

BEFORE THE  
**OHIO ENVIRONMENTAL PROTECTION AGENCY**

OHIO E.P.A.

MAY - 3 2010

ENTERED DIRECTOR'S JOURNAL

In the matter of:

The State Solid Waste Management Plan:

Director's Final  
Findings and Orders

**I. JURISDICTION**

These director's final findings and orders (Orders) are issued pursuant to the authority vested in the director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) Section 3734.50.

**II. 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.

**III. FINDINGS**

The Director of Ohio EPA has determined the following findings:

1. Pursuant to ORC Section 3734.50, the director of Ohio EPA (director), with the advice and assistance of the solid waste management advisory council, is required to prepare and adopt a state solid waste management plan (state plan).
2. On November 15, 2001, the director adopted the most recent version of the state plan.
3. Pursuant to ORC Section 3734.50, the director, with the advice and assistance of the solid waste management advisory council, is required to triennially review the progress made toward achieving the goals set forth in the state plan. Based on the findings of that review, the director may prepare and adopt a revised state plan.
4. In 2004, the director, with the advice and assistance of the solid waste management advisory council, reviewed implementation of the state plan. Based on the results of that review, the director decided not to revise the state plan.
5. In 2007, the director, with the advice and assistance of the solid waste management advisory council, performed a second review of the state plan. Based on the results of that review the director decided to initiate revisions to the state plan.

I certify this to be a true and accurate copy of the original documents as filed in the records of the Ohio Environmental Protection Agency.

By: [Signature] Date: 3-3-10

6. Pursuant to ORC Section 3734.50, after completing a draft of the revised state plan, the director shall hold five (5) public hearings at different locations within the state and may make revisions to the draft state plan he deems appropriate based on the public comments received.
7. On July 21, July 22, July 23 , July 29 , and July 30, 2009, Ohio EPA conducted public hearings at Ohio EPA's Northwest, Central, Southwest, Northeast, and Southeast District Offices, respectively.
8. Pursuant to ORC Section 3734.50, after the director completes revisions to the draft state plan, he shall submit the draft state plan to the solid waste management advisory council for approval.
9. Based on the public comments received, Ohio EPA made revisions to the draft state plan and submitted the draft state plan to the solid waste management advisory council for approval.
10. On August 20, 2009, the solid waste management advisory council approved the draft state plan.
11. Pursuant to OCR Section 3734.50, after the solid waste management advisory council approves the draft state plan, the director shall adopt the draft state plan as the effective state plan.

#### **IV. ORDERS**

1. The revised state plan included as Attachment 1 to these Findings and Orders is hereby adopted as the state solid waste management plan.

#### **V. APPEALS**

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 the appellant demonstrates 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. 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

**VI. EFFECTIVE DATE**

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

**IT IS SO ORDERED:**

  
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Chris Korleski, Director  
Ohio Environmental Protection Agency