



State of Ohio Environmental Protection Agency

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AUG 27 2009

CERTIFIED MAIL

Mr. Randy Riley
President, Board of County Commissioners
Clinton County Solid Waste Management District
46 S. South St.
Wilmington, Ohio 45177

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

Dear Commissioner Riley:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed and approved the ratified draft solid waste management plan update (Plan) for the Clinton 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 Ohio Revised Code (ORC) Section 3734.55(C)(4) also requires the Policy Committee to "...annually review implementation of the approved plan... and report its findings and recommendations regarding implementation to the board of county commissioners or board of directors of the district."

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC Section 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 Environmental Review Appeals 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

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

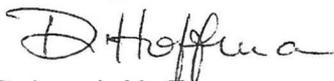
Mr. Randy Riley
Clinton County Solid Waste Management District
Page 2 of 2

Enforcement Section. 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) 728-5353.

Sincerely,



Deborah Hoffman
Environmental Specialist
Division of Solid and Infectious Waste Management

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

cc (with enclosures): Terrie TerMeer, Assistant Chief, ODNR, DRLP
 Jeff Walls, Coordinator, Clinton County SWMD
 Tracy Buchanan, Environmental Supervisor, DSIWM-SWDO

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

AUG 27 2009

ENTERED DIRECTOR'S JOURNAL

In the matter of:

Clinton County Solid Waste Management District	:	Director's Final
180 E. Sugartree Street	:	Findings and Orders
Wilmington, Ohio 45177	:	

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Clinton 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).

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.

II. PARTIES

These Orders shall be binding upon the District.

III. DEFINITIONS

By:  Date: 8-27-09

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(C), a solid waste management district (SWMD) that was ordered to implement and is operating under a solid waste management plan prepared by Ohio EPA may prepare, adopt, and submit its own solid waste management plan to replace the plan prepared by Ohio EPA. The SWMD shall submit its solid waste management plan to Ohio EPA only within the 180 days immediately preceding the triennial anniversary of the date the Director of Ohio EPA ordered the SWMD to implement the plan prepared by Ohio EPA.
2. On December 28, 2005, the Director of Ohio EPA issued Orders to the District to implement a solid waste management plan prepared by Ohio EPA. To be in compliance with ORC Section 3734.56(C), the District was required to submit its solid waste management plan to Ohio EPA on or after July 1, 2008 and on or before December 27, 2008.

3. On November 25, 2008, 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 January 9, 2009, Ohio EPA mailed a written, nonbinding advisory opinion concerning the draft amended solid waste management plan received on November 25, 2008 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 June 23, 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.
9. Pursuant to ORC Section 3734.56(C), upon approval of a solid waste management plan prepared by a SWMD when that plan is replacing a solid waste management plan prepared by Ohio EPA, the Director of Ohio EPA shall issue an order revoking the Orders issued to the SWMD requiring the SWMD to implement the solid waste management plan prepared by Ohio EPA.

V. ORDERS

1. The Orders issued by the Director of Ohio EPA to the District on December 28, 2005 are hereby revoked.
2. The ratified, draft, amended plan of the District that was received by Ohio EPA on June 23, 2009 is hereby approved.
3. 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:



Christopher Korleski, Director
Ohio Environmental Protection Agency

ATTACHMENT 1 TO THE FINDINGS AND ORDERS
Summary of the Implementation Schedule for the

Clinton County SWMD

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?
Commercial/Industrial Sector TA and Education		
781 Commercial/Industrial Sector Recycling Recognition Program (p IV-5, VI-15)	2007, ongoing	Goal 4
5550 Commercial/Industrial Sector Recycling Task Force (p IV-5, VI-15)	2010, ongoing	Goal 4
779 Technical Assistance (p IV-5, VI-15)	existing, ongoing	Goal 3, Goal 4
Curbside Recycling, Subscription		
5527 Wilmington City (p IV-7, VI-15)	2005, ongoing	Goal 1
Drop-off Recycling, FS, Rural		
5522 Adams Township (p IV-9, VI-15)	2005, ongoing	Goal 1
766 Blanchester Village (p IV-9, VI-15)	1994, ongoing	Goal 1
5520 Blanchester Village, second site (p IV-9, VI-15)	2005, ongoing	Goal 1
5523 Chester Township (p IV-9, VI-15)	2005, ongoing	Goal 1
5525 Liberty Township (p IV-9, VI-15)	2005, ongoing	Goal 1
5518 Martinsville Village (p IV-9, VI-15)	2005, 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?
5519 Midland Village (p IV-9, VI-15)	existing, ongoing	Goal 1
767 New Vienna Village (p IV-9, VI-15)	1994, ongoing	Goal 1
768 Sabina Village (p IV-9, VI-15)	1994, ongoing	Goal 1
5524 Vernon Township (p IV-9, VI-15)	2005, ongoing	Goal 1
5526 Wayne Township (p IV-9, VI-15)	2005, ongoing	Goal 1
Drop-off Recycling, FS, Urban		
7493 Wilmington City, six locations on Wilmington College campus (p IV-11, VI-15)	2008, ongoing	Goal 1
5521 Wilmington City, south (p IV-11, VI-15)	2005, ongoing	Goal 1
769 Wilmington City, west (p IV-11, VI-15)	1994, ongoing	Goal 1
Electronics Collection		
5531 Electronics Recycling Program (p IV-12, VI-15)	2006, ongoing	Goal 4
Grants/Funding		
794 Community Grants (p IV-13, VI-15)	1997, ongoing	N/A
7494 Go GREEN Grants (p V-4, VI-16)	2009, ongoing	N/A
5545 P.E.A.R. Grants (p IV-14, VI-15)	existing, ongoing	N/A
Household Hazardous Waste		
784 Household Hazardous Waste Collection (p IV-15, VI-16)	1993, ongoing	Goal 5
Lead-Acid Battery Programs		
787 Collect at household hazardous collection events and at retail outlets (p IV-16, VI-16))	existing, ongoing	Goal 5
Market Development Programs		
5536 Market Development Program (p IV-17, VI-16)	2007, ongoing	Goal 7

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?
Other Programs		
7495 Countywide Curbside Recycling Promotion (p V-6, VI-16)	2009, ongoing	N/A
5532 Data Collection Program (p IV-17, VI-16)	2006, ongoing	Goal 1
5549 Disaster Debris Management (p IV-18, VI-16)	2006, ongoing	N/A
5547 District Coordinator (p IV-18, VI-16)	2004, ongoing	N/A
5548 District Technician (p IV-19, VI-16)	2005, ongoing	N/A
5544 District Web Site (p IV-20, VI-16)	2006, ongoing	Goal 4
5533 Economic Incentive Program (p IV-20, VI-16)	2006, ongoing	Goal 6
5534 Fiber Collection Program (p IV-22, VI-16)	2005, ongoing	Goal 1
790 Litter Collection Program (p IV-24, VI-16)	1995, ongoing	N/A
5540 Open Dump/Scrap Tire Abatement and Solid Waste Enforcement Program (p IV-25, VI-16)	existing, ongoing	N/A
5551 Quarterly Budget and Implementation Reports (p IV-25, VI-16)	2006, cease in 2009	N/A
5546 Solid Waste Management Plan Update (p IV-26, VI-16)	2007, as needed	N/A
Other Residential/Commercial Recycling		
788 Appliance Collection (p IV-26, VI-17)	1994, ongoing	N/A
772 Christmas tree collection (p IV-27, VI-17)	1993, ongoing	N/A
5535 Get Caught Recycling (p IV-28, VI-17)	2006, ongoing	N/A
7496 Litter Law Enforcement (p V-5, IV-17)	2010, ongoing	N/A
Residential Sector Education and Awareness		
5542 Advertisements and Promotional Item Distribution (p IV-29, VI-17))	existing, ongoing	N/A

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?
791 Carnival Booth (p IV-29, VI-17)	1994, ongoing	N/A
5539 Civic Group Presentations (p IV-29, VI-17)	existing, ongoing	N/A
5541 Recycle Barn (p IV-30, VI-17)	existing, ongoing	N/A
5538 School Contests (p IV-30, VI-17)	existing, ongoing	N/A
5537 School Presentations (p IV-30, VI-17)	existing, ongoing	N/A
5543 Scrap Wrap Newsletter (p IV-30, VI-17)	existing, ongoing	N/A
Scrap Tire Programs		
783 Scrap Tire Collection Program (p IV-30, VI-17)	1993, ongoing	Goal 5
Yard Waste Programs		
5530 Wilmington City Compost Site (p IV-31, VI-17)	existing, ongoing	N/A
5528 Wilmington City Curbside Yard Waste Service (p IV-32, VI-17)	existing, ongoing	N/A
5529 Yard Waste Management Programming Study (p IV-32, VI-17)	2006, ongoing	N/A

(1) Other facilities include those landfills, incinerators, compost 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.