



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center  
50 W. Town St., Suite 700  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184  
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049  
Columbus, OH 43216-1049

JAN 15 2009

CERTIFIED MAIL

The Honorable Dale Reynolds, Chairman, Board of Trustees  
Brown County Solid Waste Management Authority  
800 Mt. Orab Pike  
Georgetown, OH 45121-1184

Program	PLS-SWMD
County	Brown
Fac/Entity	108
Subcategory	Final Plan

**RE: Ohio Revised Code Section 3734.55(C)(1) Brown County Solid Waste Management Authority Solid Waste Management Plan Approval**

Dear Commissioner Reynolds:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed and approved the ratified draft solid waste management plan update (Plan) for the Brown County Solid Waste Management Authority (Authority). 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 Authority's Plan.

The Authority 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

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

The Honorable Dale Reynolds  
Brown County Solid Waste Management Authority  
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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  
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) 728-5369.

Sincerely,



Matthew Hittle  
Environmental Specialist 2  
Division of Solid and Infectious Waste Management

MH/sw

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

cc (with enclosures): Derek Anderson, Chief, ODNR, DRLP  
Dan Wickerham, Coordinator, Brown County SWMA  
Tracy Buchanan, Environmental Supervisor, DSIWM-SWDO

BEFORE THE  
**OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the matter of:

Brown County Solid Waste Management Authority	:	Director's Final
800 Mt. Orab Pike	:	Findings and Orders
Georgetown, Ohio 45121	:	

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to the Brown County Solid Waste Management Authority (Authority), 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 Authority.

**III. DEFINITIONS**

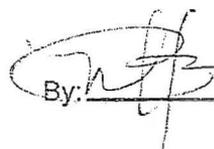
Unless otherwise stated, all terms used in these Orders shall have the same meanings as defined in ORC Chapter 3734 and the rules promulgated thereunder.

**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:  \_\_\_\_\_ Date: 1.15.09

2. The existing solid waste management plan for the Authority was approved on July 17, 2002 and covers a planning period of fifteen years. The date the Authority's draft amended solid waste management plan was due to Ohio EPA was July 17, 2007.
3. On July 30, 2007, Ohio EPA received a draft amended solid waste management plan from the policy committee for the Authority.
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 September 13, 2007, Ohio EPA mailed a written, nonbinding advisory opinion concerning the draft amended solid waste management plan received on July 30, 2007 to the Authority'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 November 3, 2008, Ohio EPA received a ratified, draft, amended solid waste management plan from the policy committee for the Authority.
8. The Director has determined that the Authority'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 Authority that was received by Ohio EPA on November 3, 2008 is hereby approved.
2. The Authority 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 Authority for noncompliance with these Orders.

Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require the Authority 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 Authority 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 Authority. 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**  
**Brown County Solid Waste Management Authority**

Several section of the ratified, draft, amended solid waste management plan (Plan) update 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 1995 Goal will this strategy be used to demonstrate compliance with?
<b><i>Commercial/Industrial Sector, TA and Education</i></b>		
3633 Conduct Waste Audits	existing, ongoing	Goal 3,4
3635 Education & Awareness Program	existing, ongoing	Goal 3,4
3634 Kick-off Campaigns for in-house recycling programs	existing, ongoing	Goal 3,4
<b><i>Curbside Recycling, Non-subscription</i></b>		
452 Aberdeen Village	existing, ongoing	Goal 1,2
455 Fayetteville Village	existing, ongoing	Goal 1,2
458 Georgetown Village	existing, ongoing	Goal 1,2
461 Hammersville Village	1998, ongoing	Goal 1,2
460 Higginsport Village	existing, ongoing	Goal 1,2
456 Mt. Orab Village	existing, ongoing	Goal 1,2
453 Ripley Village	existing, ongoing	Goal 1,2
457 Russellville Village	existing, ongoing	Goal 1,2

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?
459 Sardinia Village	existing, ongoing	Goal 1,2
454 St. Martins Village	existing, ongoing	Goal 1,2
<b>Drop-off Recycling, FS, Rural</b>		
3617 Clark Township	existing, ongoing	Goal 1,2
3618 Green Township	existing, ongoing	Goal 1,2
3619 Huntington Township	existing, ongoing	Goal 1,2
4299 Jackson Township	2003, ongoing	Goal 1,2
3620 Jefferson Township	existing, ongoing	Goal 1,2
3621 Lewis Township	existing, ongoing	Goal 1,2
3622 Perry Township	existing, ongoing	Goal 1,2
3623 Union Township	existing, ongoing	Goal 1,2
3624 Washington Township	existing, ongoing	Goal 1,2
<b>Drop-off Recycling, FS, Urban</b>		
462 Adams Brown Recycling buyback	existing, ongoing	Goal 1,2
3557 Pleasant Township	existing, ongoing	Goal 1,2
<b>Electronics Collection</b>		
7277 Electronics Collection year-round at ABR	existing, ongoing	Goal 5
<b>Household Hazardous Waste</b>		
3637 Household Hazardous Waste Collection Day	existing, ongoing	Goal 5
<b>Lead-Acid Battery Programs</b>		
491 LA Battery Collection at ABR	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?
7276 LA Battery Promotion	existing, existing, ongoing	Goal 5
<b>Market Development Programs</b>		
3640 Glass reFactory	existing, ongoing	Goal 7
3641 Marketing Industrial Recyclable Material	existing, ongoing	Goal 7
<b>Other Programs</b>		
3639 Litter Law Enforcement Program	existing, ongoing	None
493 Open Dump/Waste Tire Pile Cleanups	existing, ongoing	None
3638 Township Cleanups	existing, ongoing	Goal 2
<b>Other Residential/Commercial Recycling</b>		
494 Adams Brown Recycling MRF	existing, ongoing	Goal 2
7278 Mixed Fiber Collection	2008, ongoing	Goal 2
<b>Residential Sector Education and Awareness</b>		
3627 "Waste Disposal Opportunities" factsheet	existing, ongoing	Goal 3,4
3625 District Education Specialist	existing, ongoing	Goal 3,4
3632 Landfill & Recycling Center Tours	existing, ongoing	Goal 3,4
3631 Local Radio Talk Show	existing, ongoing	Goal 3,4
3630 Newspaper Advertisements	existing, ongoing	Goal 3,4
3629 Newspaper Articles	existing, ongoing	Goal 3,4
3626 Recycling Posters	existing, ongoing	Goal 3,4
3628 School and Civic Club Presentations	existing, ongoing	Goal 3,4

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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*Scrap Tire Programs*

3636 Waste Tire Collection	existing, ongoing	Goal 5
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*Yard Waste Programs*

487 Georgetown Composting	existing, ongoing	Goal 5
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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.