

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the matter of:

Hancock County	:	Director's Final
Solid Waste Management District	:	Findings and Orders
320 S. Main Street	:	
Findlay, Ohio 45840-3353	:	

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to the Hancock 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(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 March 19, 2004, 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 shall submit its solid waste management plan to Ohio EPA on or after September 20, 2006 and on or before March 18, 2007.
3. On October 23, 2006, 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 December 5, 2006, Ohio EPA mailed a written, nonbinding advisory opinion concerning the draft amended solid waste management plan received on October 23, 2006 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 16, 2007, 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 March 19, 2004 are hereby revoked.

2. The ratified, draft, amended plan of the District that was received by Ohio EPA on July 16, 2007 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