

OHIO E.P.A.

AUG - 6 2003

ENTERED DIRECTOR'S JOURNAL

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter Of:

Defiance County
General Health District
197-C Island Park Avenue
Defiance, Ohio

Director's Final Findings
and Orders

Respondent

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Finding and Orders ("Orders") are issued to the Defiance County General Health District ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3714.12, 3734.13 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and its successors in interest liable under Ohio law.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as used in ORC Chapters 3714 and 3734 and the rules promulgated thereunder.

IV. FINDINGS

The Director has determined the following findings:

1. Respondent is currently approved to administer and enforce, in Defiance County, the solid and infectious waste program pursuant to ORC § 3734.08 (the "Solid Waste Approved List") and the construction and demolition debris ("C&DD") program pursuant to ORC § 3714.09 ("the C&DD Approved List").

I certify this to be a true and accurate copy of the
official record as it appears in the records of the Ohio
Environmental Protection Agency

[Handwritten Signature] 8/6/03

2. By letter dated April 24, 2003, Respondent voluntarily requested to be removed from the Solid Waste Approved List and C&DD Approved List.
3. Pursuant to ORC § 3734.08(B), in the event that a health district **is** removed from the Solid Waste Approved List, the Director shall administer and enforce **the** solid and infectious waste program within the health district's jurisdiction until the program is lawfully returned to the health district. In addition, all solid and infectious waste facility license fees shall thereafter be paid to the Director until such time as the program is lawfully returned to the health district.
4. Pursuant to ORC § 3714.09(A), if a health district is removed from Solid Waste Approved List, the Director shall also remove that district from the C&DD Approved List.
5. Pursuant to ORC § 3714.09(B)(4), in the event that a health district is removed from the C&DD Approved List, the Director shall administer and enforce the C&DD program within the health district's jurisdiction until the program is lawfully returned to the health district. In addition, all C&DD facility license fees shall thereafter be paid to the Director.
6. Pursuant to ORC § 3734.13(A), the Director may issue, modify, suspend, or revoke enforcement orders to prevent a violation of ORC Chapter 3734 or the rules adopted thereunder.
7. Pursuant to ORC § 3714.12(A), the Director **may issue**, modify, suspend, or **revoke** enforcement orders to abate a violation of ORC Chapter 3714 or the rules adopted thereunder.
8. Pursuant to ORC § 3745.01(C) the Director may enter into contracts and agreements in furtherance of the purposes of ORC Chapters 3734 and 3714.
9. These Orders are intended, in part, to prevent violations of ORC Chapters 3714 and 3734 or the rules adopted thereunder.

V. ORDERS

1. Upon the effective date of these Orders, Respondent is hereby removed from the Solid Waste Approved List and the solid and infectious waste programs shall hereafter be administered and enforced by the Director.
2. All solid and infectious waste facility license fees required to be paid in the future or that have been paid to Respondent in accordance with ORC § 3734.06 or ORC § 3734.82 and have not been expended or encumbered, shall be remitted to the Director within fifteen (15) days after the effective date of these Orders.

3. Upon the effective date of these Orders, Respondent *is* hereby removed from the C&DD Approved List and the C&DD program shall hereafter be administered and enforced by the Director.
4. All C&DD facility license fees required to be paid in the future or that have been paid to Respondent in accordance with ORC § 3711.07 and have not been expended or encumbered, shall be remitted to the Director within fifteen (15) days after the effective date of these Orders.

VI. TERMINATION AND SATISFACTION

These Orders shall remain in effect until such time as Respondent is returned to the Solid Waste Approved List or C&DD Approved List by the Director.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the subject matter hereof.

VIII. 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. **These** Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All fees to be returned to the Ohio EPA in accordance with Orders Number **2** and **4** shall be submitted to:

Director
Ohio Environmental Protection Agency
Attn: Enforcement Coordinator, DSIWM
P.O. Box 1049
Columbus, Ohio 43216-1049

or to such persons and addresses as may hereafter be otherwise specified in writing by the Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and **causes** of action, except as specifically waived in Section XII of these Orders. 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 against Respondent for noncompliance with these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of enforcement action by Ohio EPA for only the matters addressed in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders.

Respondent hereby waives the right to appeal the issuance, terms and service of these Orders, and Respondent waives any and all rights it might have to **seek** administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, the Ohio EPA and Respondent agree that in the event that these Orders are appealed by any other party to the Environmental Review Appeals Commission or any court, nothing in these Orders shall preclude Respondent from seeking to intervene in such appeal. In such event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

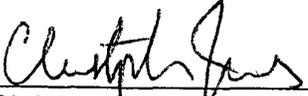
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a signatory to these Orders certifies that **h e** or **s h e** is fully authorized to enter into the terms and conditions of these Orders and to legally bind such signatory to this document.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



Christopher Jones, Director

8-6-03
Date

'IT IS SO AGREED:

Defiance County General Health District



By President, Defiance County Board of Health
Title

07/28/03
Date