



State of Ohio Environmental Protection Agency

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November 16, 2009

Dan Raezer  
Evergreen RDF, Inc.  
2625 E. Broadway  
Northwood, OH 43619

**Re: Director's Final Findings & Orders  
General Industries Site- Fee Exemption**

Dear Sir or Madam:

Transmitted herewith are Final Findings & Orders of the Director concerning the matter indicated.

You are hereby notified that this action of the Director of Environmental Protection (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the Appeals Commission within thirty (30) days after notice of the 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 the 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. An appeal may be filed at the following address:

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

Sincerely,

Kimberly Reese  
Systems Management Unit  
Division of Solid & Infectious Waste Management

Enclosure: Director's Final Findings and Orders

cc: Andrew Booker, CO, DSIWM

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

OHIO E.P.A.

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

NOV 16 2009

ENTERED DIRECTOR'S JOURNAL  
In the Matter of:

General Industries Site  
Elyria, Ohio, Lorain County  
Fee Exemption

Director's Final  
Findings and Orders

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3734.57(D)(8).

**II. DEFINITIONS**

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

**III. FINDINGS**

The director of Ohio EPA ("Director") has determined the following findings:

1. The United States Environmental Protection Agency ("USEPA") is conducting a time-critical removal action at the General Industries Site located in Elyria, Ohio, in Lorain County. The site was used for various manufacturing purposes since the 1920s and consists of a series of interconnected buildings. A large proportion of those buildings were destroyed by a fire that occurred July 3rd, 2008. US EPA determined that some of the material resulting from the fire contains asbestos. This cleanup project will generate asbestos contaminated materials which USEPA will manage as solid waste, as that term is defined in Ohio Administrative Code ("OAC") Rule 3745-27-01(S)(24).
2. The cleanup project will generate approximately 6,000 tons of solid waste. This material will be disposed of at the Evergreen Recycling and Disposal Landfill, located at 2625 E Broadway, Northwood, Ohio in Wood County.
3. Pursuant to ORC Section 3734.57(A), state disposal fees are to be levied on the disposal of solid waste at solid waste facilities. These solid waste disposal fees are to be collected and remitted to the state of Ohio on each ton of solid waste disposed.
4. Pursuant to ORC Section 3734.57(B), the solid waste management policy committee of a county or joint solid waste management district may levy a

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: *[Signature]* Date: 11-16-09

disposal fee on solid wastes disposed at solid waste disposal facilities within the district. These disposal fees are to be collected and remitted to the solid waste management district on each ton of solid waste disposed at solid waste disposal facilities.

5. The solid wastes that will be generated and disposed as a result of this project are subject to a \$4.75 per ton state disposal fee pursuant to ORC Section 3734.57(A) and a \$4.00 per ton out-of-district disposal fee levied by the Wood County Solid Waste Management District pursuant to ORC Section 3734.57(B).
6. Pursuant to ORC Section 3734.57(D)(8), the director may issue an order exempting from the fees levied under ORC Section 3734.57 solid wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the administrator or regional administrator of the USEPA, the Director, or the director of administrative services on behalf of the Director for the purpose of remediating conditions at a hazardous waste facility, solid waste facility, or other location at which the administrator or regional administrator or the Director has reason to believe that there is a substantial threat to public health or safety or the environment or that the conditions are causing or contributing to air or water pollution or soil contamination. The order shall include a determination that the amount of fees not received by a solid waste management district as a result of the order will not adversely impact the implementation and financing of the district's approved solid waste management plan and any approved amendments to the plan.
7. USEPA is performing the cleanup project with public funds.
8. USEPA is performing this cleanup project to address conditions that are causing or contributing to air or water pollution or soil contamination or that present a substantial threat to public health or safety or the environment.
9. The solid waste that will be generated as a result of this project is not part of the typical waste stream that is subject to disposal fees at solid waste facilities in Ohio. It is the result of an unanticipated, one-time clean-up activity. Therefore, solid waste management districts in Ohio have not planned on receiving fees from this material and therefore do not rely on fees associated with the solid waste to implement and finance its approved solid waste management plans. Additionally, acceptance of this solid waste at solid waste disposal facilities in Ohio is unlikely to result in redirection of other waste loads to alternate solid waste disposal facilities.

10. The currently effective solid waste management plan for the Wood County Solid Waste Management District projects an ending fund balance of \$498,000 for 2008. According to the fee reports submitted to Ohio EPA, the Wood County Solid Waste Management District had a fund balance of \$520,218 at the end of 2008.
11. Exempting the approximately 6,000 tons of solid waste generated as a result of the clean-up activity from the Wood County Solid Waste Management District fees will result in a loss of revenue of approximately \$24,000 to the Wood County Solid Waste Management District.
12. The Wood County Solid Waste Management District has not planned on receiving fees from the material generated by this project to implement and finance its approved solid waste management plan. In addition, the Wood County Solid Waste Management District has available fund balances higher than projected in its solid waste management plan at the end of 2008. As a result, granting an exemption from the requirement to collect and remit fees levied pursuant to ORC Sections 3734.57(B) on the solid waste generated as a result of this clean-up project will have no appreciable effect on the financial condition of the Wood County Solid Waste Management District and will not adversely impact its implementation and financing of its approved solid waste management district plan.

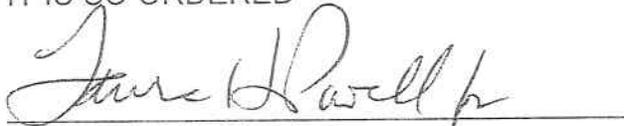
#### IV. ORDERS

1. Pursuant to ORC Section 3734.57(D)(8), the solid waste generated and disposed as a result of the US EPA clean-up of the General Industries Site is hereby exempted from the \$4.75 per ton state solid waste disposal fee levied pursuant to ORC Section 3734.57(A). This exemption shall not apply to any solid wastes other than the solid waste described in Finding Numbers 1 and 2, above.
2. Pursuant to ORC Section 3734.57(D)(8), the solid waste generated and disposed as a result of the US EPA clean-up of the General Industries Site is hereby exempted from the \$4.00 per ton out-of-district disposal fee levied by the Wood County Solid Waste Management District pursuant to ORC Section 3734.57(B). This exemption shall not apply to any solid wastes other than the solid waste described in Finding Numbers 1 and 2, above.

**V. EFFECTIVE DATE**

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

IT IS SO ORDERED

A handwritten signature in cursive script, appearing to read "Chris Korleski", is written over a horizontal line.

Chris Korleski, Director  
Ohio Environmental Protection Agency