



State of Ohio Environmental Protection Agency

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July 10, 2009

CERTIFIED MAIL

The Honorable Joe D. Miller, Chairman
Board of Directors, Holmes County Solid Waste Management District
2 Court Street Suite 14
Millersburg, Ohio 44654-2001

RE: Ohio Revised Code Section 3734.55(C)(1) Holmes County Solid Waste Management District Solid Waste Management Plan Approval

Dear Chairman Miller:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed and approved the ratified draft solid waste management plan update (Plan) for the Holmes County Solid Waste Management District (District). Director's Final Findings and Orders approving the Plan are enclosed with this letter. Attachment 1 is a summary of the implementation schedule that was derived from the District's Plan.

The District should proceed to implement its approved Plan in accordance with the implementation schedule and timeline contained in the approved Plan and in Attachment 1 to the enclosed Director's Final Findings and Orders. Please be advised that Division (C)(4) of Section 3734.55 of the Ohio Revised Code (ORC) also requires the District's Policy Committee to "...annually review implementation of the approved plan."

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to ORC 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of this Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

The Honorable Joe D. Miller, Chairman
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An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
309 S. Fourth Street
Room 222
Columbus, Ohio 43215

If you have any questions regarding implementation of the approved Plan, please contact me at (614) 728-5370.

Sincerely,



Kevin Shoemaker
Environmental Specialist
Division of Solid and Infectious Waste Management

KS/sw

Enclosures (2): Director's Final Findings and Orders
Attachment 1 to the Findings and Orders

cc (with enclosures): David Hanselmann, Acting Chief, ODNR, DRLP
Ed Britt, Coordinator, Holmes County Solid Waste
Management District
Lynn Sowers, Environmental Supervisor, DSIWM-Northeast
District Office

JUL 10 2009

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

In the matter of:

Holmes County Solid Waste Management District	:	Director's Final
2 Court Street, Suite 22	:	Findings and Orders
Millersburg, Ohio 44654	:	

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Holmes County Solid Waste Management District (District), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) Section 3734.55(C).

II. PARTIES

These Orders shall be binding upon the District.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meanings as defined in ORC Chapter 3734 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Pursuant to ORC Section 3734.56, a solid waste management district ("SWMD") with an approved solid waste management plan that contains a planning period of less than fifteen years is required to submit an amended solid waste management plan that complies with the requirements in Divisions (A), (B), (D), and (E)(1) of ORC Section 3734.53 to the Director of Ohio EPA on or before the third year anniversary of the date the existing solid waste management plan was approved.

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By:  Date: 7.10.09

2. The existing solid waste management plan for the District was approved on January 10, 2005 and covers a planning period of ten years. The date the District's draft amended solid waste management plan was due to Ohio EPA was January 10, 2008.
3. On July 24, 2007, Ohio EPA received a draft amended solid waste management plan from the policy committee for the District.
4. Pursuant to ORC Section 3734.55, the Director of Ohio EPA is required to provide the policy committee of a SWMD with a written, nonbinding advisory opinion regarding a draft solid waste management plan and any recommended changes to it that the Director considers necessary to effect its approval.
5. On September 7, 2007, Ohio EPA mailed a written, nonbinding advisory opinion concerning the draft amended solid waste management plan received on July 24, 2007 to the District's policy committee.
6. Pursuant to ORC Section 3734.55, the policy committee of a SWMD is required to submit a draft solid waste management plan that has been ratified in accordance with the criteria established in Division (B) of ORC Section 3734.55 to the Director of Ohio EPA to be reviewed for compliance with Divisions (A), (B), (D), and (E)(1) of ORC Section 3734.53.
7. On July 10, 2009, Ohio EPA received a ratified, draft, amended solid waste management plan from the policy committee for the District.
8. The Director has determined that the District's ratified, draft, amended solid waste management plan is in compliance with Divisions (A), (B), (D), and (E)(1) of Section 3734.53 of the ORC.

V. ORDERS

1. The ratified, draft, amended plan of the District that was received by Ohio EPA on July 10, 2009 is hereby approved.
2. The District shall proceed to implement its approved solid waste management plan in accordance with the strategies, programs, and activities described in the ratified, draft, amended solid waste management plan and contained in the implementation schedule included as Attachment 1 to these Orders.

VI. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations.

VII. RESERVATION OF RIGHTS

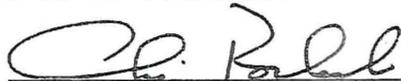
Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties against the District for noncompliance with these Orders.

Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require the District to perform additional activities pursuant to ORC Chapter 3734 or any other applicable laws in the future. Nothing herein shall restrict the right of the District to raise any administrative, legal, or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of the District. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations which may occur.

VIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders were entered into the Ohio EPA Director's Journal.

IT IS SO ORDERED:



Chris Korleski, Director
Ohio Environmental Protection Agency

ATTACHMENT 1 TO THE FINDINGS AND ORDERS
Summary of the Implementation Schedule for the
Holmes County Solid Waste Management District

Several sections of the ratified, draft, amended solid waste management plan update (Plan) submitted by the Solid Waste Management District or Authority identified above are considered to be part of the implementation schedule required in accordance with Ohio Revised Code Section 3734.53(A)(13). This attachment lists the elements that Ohio EPA understands to constitute the implementation schedule contained in the District's or Authority's Plan. These elements are listed in the table below.

Implementation Schedule for Facilities, Strategies, Programs and Activities

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which Goal will this strategy be used to demonstrate compliance with?
<i>Commercial/Industrial Sector, TA and Education</i>		
7441 District developed brochure on source reduction and recycling mailed annually by mass mailing.	Ongoing	Goal 3, Goal 4
7443 Recognition Program for innovative recycling programs (Page V-10)	2010, Ongoing	Goal 3, Goal 4
7442 Waste Assessments (Table VI-5)	Ongoing	Goal 3, Goal 4
<i>Curbside Recycling, Non-subscription</i>		
7398 Millersburg Village (Table VII-2)	2006	Goal 1
<i>Drop-off Recycling</i>		
7423 Clark Elementary (Table VI-5)	Ongoing	Goal 2
7418 Hilland High School (Table VI-5)	Ongoing	Goal 2
7417 Holmes County Home (Table VI-5)	Ongoing	Goal 2
7414 Holmes County Jail (Table VI-5)	Ongoing	Goal 2
7422 Killbuck Elementary (Table VI-5)	Ongoing	Goal 2
7420 Millersburg Elementary (Table VI-5)	Ongoing	Goal 2

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which Goal will this strategy be used to demonstrate compliance with?
7416 MRDD Training Center (Table VI-5)	Ongoing	Goal 2
7415 Pomerene Hospital (Table VI-5)	Ongoing	Goal 2
7424 Recycling Center (Table VI-5)	Ongoing	Goal 2
7419 West Holmes High School (Table VI-5)	Ongoing	Goal 2
7421 West Holmes Junior High (Table VI-5)	Ongoing	Goal 2
<i>Drop-off Recycling, FS, Rural</i>		
7411 Charm Village (Clark Township) (Table VII-2)	Ongoing	Goal 1
7406 Clark Village (Mechanic Township) (Table VII-2)	Ongoing	Goal 1
7412 Farmerstown Village (Clark Township) (Table VII-2)	Ongoing	Goal 1
7400 Glenmont Village (Richland Township) (Table VII-2)	Ongoing	Goal 1
7408 Holmesville Village (Prairie Township) (Table VII-2)	Ongoing	Goal 1
7405 Killbuck Village (Killbuck Township) (Table VII-2)	Ongoing	Goal 1
7409 Lake Buckhorn Community (Lake Buckhorn Township) (Table VII-2)	Ongoing	Goal 1
7413 Lakeville Village (Washington Township) (Table VII-2)	Ongoing	Goal 1
7407 Mt. Hope Village (Salt Creek Township) (Table VII-2)	Ongoing	Goal 1
7410 Nashville Village (Ripley Township) (Table VII-2)	Ongoing	Goal 1
7404 Walnut Creek Village (Wlnut Creek Township) (Table VII-2)	Ongoing	Goal 1
7403 Winesburg Village (Paint Township) (Table VII-2)	Ongoing	Goal 1
<i>Drop-off Recycling, FS, Urban</i>		
7399 Berlin Village (Berlin Township) (Table VII-2)	Ongoing	Goal 1

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which Goal will this strategy be used to demonstrate compliance with?
7401 Millersburg Village (Hardy Township) #1 (Table VII-2)	Ongoing	Goal 1
7402 Millersburg Village (Hardy Township) #2 (Table VII-2)	Ongoing	Goal 1
Electronics Collection		
7429 Electronics Collection at District Recycling Center during weekdays (Table VI-5 and pages V-5 to V-6)	Ongoing	Goal 2
Household Hazardous Waste		
7427 Triennial HHW collection events (Table VI-5)	Ongoing	Goal 5, Goal 2
Lead-Acid Battery Programs		
7430 Collections available throughout year and at HHW collection events	Ongoing	Goal 2
Other Facilities (1)		
7397 Holmes County Landfill (Table VI-5)	Ongoing	None
Other Programs		
7428 Appliance Recycling Program (collection at landfill and at special community events) (Table VI-5)	Ongoing	Goal 2
7425 Office Paper Recycling Program-County Government Offices (Table VI-5)	Ongoing	Goal 2
7445 The District will evaluate feasibility of incorporating drop-off sites into a countywide volume based program	2009	Goal 1
7444 The District will explore feasibility of developing a volume base trash collection program that includes recycling (Page VII-2)	2009	Goal 1
7431 Used Oil Collection	Ongoing	Goal 2
Residential Sector Education and Awareness		
7433 Advertising Campaigns (Table VI-5)	Ongoing	Goal 3, Goal 4
7435 Community Presentatinos (Table VI-5)	Ongoing	Goal 3, Goal 4
7436 Green Team Newsletter (Table VI-5)	Ongoing	Goal 3, Goal 4

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which Goal will this strategy be used to demonstrate compliance with?
7439 Publications: "Recycling Means Business" "Earthworks" and other promotional publications for recycling, composting, and anti-littering (Table VI-5)	Ongoing	Goal 3, Goal 4
7432 Recycling Brochure (Directory of programs and recycling drop-off locations) (Table VI-5)	Ongoing	Goal 3, Goal 4
7434 School Presentations (Table VI-5)	Ongoing	Goal 3, Goal 4
Scrap Tire Programs		
7426 Collection of Scrap Tires (amnesty days, HHW events, and at the Holmes County Landfill) (Table VI-5)	Ongoing	Goal 5, Goal 2
Yard Waste Programs		
7440 Educational promotion for proper yard waste management (Table VI-5)	Ongoing	Goal 3, Goal 4

(1) Other facilities include those landfills, incinerators, and transfer stations that are used by the District that are either: under construction or expansion; going through closure; or are owned, operated, or funded by the SWMD.