



**Environmental  
Protection Agency**

John R. Kasich, **Governor**  
Mary Taylor, **Lt. Governor**  
Scott J. Nally, **Director**

September 2, 2011

**CERTIFIED MAIL**

The Honorable Pat Arnold South  
President, Board of County Commissioners  
Warren County Solid Waste Management District  
406 Justice Drive  
Lebanon, Ohio 45036

Ms. Betty Davis, Policy Committee Chairperson  
Warren County Solid Waste Management District  
3498 Hanover Drive  
Hanover, Ohio 45040

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

Dear Commissioner South and Ms. Davis:

The Director of the Ohio Environmental Protection Agency (Director) has reviewed and approved the ratified draft solid waste management plan update (Plan) for the Warren 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 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 Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the 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



*Kelly Mitchell* 92-11

OHIO E.P.A.

SEP -2 2011

BEFORE THE

**OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the matter of:

Warren County  
Solid Waste Management District  
406 Justice Drive  
Lebanon, Ohio 45036

Director's Final  
Findings and Orders

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to the Warren 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, the policy committee of 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.
2. The District's existing solid waste management plan was approved on March 4, 2005 and covers a planning period of fifteen or more years. The District's draft amended solid waste management plan was due to Ohio EPA on March 4, 2010.

3. On April 1, 2010, Ohio EPA received a draft amended solid waste management plan from the District's Policy Committee.
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, May 17, 2010 Ohio EPA mailed a written, nonbinding advisory opinion concerning the draft amended solid waste management plan received on April 1, 2010 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 was 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 11, 2011, Ohio EPA received a ratified, draft, amended solid waste management plan from the District's Policy Committee.
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 District's ratified, draft, amended plan that was received by Ohio EPA on July 11, 2011 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**

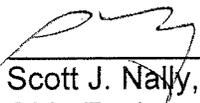
Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties against the District for noncompliance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



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Scott J. Nally, Director  
Ohio Environmental Protection Agency

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

Several sections of the ratified, draft, amended solid waste management plan update (Plan) 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 Goal will this strategy be used to demonstrate compliance with?
<b>Commercial/Industrial Sector Technical Assistance and Education Programs</b>		
3313 Solid Waste and Recycling Assessments (pp IV-8, VI-12)	ongoing	Goals 1,3,4,5
3314 Waste Exchange - The Interchange (pp V-7)	ongoing	Goals 1,2,3,4
<b>Curbside Recycling, Non-subscription</b>		
5019 Butlerville Village (pp IV-3, V-3)	ongoing	Goals 1,2
3291 Carlisle City (pp IV-3, V-3, VI-11)	ongoing	Goals 1,2
5026 Clearcreek Township (pp IV-4, V-4, VI-11)	ongoing	Goals 1,2
5018 Corwin Village (pp IV-3, V-3, VI-11)	ongoing	Goals 1,2
5030 Deerfield Township (pp IV-4, V-4, VI-11)	ongoing	Goals 1,2
3288 Franklin City (pp IV-3, V-3, VI-11)	ongoing	Goals 1,2
5025 Franklin Township (pp IV-4, V-4, VI-11)	ongoing	Goals 1,2
5031 Hamilton Township (pp IV-4, V-4, VI-11)	ongoing	Goals 1,2
5021 Harlan Township (pp IV-4, V-4, VI-11)	ongoing	Goals 1,2

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which Goal will this strategy be used to demonstrate compliance with?
3298 Harveysburg Village (pp IV-3, V-3, VI-11)	ongoing	Goals 1,2
3289 Lebanon City (pp IV-3, V-3, VI-11)	ongoing	Goals 1,2
5033 Maineville Village (pp IV-3, V-3, VI-11)	ongoing	Goals 1, 2
3290 Mason City (pp IV-3, V-3, VI-11)	ongoing	Goals 1,2
5022 Massie Township (pp IV-4, V-4, VI-11)	ongoing	Goals 1,2
5016 Morrow Village (pp IV-3, V-3, VI-11)	ongoing	Goals 1,2
5020 Pleasant Plain Village (pp IV-3, V-3)	ongoing	Goals 1,2
5029 Salem Township (pp IV-4, V-4, VI-11)	ongoing	Goals 1,2
5017 South Lebanon Village (pp IV-3, V-3, VI-11)	ongoing	Goals 1,2
3287 Springboro City (pp IV-3, V-3, VI-11)	ongoing	Goals 1,2
5027 Turtlecreek Township (pp IV-4, V-4, VI-11)	ongoing	Goals 1,2
5028 Union Township (pp IV-4, V-4, VI-11)	ongoing	Goals 1,2
5023 Washington Township (pp IV-4, V-4, VI-11)	ongoing	Goals 1,2
5024 Wayne Township (pp IV-4, V-4, VI-11)	ongoing	Goals 1,2
3292 Waynesville Village (pp IV-3, V-3, VI-11)	ongoing	Goals 1,2
<b>Drop-off Recycling Programs/Locations</b>		
3305 Private paper collection and recycling drop-offs (pp IV-7)	ongoing	Goal 2
<b>Drop-off Recycling, FS, Urban</b>		
8315 Deerfield Township - 8395 Snider Rd. (pp IV-6, VI-11)	ongoing	Goals 1,2
8312 Lebanon City - 406 Justice Dr. (pp IV-5, VI-11)	ongoing	Goals 1,2

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which Goal will this strategy be used to demonstrate compliance with?
8313 Lebanon City - 50 S. Broadway (pp IV-5, VI-11)	ongoing	Goals 1,2
8314 Mason - 2095 Kings Mill Rd. (pp IV-6, VI-11)	ongoing	Goals 1,2
<b>Electronics Collection</b>		
8316 Annual Electronics Collection Event (pp IV-10, VI-12)	ongoing	Goals 2,5
<b>Household Hazardous Waste</b>		
4933 HHW Information - Website(pp IV-10, V-4, VI-12)	ongoing	Goals 4,5
<b>Lead-Acid Battery Programs</b>		
3320 Lead-Acid Battery Information - Website (pp IV-10, V-4, VI-12)	ongoing	Goals 4,5
<b>Other Programs</b>		
8318 Contingency 1 - Drop-off Recycling (pp V-5, VI-13)	contingency	Goals 1,2
8319 Contingency 2 - Franchise Service Areas (pp V-6, VI-13)	contingency	Goals 1,2
8317 Curbside Recycling Monitoring Plan (pp V-4, VI-13)	2010, ongoing	Goals 1,2
3328 District Surveying Program (pp IV-11)	ongoing	Goals 1,2,3,4,5
8320 Performance Obligation Agreements -All Haulers (pp IV-4, V-4, appendix H)	ongoing	Goals 1,2
3321 Roadside Litter Collection Program (pp IV-8, V-4, VI-11)	ongoing	None
<b>Residential Sector Education and Awareness</b>		
3312 District Website (pp VI-13)	ongoing	Goals 1,2,3,4
3306 Educational Presentations/Displays (pp IV-9, V-7, VI-12)	ongoing	Goals 1,2,3,4
3331 Technical Assistance/Resource Information (pp IV-11, V-7, VI-12)	ongoing	Goals 3,4,5
<b>Scrap Tire Programs</b>		
5015 Scrap Tire Disposal Information - Website (pp IV-10, V-4, VI-12)	ongoing	Goals 4,5

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which Goal will this strategy be used to demonstrate compliance with?
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<b>Yard Waste Programs</b>		
4305 Yard Waste Collection from Municipalities/Private Haulers (pp III-12, VI-11)	ongoing	Goal 2
3318 Yard Waste Information - Website (pp IV-7, V-4)	ongoing	Goals 2,3,4