



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

CERTIFIED MAIL

September 6, 2013

Commissioner Carol Rimedio-Righetti, Policy Committee Chairperson
Mahoning County Solid Waste Management District
21 West Boardman St, Suite 200
Youngstown, Ohio 44503

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

Dear Commissioner Rimedio-Righetti:

The Director of the Ohio Environmental Protection Agency (Director) has reviewed and approved the ratified draft solid waste management plan update (Plan) for the Mahoning 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. Please note the approval contains a condition that the District must meet within the next 45 days.

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."

Ohio EPA is aware of the unique situation the District faces due to the unexpected closure of Central Waste Landfill in 2012. While Ohio EPA believes the ratified plan meets all the requirements required under statute, we are aware that the District may need to make adjustments in the future due to financial constraints. As such, the Director's Final Findings and Orders include a special provision requiring that the District assess the situation, determine a course of action, develop a timeline, and report back to Ohio EPA within 45 days of approval of the plan. Ohio EPA must receive this report by **Monday, October 21, 2013**. The District must provide a report to Ohio EPA in order to meet the approval criteria; failure to do so may result in enforcement action by Ohio EPA.

Commissioner Carol Rimedio-Righetti
Page 2

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 Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated 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 with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
77 South High Street
17th Floor
Columbus, Ohio 43215

If you have any questions regarding implementation of the approved Plan, please contact me at (614) 728-5317.

Sincerely,



Christopher Germain
Environmental Specialist
Division of Materials and Waste Management

CG/ljm

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

cc (with enclosures): Lou Vega, Coordinator, Mahoning County SWMD
Natalie Oryshkewych, Environmental Supervisor, DMWM-
NEDO

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

Mahoning County	:	Director's Final
Solid Waste Management District	:	Findings and Orders
345 Oakhill Ave	:	
Youngstown, Ohio 44502	:	

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Mahoning 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: 09/06/2013

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, the policy committee of a solid waste management district (SWMD) with an approved solid waste management plan that contains a planning period of fifteen or more 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 fifth year anniversary of the date the existing solid waste management plan was approved.
2. The District's existing solid waste management plan was approved on March 9, 2007 and covers a planning period of fifteen or more years. The District's draft amended solid waste management plan was due to Ohio EPA on March 9, 2012.

3. On March 2, 2012, Ohio EPA received a draft amended solid waste management plan from the District's Policy Committee.
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 April 9, 2012, Ohio EPA mailed a written, nonbinding advisory opinion concerning the draft amended solid waste management plan received on March 2, 2012 to the District's Policy Committee.
6. In June 2012, Central Waste Landfill, located in Mahoning County, unexpectedly ceased acceptance of waste and the corporate owner of the facility declared bankruptcy in U.S. Bankruptcy Court. Much of the waste that previously was disposed at the landfill is now being disposed outside the District. This has led to a significant loss in revenue from the District's disposal fee.
7. At the time the District's policy committee was completing the draft amended solid waste management plan prior to ratification, the policy committee was unable to determine whether the closure of Central Waste Landfill was permanent and if so how the closure of Central Waste Landfill would affect future revenues of the District. Thus, the budget in the draft amended solid waste management plan that was taken into ratification was based on the District continuing to receive revenue from waste disposed at the Central Waste Landfill into the future.
8. Pursuant to ORC Section 3734.55, the policy committee of a SWMD is required to submit a draft solid waste management plan that was 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.
9. On June 11, 2013, Ohio EPA received a ratified, draft, amended solid waste management plan from the District's Policy Committee. This plan contains budget projections that include projected revenue from Central Waste Landfill.
10. 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 District's ratified, draft, amended plan that was received by Ohio EPA on June 11, 2013 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.
3. Within 45 days of the effective date of these Orders, the District's Board and Policy Committee shall report to Ohio EPA an assessment of its ability to implement the approved solid waste management plan for the duration of the planning period contained in the plan, and if appropriate, a timeline for making revisions to the plan in accordance with ORC Sections 3734.56(D) or (E).

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:



Scott J. Nally, Director
Ohio Environmental Protection Agency

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

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		
2214 Commercial/Industrial Waste Reduction Program (seminars, waste minimization workshops, waste audits/assessments)	ongoing	Goal 3, Goal 4
6206 YSU re:CREATE	Ongoing	Goal 2, Goal 4
Curbside Recycling, Non-subscription		
2164 Austintown Township	Ongoing	Goal 1, Goal 2
2165 Boardman Township	Ongoing	Goal 1, Goal 2
2158 Campbell City	Ongoing	Goal 1, Goal 2
2162 Canfield City	Ongoing	Goal 1, Goal 2
6479 Canfield Township	Ongoing	Goal 1, Goal 2
2159 Lowellville Village	Ongoing	Goal 1, Goal 2
2167 New Middletown Township	Ongoing	Goal 1, Goal 2
2166 Poland Township	Ongoing	Goal 1, Goal 2
2163 Poland Village	Ongoing	Goal 1, 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?
2160 Struthers City	Ongoing	Goal 1, Goal 2
2161 Youngstown City	Ongoing	Goal 1, Goal 2
Drop-off Recycling, FS, Rural		
2187 Beloit Village (Main St, Fire Station)	ongoing	Goal 1, Goal 2
2174 Berlin Township (Akron-Canfield Rd, Township Bldg)	ongoing	Goal 1, Goal 2
2176 Coitsville Township (McCartney Rd, Township Bldg)	ongoing	Goal 1, Goal 2
2178 Craig Beach Village (Grandview Ave)	ongoing	Goal 1, Goal 2
2175 Ellsworth Township (Salem-Warren Rd, Township Bldg)	ongoing	Goal 1, Goal 2
7364 Goshen Township (Goshen Rd, Colonial Villa Estates)	ongoing	Goal 1, Goal 2
6908 Goshen Township (Rt. 534, Damascus Fire Station)	ongoing	Goal 1, Goal 2
6480 Goshen Township (Seacrist Rd)	ongoing	Goal 1, Goal 2
6909 Jackson Township (Mahoning Ave, Township Bldg)	ongoing	Goal 1, Goal 2
2177 Jackson Township (Salem-Warren Rd, Fire Station)	ongoing	Goal 1, Goal 2
6481 Lowellville Village (E Water St)	ongoing	Goal 1, Goal 2
2185 Milton Township (Mahoning Ave, Township Bldg)	ongoing	Goal 1, Goal 2
Drop-off Recycling, FS, Urban		
2169 Austintown Township (Kirk Rd, Austintown Park)	ongoing	Goal 1, Goal 2
2168 Austintown Township (Ohltown Rd, Administration Bldg)	ongoing	Goal 1, Goal 2
6482 Austintown Township (Raccoon Rd, Trustee Park)	ongoing	Goal 1, Goal 2
6483 Austintown Township (Turner Rd, Fire Station)	ongoing	Goal 1, 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?
2182 Boardman Township (Market St, Gov. Center)	ongoing	Goal 1, Goal 2
7362 Boardman Township (Marwood Circle, MCBDD)	ongoing	Goal 1, Goal 2
6202 Boardman Township (Shields Ave, Fire Station)	ongoing	Goal 1, Goal 2
2181 Boardman Township (South Ave, Fire Station)	ongoing	Goal 1, Goal 2
7371 Boardman Township (South Ave, Sam's Club)	ongoing	Goal 1, Goal 2
2173 Campbell City (Tenney Ave)	ongoing	Goal 1, Goal 2
6911 Canfield Township (Columbiana-Canfield Rd, Mill Creek MetroPark)	ongoing	Goal 1, Goal 2
5446 Canfield Township (Messerly Rd, Road Dept)	ongoing	Goal 1, Goal 2
5445 Canfield Township (Shields Rd, McCune Park)	ongoing	Goal 1, Goal 2
2171 Poland Township (Clingan Rd, Road Dept)	ongoing	Goal 1, Goal 2
2172 Struthers City (Elm St, City Hall)	ongoing	Goal 1, Goal 2
7366 Struthers City (S Bridge St)	ongoing	Goal 1, Goal 2
7368 Youngstown City (Market St, Oak Hill Renaissance)	ongoing	Goal 1, Goal 2
6485 Youngstown City (McCartney Rd, 4 Seasons)	ongoing	Goal 1, Goal 2
6488 Youngstown City (Oakhill Ave, Boys & Girls Club)	ongoing	Goal 1, Goal 2
2170 Youngstown City (YSU)	ongoing	Goal 1, Goal 2
Drop-off Recycling, PT, Rural		
2184 Green Township (Lisbon Rd, Township Bldg)	ongoing	Goal 1, Goal 2
2188 New Middletown (Struthers Rd)	ongoing	Goal 1, 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?
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Drop-off Recycling, PT, Urban

2180 Beaver Township, (S. Range Rd, Township Bldg) ongoing Goal 1, Goal 2

2190 Smith Township (Johnson Rd, Township Bldg) ongoing Goal 1, Goal 2

Electronics Collection

6203 Electronics Collection (Community Grant Program) Ongoing Goal 5

Household Hazardous Waste

2223 Annual HHW Event (Centralized Location) ongoing Goal 5

2219 Education and Awareness Program (Hotline, Brochures, Etc...)

ongoing Goal 5

2224 Household Battery Collection (Mahoning County Libraries, Schools and Government Offices)

ongoing Goal 5

Industrial Recycling and Reduction

6498 Materials Exchange Database (Operated by YSU re:create) ongoing Goal 3, Goal 4

8889 Youngstown Industrial Recycling Reporting Ongoing None

Lead-Acid Battery Programs

4592 LAB Drop Off Program (at least two communities) Ongoing Goal 5

Litter Prevention/Clean-Up

6196 Sheriff Department Funding (1 FT Deputy) Ongoing None

Other Programs

2253 Cash for Cans (Schools) ongoing Goal 1

6505 County Road Assistance (Engineer's Office) ongoing None

6506 Emergency Debris Management Funding (County EMS) ongoing None

2249 Local Health District Funding ongoing None

6916 Multi-Family Housing Drop-Off Recycling Program 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?
2254 Rural Recycling and Awareness Program	ongoing	Goal 1
8888 Scrap Metal Recycling (Mandatory Reporting)	Ongoing	None
6915 Used Motor Oil Collection (at least two communities)	ongoing	None
8887 Waste Wise Program (U.S. EPA)	Ongoing	Goal 3, Goal 4
6493 YSU Recycling Program (Recycle Mania, Dump and Run, Etc...)	ongoing	Goal 2
Other Residential/Commercial Recycling		
2200 Appliance Drive (Grants to local communities)	ongoing	Goal 1
6205 Business Recycling Program (Paper, OCC, Cans, Glass and Plastics #1-2)	ongoing	Goal 2
2192 Holiday Tree and Wrapping Paper Collection	ongoing	Goal 1
2201 Pay as You Throw Education	ongoing	Goal 1
6502 Private MRFS (Greenstar & Associated Paperstock)	ongoing	None
2195 Private Sector Buybacks and Brokers	ongoing	Goal 1
2198 Roadside Litter and Recyclable Collection (Day Crew and Adopt-a-Spot program)	ongoing	Goal 1
6204 School Fiber Collection Program	Ongoing	Goal 2
Residential Sector Education and Awareness		
2205 Advertisements for Recycling	ongoing	Goal 1, Goal 2, Goal 3
8884 Community Outreach (Presentations, fliers, e-newsletter, Earth Day, etc...)	Ongoing	Goal 3, goal 4
2204 Community Recycling Coordinator (Grant/Outreach Program)	ongoing	Goal 1, Goal 3, Goal 4
8883 District Website	Ongoing	Goal 3, Goal 4
2211 Education Outreach through schools (Design a Placemat, Litter Prev. and Recycl. Education, Field Trips, Science Fairs, Presentations, Etc...)	ongoing	Goal 1, 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?
2208 Environmental Workshops for Teachers	ongoing	Goal 1, Goal 3, Goal 4
6500 Recycling Alternatives Database (on District Website)	ongoing	Goal 3, Goal 4
Scrap Tire Programs		
2216 Centralized Collection point for Tires	Ongoing	Goal 5
6494 Tire Collection Drives (Community Grant Program)	Ongoing	Goal 5
Yard Waste Programs		
2227 Backyard Composting Educational Program	Ongoing	Goal 1, Goal 4
8886 Community Composting Programs (Various Communities)	Ongoing	Goal 1, Goal 4
6504 Leaf Collection Program	ongoing	Goal 1, Goal 4
8885 Private Composting Facilities	Ongoing	Goal 1, Goal 4