of the levied fees for the expenditures authorized in R.C. 3734.57(G)(1)-(10). R.C. 3734.53(B)(3). Your inquiry involves the application and construction of R.C. 3734.57(G)(4).

**“Solid Waste Facility” Defined for Purposes of R.C. 3734.57(G)(4)**

You ask what is a “solid waste facility” for purposes of R.C. 3734.57(G)(4) and whether a composting facility or a scrap tire facility is a “solid waste facility” under R.C. 3734.57(G)(4). R.C. 3734.57(G) provides, in pertinent part, that

[m]oneys in the special fund of the county or joint district arising from the fees levied under [R.C. 3734.57(B)] and the fee levied under [R.C. 3734.573(A)] shall be expended by the board of county commissioners or directors of the district in accordance with the district’s solid waste management plan or amended plan approved under [R.C. 3734.521, R.C. 3734.55, or R.C. 3734.56] exclusively for the following purposes:

....

(4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a *solid waste facility* within the county under the district’s approved solid waste management plan or amended plan. (Emphasis added.)

“The rule is well established that the General Assembly’s own construction of its language, as provided by definitions, controls in the application of a statute.” *Ohio Civ. Rights Comm’n v. Parklawn Manor, Inc.*, 41 Ohio St. 2d 47, 50, 322 N.E.2d 642 (1975); *accord Woman’s Bowling Congress v. Porterfield*, 25 Ohio St. 2d 271, 275, 267 N.E.2d 781 (1971); *Terteling Bros. v. Glander*, 151 Ohio St. 236, 241, 85 N.E.2d 379 (1949). Thus, we commence our examination with R.C. 3734.01(N), which defines the term, “facility,” as used in R.C. Chapter 3734, to mean:

any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes or, if the solid wastes consist of scrap tires, for the collection, storage, or processing of the solid wastes; for the transfer of solid wastes; for the treatment of infectious wastes; or for the storage, treatment, or disposal of hazardous waste.

For purposes of R.C. Chapter 343, “facility” has the same meaning as in R.C. 3734.01(N) and also includes any solid waste transfer, recycling, or resource recovery facility. *See* R.C. 343.01(L)(4)(a); *see also* 7B Ohio Admin. Code 3745-27-01(S)(24)-(25), (28) (defining “solid waste disposal facility,” “solid waste energy recovery facility,” and “solid waste transfer facility”). R.C. 3734.01(E) defines “solid wastes” to mean:

such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from the combustion of coal and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. “Solid wastes” does not include any material that is an infectious waste or a hazardous waste.<sup>1</sup>

Based upon these definitions, a “solid waste facility” for purposes of R.C. 3734.57(G)(4) is a site, location, tract of land, installation, or building where the disposal, transfer, treatment, collection, storage, recovery, or recycling of solid wastes occurs.

You also ask whether a composting facility or a scrap tire facility is a “solid waste facility” for purposes of R.C. 3734.57(G)(4). R.C. 3734.01(E) states that scrap tires are “solid wastes.” R.C. 3734.01(N) states, in pertinent part, that a “facility” is a site, location, tract of land, installation, or building used for the collection, storage, or processing of “solid wastes” that consist of scrap tires. It follows, therefore, that a “facility” for the collection, storage, or processing of scrap tires is a “solid waste facility” for purposes of R.C. 3734.57(G)(4).

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<sup>1</sup> On June 30, 2015, Am. Sub. H.B. 64 amended the definition of solid wastes to include “nontoxic, nonhazardous, unwanted fired and unfired, glazed and unglazed, structural products made from shale and clay products.” Am. Sub. H.B. 64, 131st Gen. A. (2015) (eff. Sept. 29, 2015). The amendment does not affect the analysis or conclusions in this opinion.

R.C. 3734.01(N) references the composting process when defining a facility. The Ohio Administrative Code further defines “composting” as “the process of biological decomposition of solid wastes under controlled conditions resulting in compost. Controlled conditions include but are not limited to grinding, shredding, piling, physical turning, aerating, adding moisture, or other processing of solid wastes.” 7D Ohio Admin. Code 3745-560-02(C)(11). Composting is a method of processing solid wastes. Therefore, a facility that uses composting to process solid wastes is a “solid waste facility” as that term is used in R.C. 3734.57(G)(4).

For purposes of R.C. 3734.57(G)(4), we conclude that a “solid waste facility” is a site, location, tract of land, installation, or building where the processes of disposal, transfer, treatment, storage, collection, recovery, or recycling of solid wastes occur. Based upon the definition of a “solid waste facility,” a composting facility is a “solid waste facility,” and a scrap tire facility is a “solid waste facility.”

#### **Authority for and Determination of Amount of Expenditures for Road Maintenance Pursuant to R.C. 3734.57(G)(4)**

In your second question, you ask about the extent to which a joint solid waste management district may “defray the added costs” of road maintenance as understood by R.C. 3734.57(G)(4). Before determining the extent of the expenditures authorized for road maintenance, it is beneficial to understand the responsibilities of state and local governments to perform and pay the costs of public road maintenance. Whether a public road is a state, county, or township road determines which entity is responsible to maintain the road.<sup>2</sup> As provided in R.C. 5535.01, a board of county commissioners is responsible for maintenance of county roads, and a board of township trustees is responsible for maintenance of the roads within its township not otherwise classified as state or county roads. *See also* 2012 Op. Att’y Gen. No. 2012-029, at 2-248

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<sup>2</sup> R.C. 5535.01 provides that

[t]he public highways of the state shall be divided into three classes: state roads, county roads, and township roads.

(A) State roads include the roads and highways on the state highway system.

(B) County roads include all roads which are or may be established as a part of the county system of roads as provided in [R.C. 5541.01 to R.C. 5541.03], inclusive, which shall be known as the county highway system. *Such roads shall be maintained by the board of county commissioners.*

(C) Township roads include all public highways other than state or county roads. *The board of township trustees shall maintain all such roads within its township.* The board of county commissioners may assist the board of township trustees in maintaining all such roads. This section does not prevent the board of township trustees from improving any road within its township. (Emphasis added.)

("[r]esponsibility for the improvement and repair of county roads is vested in the board of county commissioners and the county engineer"). With respect to county roads, a board of county commissioners may expend moneys as permitted by statute to maintain roads within the county's boundaries. "[T]he general statutory scheme is that the state, county, and township, each as to its respective jurisdiction, bears the responsibility for maintenance and repair of its respective road or highway system, although the various subdivisions may cooperate in the maintenance and repair of the others' roads." 1981 Op. Att'y Gen. No. 81-039, at 2-155 (clarified on other grounds in 1982 Op. Att'y Gen. No. 82-025).

R.C. 3734.57(G)(4) authorizes a joint solid waste management district's board of directors to expend moneys from the fees levied under R.C. 3734.57(B) and R.C. 3734.573(A) to "provid[e] *financial assistance* to each county within the district *to defray the added costs* of maintaining roads and other public facilities ... resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan or amended plan." (Emphasis added.) The term "financial assistance," as used in R.C. 3734.57(G)(4), is not defined within R.C. Chapter 3734. In the absence of a statutory definition, we may ascertain the meaning of a term from its common, everyday usage. *See generally* R.C. 1.42 ("[w]ords and phrases shall be read in context and construed according to the rules of grammar and common usage"). "Assist" means "to give usu[ally] supplementary support or aid to." *Merriam-Webster's Collegiate Dictionary* 74 (11th ed. 2005). "Financial" is defined as "[f]iscal" or "[r]elating to finances." *Black's Law Dictionary* 630 (6th ed. 1990). *Black's Law Dictionary* also defines "assist," at 120, as "to help; aid; succor; lend countenance or encouragement to; participate in as an auxiliary. To contribute effort in the complete accomplishment of an ultimate purpose intended to be effected by those engaged." In common usage, "defray" means "to provide for the payment of" or "to bear the expenses of." *Merriam-Webster's Collegiate Dictionary* at 327. Thus, as used in R.C. 3734.57(G)(4), "financial assistance" denotes a monetary contribution to the added costs of road maintenance incurred by a county as a result of the location and operation of a solid waste facility in the county.

However, R.C. 3734.57(G)(4) does not authorize a joint solid waste management district to pay for *all* costs of road maintenance, but rather only the *added* costs attributable to the presence of a solid waste facility in the county. "Added" is a qualifying term that limits the "costs" eligible for financial assistance to those costs that are incurred for road maintenance made necessary by the operation of a solid waste facility. Thus, the General Assembly's use of the term "added costs" relates to an increase in the costs of road maintenance due to the transportation of solid wastes to or from a solid waste facility.

R.C. 3734.57(G)(4) road maintenance expenditures are further qualified by R.C. 3734.57(G), which requires that the ten authorized R.C. 3734.57(G) expenditures be made "in accordance with the district's solid waste management plan or amended plan." In creating the joint solid waste management district's plan or amended plan, a solid waste management policy committee, consisting of the members established by the board of directors as provided in R.C. 3734.54(B)-(C), shall consider all ten authorized purposes when formulating the joint solid waste management district's plan. *See* R.C. 3734.53(B)(3); *see also* R.C. 3734.53-.55 (setting forth the

required contents of a joint solid waste management district plan as well as the preparation, submission, and review of the plan). The plan shall identify and include “[s]uch other projections as the district considers necessary or appropriate to ascertain and meet the solid waste management needs of the district during the period covered by the plan,” R.C. 3734.53(A)(12), and “[t]he methods of financing implementation of the plan and a demonstration of the availability of financial resources for that purpose,” R.C. 3734.53(A)(13)(d). The General Assembly has not provided a cap upon R.C. 3734.57(G)(4) expenditures other than R.C. 3734.53(B)(3)’s reference to fee moneys “available for expenditure” when allocating fee moneys within the plan for the purposes of R.C. 3734.57(G)(1)-(10). *See* R.C. 3734.53(B)(3). Regardless, “[i]f the Director [of Environmental Protection] finds that the plan does not demonstrate financial feasibility, he may find that it fails to satisfy R.C. 3734.53(A)(12) and disapprove it on that basis.” 1993 Op. Att’y Gen. No. 93-018, at 2-100.

In the absence of direction by the General Assembly to determine how much financial assistance should be provided to defray the added costs of road maintenance, a reasonable exercise of discretion may be utilized by a solid waste management policy committee to carry out the intent of the statute. *See Jewett v. Valley Ry. Co.*, 34 Ohio St. 601, 608 (1878) (“[w]here authority is given to do a specified thing, but the precise mode of performing it is not prescribed, the presumption is that the legislature intended the party might perform it in a reasonable manner”). Reasonable discretion requires the solid waste management policy committee to exercise its best judgment in formulating a plan to provide for the safe and sanitary management of solid wastes by the joint solid waste management district. While the solid waste management policy committee is required to consider all ten authorized R.C. 3734.57(G) expenditures, the statute does not require the policy committee to assign a specific dollar amount to each authorized expense within the plan. In the exercise of reasonable discretion, the solid waste management policy committee may employ those criteria the policy committee believes most suitable and appropriate to address and prioritize the needs of the joint solid waste management district. Thus, for example, in setting expenditure priorities under R.C. 3734.57(G), the policy committee may take into account that a finite amount of fee moneys are available for expenditure.

The solid waste management policy committee’s allocations within the plan are subject to a review process before approval, which requires preliminary review by the Director of Environmental Protection, public notice and comment, ratification by the solid waste management policy committee after public comment, as well as final approval by the Director of Environmental Protection. *See* R.C. 3734.55(A)-(C). “After approval of the plan ... by the [D]irector [of Environmental Protection] ... the board of directors of a joint district shall implement the plan in compliance with the implementation schedule contained in the approved plan.” R.C. 3734.55(C)(4). Subsequent amended plans are required to be submitted to the Director of Environmental Protection within the timeframes provided and comply with R.C. 3734.53. *See* R.C. 3734.56. Hence, once a provision for financial assistance for the added costs of road maintenance is included within an approved joint solid waste management district’s plan or amended plan, a board of directors may make the expenditure within the parameters provided by the plan.

We have obtained the Stark-Tuscarawas-Wayne Joint Solid Waste Management District 2015-2024 Solid Waste Management Plan Update (hereinafter “Ratified Plan”), approved by the Ohio Environmental Protection Agency on December 24, 2014, which governs the expenditure of fee moneys for road maintenance. For illustrative purposes, the provision with respect to “expenses related to the repair of roadways related to solid waste facilities” within the Ratified Plan states at p. VIII-10 that

[a]n annual budgeted amount for this program is not being proposed but if a request for funding is submitted to the District under this program, the Board may consider the request. If a determination is made to provide the funding, the dollars will come from either the General Plan Implementation line item or from the excess fund balance if the following criteria are met. Approval of road repair funding will require a minimum reserve of \$3 million in the tipping fee fund, will not exceed \$300,000 a year, and will be based on budgetary availability.

The Ratified Plan also considers all authorized R.C. 3734.57(G)(1)-(10) expenditures. *See* Ratified Plan, p. VIII-26. The road maintenance provision does not provide a specific dollar amount for R.C. 3734.57(G)(4) expenditures, but provides for payment of road maintenance expenditures contingent upon a reserve of \$3 million in the tipping fee fund as well as a threshold amount of no more than \$300,000 for this expenditure. *See* Ratified Plan, p. VIII-10. As a practical matter, it is uncertain whether fee moneys will be available to provide financial assistance to a county for the added costs of road maintenance as authorized by R.C. 3734.57(G)(4). Thus, the board of directors of the Stark-Tuscarawas-Wayne Joint Solid Waste Management District may make expenditures for road maintenance authorized by the language of the Ratified Plan. Based on the foregoing, we conclude that pursuant to R.C. 3734.57(G)(4), a board of directors of a joint solid waste management district may expend fees levied under R.C. 3734.57(B) and R.C. 3734.573(A) to provide financial assistance to a county within the joint solid waste management district to defray up to 100% of the added costs of road maintenance attributable to a solid waste facility located within the boundaries of that county so long as the solid waste management plan or amended plan includes language authorizing expenditures for road maintenance, and the expenditure complies with the plan language.

#### **Authority of a Joint Solid Waste Management District Board of Directors To Make Road Maintenance Expenditures Based Upon Location of a Solid Waste Facility**

In your third question, you ask whether a solid waste facility must be located “within the county,” or “within the district,” in order for a joint solid waste management district’s board of directors to expend fee moneys to provide financial assistance to a county for added costs of road maintenance. R.C. 3734.57(G)(4) authorizes a joint solid waste management district’s board of directors to provide “financial assistance *to each county* within the district to defray the added costs of maintaining roads and other public facilities ... *resulting from the location and operation of a solid waste facility within the county* under the district’s approved solid waste management plan or amended plan.” (Emphasis added.) You explain that roads in Tuscarawas County have been subjected to wear and tear associated with the utilization of a solid waste facility located in Stark



County. It appears that you seek clarification of the phrase, “to each county within the district,” as used in R.C. 3734.57(G)(4), when determining eligibility for financial assistance to defray the added costs of road maintenance attributable to the location and operation of a solid waste facility.

As noted previously, a solid waste management district may consist of one or more counties. See R.C. 343.01(A)(1)-(2). The term, “each” is defined as “being one of two or more distinct individuals having a similar relation and often constituting an aggregate.” *Merriam-Webster’s Collegiate Dictionary* at 390. It follows that, when addressing a joint solid waste management district, the term “each” within the phrase “each county” is an adjective modifying “county” to denote a single individual county within a multi-county joint solid waste management district. Thus, to be eligible for financial assistance under R.C. 3734.57(G)(4), a county shall first qualify as a county within the joint solid waste management district.

The General Assembly has further qualified eligibility for financial assistance to defray the added costs of road maintenance with the language “*resulting from the location and operation of a solid waste facility within the county.*” R.C. 3734.57(G)(4) (emphasis added). Insofar as the General Assembly has included the qualifying phrase “within the county” in R.C. 3734.57(G)(4) rather than “within the district,” the physical location of the solid waste facility determines whether an individual county within the joint solid waste management district may receive financial assistance to defray the added costs of road maintenance. The General Assembly’s use of the definite article “the” in modifying “county” indicates that each individual county is intended to be separate and distinct from the other counties within the joint solid waste management district, and does not refer to *any* county within the joint solid waste management district. In the event that the General Assembly intended a different meaning, “it would not have been difficult to find language which would express that purpose.” *Lake Shore Elec. Ry. Co. v. P.U.C.O.*, 115 Ohio St. 311, 319, 154 N.E. 239 (1926).<sup>3</sup>

In consideration of R.C. 3734.57(G)(4), R.C. 3734.53(B)(3)(c) requires that a joint solid waste management district’s plan “[c]ontain provisions governing the allocation and distribution of moneys credited to and available from the special fund of the district *to the county in which solid waste facilities are or are to be located and operated* under the plan for the purposes of [R.C.

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<sup>3</sup> Compare R.C. 3734.57(G)(3) (an authorized expenditure is “[p]roviding financial assistance to boards of health *within the district, if solid waste facilities are located within the district*” (emphasis added)), and R.C. 3734.57(G)(10) (conditions for reimbursement of costs attributable to a landfill require that the affected community as defined in R.C. 3734.35 is not located within the municipal corporation, township, or county in which the landfill is located and that the affected community is not located in the same solid waste management district as the landfill), and R.C. 3734.57(C) (authorizing levying of fees by a municipal corporation or township in which a solid waste facility is located upon the disposal of solid waste “[f]or the purposes of defraying the added costs to a municipal corporation or township of maintaining roads ... resulting from the location and operation of a solid waste disposal facility *within the municipal corporation or township*” (emphasis added)).

3734.57(G)(4)].” (Emphasis added.)<sup>4</sup> The explicit reference to R.C. 3734.57(G)(4) by R.C. 3734.53(B)(3)(c) indicates that the General Assembly intends that these sections shall be construed together. “It is a fundamental rule of statutory construction that statutes relating to the same subject matter should be construed together” and “[i]n construing such statutes *in pari materia*, they should be harmonized so as to give full application to the statutes.” *State ex rel. Comm. for the Proposed Ordinance to Repeal Ordinance No. 146-02, West End Blight Designation, v. Lakewood*, 100 Ohio St. 3d 252, 2003-Ohio-5771, 798 N.E.2d 362, at ¶20 (2003) (quoting *State ex rel. Thurn v. Cuyahoga Cnty. Bd. of Elections*, 72 Ohio St. 3d 289, 294, 649 N.E.2d 1205 (1995)). Because R.C. 3734.53(B)(3)(c) includes the language “*to the county in which solid waste facilities are or are to be located and operated,*” the interpretation that maintains consistency between R.C. 3734.57(G)(4) and R.C. 3734.53(B)(3)(c) is that a solid waste facility must be located within the county rather than within *any* county in the district in order for the county to receive financial assistance under R.C. 3734.57(G)(4). We conclude that R.C. 3734.57(G)(4) read *in pari materia* with R.C. 3734.53(B)(3)(c) requires that a solid waste facility be located within a county’s boundaries for the board of directors of a joint solid waste management district to provide financial assistance to defray the added costs of maintenance of the county’s roads. Thus, a county road within Tuscarawas County that has sustained deterioration attributable to the operation of a solid waste facility located in Stark County does not qualify for road maintenance expenditures under R.C. 3734.57(G)(4), as the facility is not located within Tuscarawas County.

### Conclusions

Based on the foregoing, it is my opinion, and you are hereby advised:

1. A “solid waste facility” is a site, location, tract of land, installation, or building where the disposal, transfer, treatment, storage, collection, recovery, or recycling of solid wastes occurs.
2. A composting facility is a “solid waste facility” for purposes of R.C. 3734.57(G)(4).
3. A scrap tire facility is a “solid waste facility” for purposes of R.C. 3734.57(G)(4).
4. Pursuant to R.C. 3734.57(G)(4), a board of directors of a joint solid waste management district may expend fees levied under R.C. 3734.57(B) and R.C. 3734.573(A) to provide financial assistance to a county within the joint solid waste management district to defray up to 100% of the added costs of road

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<sup>4</sup> R.C. 3734.57(G)(1)-(10) delineates the authorized expenditures of fees levied under R.C. 3734.57(B) and R.C. 3734.573(A). R.C. 3734.53(B)(3), and specifically R.C. 3734.53(B)(3)(c) with respect to R.C. 3734.57(G)(4) expenditures, mandates that the allocation and distribution of these authorized expenditures are included within the joint solid waste management district’s plan.

maintenance attributable to a solid waste facility located within the county's boundaries so long as the solid waste management plan or amended plan includes a provision for that purpose, and the expenditure complies with the plan language.

5. R.C. 3734.57(G)(4) read *in pari materia* with R.C. 3734.53(B)(3)(c) requires that a solid waste facility be located within a county's boundaries for the board of directors of a joint solid waste management district to provide financial assistance to defray the added costs of maintenance of the county's roads.

Very respectfully yours,

A handwritten signature in blue ink that reads "Michael Dewine". The signature is written in a cursive, flowing style.

MICHAEL DEWINE  
Ohio Attorney General