



State of Ohio Environmental Protection Agency

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FEB 19 2009

CERTIFIED MAIL

The Honorable Michael Rhoades, Chairman
Board of Directors, Darke County Solid Waste Management District
520 South Broadway
Greenville, Ohio 45331-7367

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

Dear Chairman Rhoades:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed and approved the ratified draft solid waste management plan update (Plan) for the Darke 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

Ohio EPA is an Equal Opportunity Employer

The Honorable Michael Rhoades, 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): Gene Wells, Chief, ODNR, DRLP
 Krista Fourman, Director, Darke County Solid Waste
 Management District
 Tracy Buchanan, Environmental Supervisor, DSIWM-Southwest

District Office

OHIO E.P.A.
FEB 19 2009
PUBLIC COURTY

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

Darke County Solid Waste Management District : Director's Final
603 Wagner Avenue, Suite C : Findings and Orders
Greenville, Ohio 45331 :

I. JURISDICTION

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

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: Dana Kessler Date: 2-19-09

2. The existing solid waste management plan for the District was approved on August 22, 2002 and covers a planning period of fifteen years. The date the District's draft amended solid waste management plan was due to Ohio EPA was August 22, 2007.
3. On August 21, 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 October 4, 2007, Ohio EPA mailed a written, nonbinding advisory opinion concerning the draft amended solid waste management plan received on August 21, 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 February 18, 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 February 18, 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

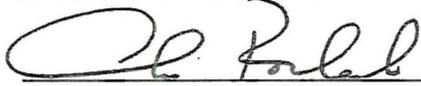
Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties against the District for noncompliance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



Christopher Korleski, Director
Ohio Environmental Protection Agency

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

Several sections of the ratified, draft, amended solid waste management plan update (Plan) submitted by the Darke County Solid Waste Management District (District) 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 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 1995 Goal will this strategy be used to demonstrate compliance with?
Commercial/Industrial Sector TA and Education		
7310 "Model Community" principals imparted for manufacturers and commercial entities Page V-16-17	Existing, Ongoing	Goal 3, Goal 4
7314 Education efforts using Environmental Council as primary resource (and also providing technical assistance) Page V-19-20, Table VI-5	Existing, Ongoing	Goal 3, Goal 4
Curbside Recycling, Non-subscription		
7280 Greenville City, Pages IV-13 -14; Pages V-8-9; Table VI-5	Existing, Ongoing	Goal 1
7281 Osgood Village, Pages IV-13 -14; Pages V-8-9; Table VI-5	Existing, Ongoing	Goal 1
7282 Versailles Village, Pages IV-13 -14; Pages V-8-9; Table VI-5	Existing, Ongoing	Goal 1
7279 Arcanum Village, Pages IV-13 -14; Pages V-8-9; Table VI-5	Existing, Ongoing	Goal 1
Drop-off Recycling, FS, Rural		
7283 Ansonia (Brown Twp.), Pages IV-14-15; Pages V-10 -12; Table VI-5	Existing, Ongoing	Goal 1
7287 Butler Twp., Pages IV-14-15; Pages V-10 -12; Table VI-5	Existing, Ongoing	Goal 1
7284 Gettysburg (Adams Twp.), Pages IV-14-15; Pages V-10 -12; Table VI-5	Existing, Ongoing	Goal 1
7291 Hollansburg Village (Harrison Twp.), Pages IV-14-15; Pages V-10 -12; Table VI-5	2008-Ongoing	Goal 1

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which 1995 Goal will this strategy be used to demonstrate compliance with?
7285 New Madison (Butler Twp.), Pages IV-14-15; Pages V-10 - 12; Table VI-5	Existing, Ongoing	Goal 1
7290 New Weston (Allen Twp.), Pages IV-14-15; Pages V-10 - 12; Table VI-5	Existing, Ongoing	Goal 1
7292 North Star Village (Wabash Twp.), Pages IV-14-15; Pages V-10 -12; Table VI-5	2008-Ongoing	Goal 1
7288 Palenstine Village (Liberty Twp.), Pages IV-14-15; Pages V-10 -12; Table VI-5	Existing, Ongoing	Goal 1
7289 Pittsburg (Monroe Twp.), Pages IV-14-15; Pages V-10 -12; Table VI-5	Existing, Ongoing	Goal 1
7286 Union City (Jackson Twp.), Pages IV-14-15; Pages V-10 - 12; Table VI-5	Existing, Ongoing	Goal 1
7294 Versailles Village, Pages IV-14-15; Pages V-10 -12; Table VI-5	Existing, Ongoing	Goal 1
Drop-off Recycling, FS, Urban		
7293 Rumpke Recycling and Transfer Facility, Pages IV-14-15; Pages V-10 -12; Table VI-5	Existing, Ongoing	Goal 1
Electronics Collection		
7323 Electronics collection in even numbered years Table VI-5	Existing, Ongoing	Goal 2
Financial Incentives/PAYT		
7321 Encourage PAYT and continue PAYT programs in Greenville, Rossburg, and Osgood Page V-23, Table VI-5	Existing, Ongoing	Goal 6 (2001)
Grants/Funding		
7327 District may fund Darke County Health District as determined by need and funding availability Page V-24, Table VI-5, Page VIII-6	Existing, Ongoing	none
7326 District may fund Darke County Health District as determined by need and funding availability Page V-24, Table VI-5, Page VIII-6	Existing, Ongoing	none
Household Hazardous Waste		
7319 District sponsored household battery collection Page V-21	2007	Goal 2
7315 Education efforts through presentations, literature distribution, and District newsletter Page V-20-21, Table VI-5	Existing, Ongoing	Goal 5

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which 1995 Goal will this strategy be used to demonstrate compliance with?
Industrial Recycling and Reduction		
7300 Scrap Yards, Processors, Used Material Sellers, End-use Industries, Page IV-15, Page V-13-14, Table VI-5	Existing, Ongoing	Goal 2
Lead-Acid Battery Programs		
7320 Education efforts to promote recycling of LABs to public Page V-21, Table VI-5	Existing, Ongoing	Goal 5
Litter Prevention/Clean-Up		
7328 Provide financial support, planning, coordination for litter clean-up age V-24, Table VI-5, Page VIII-6	Existing, Ongoing	none
Market Development Programs		
7322 Provide assistance to locate recycled content products, District and County purchases of recycled content products, and public/commercial/industrial education to promote "buy recycled" Page V-23-24, Table VI-5	Existing, Ongoing	Goal 7
Other Programs		
7309 Annual surveys for larger businesses, recyclers, and waste haulers. Page IV-18, Page V-17, Table VI-5	Existing, Ongoing	Goal 2, Goal 3, Goal 4
7295 Arsonia Boy Scouts, Page IV-15, Page V-12, Table VI-5	Existing, Ongoing	Goal 2
7302 Commercial/Institutional waste reduction-Darke County Govt. Recycling, Page IV-15-16, Page V-12-13, Table VI-5	Existing, Ongoing	Goal 2
7301 Commercial/Institutional waste reduction-Greenville drop-off Page IV-15-16, Page V-12-13, Table VI-5	Existing, Ongoing	Goal 1, Goal 2
7324 District will set aside funds for special or pilot projects geared to directly increase recycling or reduce disposal Page V-24, Table VI-5	Existing, Ongoing	Goal 2
7303 Materials Recovery Facility, Page 14-16-17, Page V-15, Table VI-5	Existing, Ongoing	Goal 1, Goal 2
7296 Osgood Paper Drive, Page IV-15, Page V-12, Table VI-5	Existing, Ongoing	Goal 2
7325 Reservation of funds for for facilities needed by District (ie. Composting facility, new office space) Page V-24, Table VI-5	Existing, Ongoing	none
7297 Trinity United Methodist Church clothing drive, Page IV-15, Page V-12, Table VI-5	Existing, Ongoing	Goal 2
7298 Wayne Lakes Village aluminum can drive, Page IV-15, Page V-12, Table VI-5	Existing, Ongoing	Goal 2

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which 1995 Goal will this strategy be used to demonstrate compliance with?
Other Residential/Commercial Recycling		
7299 Scrap Yards, Processors, Used Material Sellers, End-use Industries, Page IV-15, Page V-13-14, Table VI-5	Existing, Ongoing	Goal 1, Goal 2
Residential Sector Education and Awareness		
7312 District Web Page Page V-17-18, Table VI-5	Existing, Ongoing	Goal 3, Goal 4
7313 Education for school age youth Page V-18-19, Table VI-5	Existing, Ongoing	Goal 3, Goal 4
7306 Education for yard waste through brochures, composting manuals, newsletters, etc. and publicize availability of available composting facility Page V-22, Table VI-5	Existing, Ongoing	Goal 2
7311 Five public education measures undertaken each year at minimum requirements stated Pages V-17-18, Table VI-5	Existing, Ongoing	Goal 3, Goal 4
Scrap Tire Programs		
7316 Assure availability of at least one in-District facility that will accept tires for recycling or disposal Page V-20, Table VI-5	Existing, Ongoing	Goal 5
7317 Provide public information about legal tire recycling and disposal options Page V-20, Table VI-5	Existing, Ongoing	Goal 5
7318 Provide reimbursement to local govts. For cost of disposing of tire clean-up sites Page V-20, Table VI-5	Existing, Ongoing	Goal 5
Yard Waste Programs		
7304 Community leaf collection, Page V-21-22, Table VI-5	Existing, Ongoing	Goal 2
7305 Ensure availability of at least one composting facility for public use Page V-22, Table VI-5	Existing, Ongoing	Goal 3, Goal 4
7307 Separate collection for yard waste in Greenville Page V-22, Table VI-5	Existing, Ongoing	Goal 2
7308 Versailles Class IV Table VI-5	Existing, Ongoing	Goal 2

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which 1995 Goal will this strategy be used to demonstrate compliance with?
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(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.