



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

January 28, 2013

CERTIFIED MAIL

The Honorable Judy Dodge, President
Montgomery County Commissioners
451 West Third Street
Dayton, Ohio 45422-1110

The Honorable Dick Church, Policy Committee Chairperson
Montgomery County Solid Waste Management District
10 North First Street
Miamisburg, Ohio 45342

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

Dear Commissioner Dodge and Mayor Church:

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

The Honorable Judy Dodge, President
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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
77 South High Street
17th Floor
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
Division of Materials and Waste Management

MH/sw

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

cc (with enclosures): Bob Downing, Manager, Montgomery County SWMD
Tracy Buchanan, Environmental Supervisor, DMWM-SWDO

OHIO E.P.A.

JAN 28 2013

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of: _____

Montgomery County
Solid Waste Management District
2550 Sandridge Drive
Dayton, Ohio 45439

Director's Final
Findings and Orders

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Montgomery 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 October 31, 2006 and covers a planning period of fifteen years. The District's draft amended solid waste management plan was due to Ohio EPA on October 31, 2011.

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: Jim Lassiter Date: 1-28-13

3. On October 25, 2011, 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 December 9, 2011, Ohio EPA mailed a written, nonbinding advisory opinion concerning the draft amended solid waste management plan received on October 25, 2011 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 November 2, 2012, 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 November 2, 2012 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

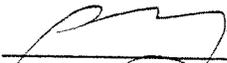
Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties against the District for noncompliance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



Scott J. Nally, Director
Ohio Environmental Protection Agency

ATTACHMENT 1 TO THE FINDINGS AND ORDERS
Summary of the Implementation Schedule for the

Montgomery 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? |
|--|--|--|
| Commercial/Industrial Sector TA and Education | | |
| 8664 Broker/Processor visits and workshop | 2013, ongoing | Goal 2 |
| 3831 Business Waste Reduction Brochure | ongoing | Goal 3,4 |
| 2413 Industrial Survey | ongoing | Goal 3,4 |
| 2414 Waste Assessments | ongoing | Goal 3,4 |
| Curbside Recycling, Non-subscription | | |
| 2360 Brookville | ongoing | Goal 1,2 |
| 2361 Butler Township | ongoing | Goal 1,2 |
| 2362 Centerville | ongoing | Goal 1,2 |
| 2363 Clay Township | ongoing | Goal 1,2 |
| 2364 Clayton | ongoing | Goal 1,2 |
| 2365 Dayton | ongoing | Goal 1,2 |
| 2366 Englewood | 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 Goal will this strategy be used to demonstrate compliance with? |
|---|--|--|
| 2367 Farmersville Village | ongoing | Goal 1,2 |
| 2369 German Township | ongoing | Goal 1,2 |
| 2368 Germantown Village | ongoing | Goal 1,2 |
| 2370 Harrison Township | ongoing | Goal 1,2 |
| 2371 Jackson Township | ongoing | Goal 1,2 |
| 2390 Kettering | ongoing | Goal 1,2 |
| 2373 Miami Township | ongoing | Goal 1,2 |
| 2374 Miamisburg | ongoing | Goal 1,2 |
| 2375 Moraine | ongoing | Goal 1,2 |
| 2376 New Lebanon Village | ongoing | Goal 1,2 |
| 2377 Oakwood | ongoing | Goal 1,2 |
| 2372 Perry Township | ongoing | Goal 1,2 |
| 2378 Phillipsburg Village | ongoing | Goal 1,2 |
| 2380 Riverside | ongoing | Goal 1,2 |
| 2381 Trotwood | ongoing | Goal 1,2 |
| 2382 Union | ongoing | Goal 1,2 |
| 2383 Vandalia | ongoing | Goal 1,2 |
| 2384 West Carrollton | ongoing | Goal 1,2 |
| Curbside Recycling, Subscription | | |
| 2387 Huber Heights | 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 Goal will this strategy be used to demonstrate compliance with? |
|---|--|--|
| 2392 Jefferson Township | ongoing | Goal 1,2 |
| 2385 Washington Township | ongoing | Goal 1,2 |
| Drop-off Recycling | | |
| 6094 City of Oakwood (cardboard only) | ongoing | Goal 1 |
| Drop-off Recycling, FS, Urban | | |
| 2396 Montgomery Conty South (Moraine) | ongoing | Goal 1,2 |
| 2397 Montgomery County North (Vandalia) | closes 2013-2014 | Goal 1,2 |
| Drop-off Recycling, PT, Rural | | |
| 2399 Jackson Township | ongoing | Goal 1,2 |
| Electronics Collection | | |
| 8676 Electronics recycling at North Transfer Facility | closes 2013-2014 | Goal 5 |
| 3835 Electronics recycling at South Transfer Facility | ongoing | Goal 5 |
| 8665 Electronics recycling infrastructure evaluation | 2014, ongoing | n/a |
| 6100 Electronics recycling outreach and marketing | 2007, ongoing | Goal 4,5 |
| Grants/Funding | | |
| 6109 Buy Recycled Grant | ongoing | n/a |
| 2423 Community Recycling Incentive Grant | ongoing | Goal 1 |
| Health Dept. Funding/Open Dumps | | |
| 2424 Health Department Funding | ongoing | n/a |
| Household Hazardous Waste | | |
| 2419 Annual remote HHW collection events | ongoing | Goal 5 |
| 8666 HHW Collection at North Transfer Facility | closes 2013-2014 | Goal 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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|--|---------|--------|
| 2418 HHW collection at South Transfer Facility | ongoing | Goal 5 |
|--|---------|--------|

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|-----------------------------------|--|--|
| Lead-Acid Battery Programs | | |
|-----------------------------------|--|--|

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|--|------------------|--------|
| 8667 Lead-acid battery collection at North Transfer Facility | closes 2013-2014 | Goal 5 |
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| 2422 Lead-acid battery collection at South Transfer Facility | ongoing | Goal 5 |
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| 6104 Lead-acid battery management outreach and marketing | 2007, ongoing | Goal 4,5 |
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| Litter Prevention/Clean-Up | | |
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|-------------------------|---------|-----|
| 2425 Litter Enforcement | ongoing | n/a |
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| Market Development Strategies | | |
|--------------------------------------|--|--|

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|-------------------------------|---------|--------|
| 3839 "Buy-Recycled" promotion | ongoing | Goal 7 |
|-------------------------------|---------|--------|

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|-----------------------------|--|--|
| Other Facilities (1) | | |
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|--|------------------|-----|
| 8668 Montgomery County North Transfer Facility | closes 2013-2014 | n/a |
|--|------------------|-----|

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|--|---------|-----|
| 3833 Montgomery County South Transfer Facility | ongoing | n/a |
|--|---------|-----|

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|-----------------------|--|--|
| Other Programs | | |
|-----------------------|--|--|

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|--|---------|--------|
| 8670 Appliance collection amnesty days | ongoing | Goal 2 |
|--|---------|--------|

| | | |
|--|---------|--------|
| 8669 Appliance collection at transfer facility | ongoing | Goal 2 |
|--|---------|--------|

| | | |
|--|---------|-----|
| 3841 Assistance to charitable organizations for tipping fees | ongoing | n/a |
|--|---------|-----|

| | | |
|------------------------------------|---------|-----|
| 3843 Development Fund/Legal Issues | ongoing | n/a |
|------------------------------------|---------|-----|

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|----------------------------------|---------|-----|
| 2428 General Plan Implementation | ongoing | n/a |
|----------------------------------|---------|-----|

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|---|---------|-----|
| 6106 Material recovery program at transfer facility | ongoing | n/a |
|---|---------|-----|

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|--|---------|----------|
| 2401 MCMRF (Montgomery County Material Reuse Facility) | ongoing | Goal 2,4 |
|--|---------|----------|

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|-------------------------------------|---------|-----|
| 6096 Multi-family recycling program | ongoing | n/a |
|-------------------------------------|---------|-----|

| 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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| 3842 Plan Preparation | ongoing | n/a |
|-----------------------|---------|-----|

| Residential Sector Education and Awareness | | |
|---|--|--|
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|---|---------------|----------|
| 6091 Boonshoft Museum of Discovery | ongoing | Goal 4 |
| 2408 Brochures | ongoing | Goal 4 |
| 2407 District Newsletter | ongoing | Goal 3,4 |
| 8672 District Website | ongoing | Goal 3,4 |
| 8673 Organize education programs such as the Master Recycler course | ongoing | Goal 3,4 |
| 2405 Recycling advertising campaign | ongoing | Goal 1,4 |
| 2409 School and community presentations | ongoing | Goal 4 |
| 3834 Solid Waste Recycling Resource Center | ongoing | Goal 4 |
| 2406 Teacher Workshops | ongoing | Goal 3,4 |
| 8671 Voluntary targeted community outreach | 2013, ongoing | n/a |

| Scrap Tire Programs | | |
|----------------------------|--|--|
|----------------------------|--|--|

| | | |
|---|------------------|----------|
| 8674 Scrap tire collection at North Transfer Facility | closes 2013-2014 | Goal 5 |
| 3837 Scrap tire collection at South Transfer Facility | ongoing | Goal 5 |
| 6105 Scrap tire management outreach and marketing | ongoing | Goal 4,5 |
| 6098 Two annual scrap farm tire collection events | ongoing | Goal 5 |

| Yard Waste Programs | | |
|----------------------------|--|--|
|----------------------------|--|--|

| | | |
|---|---------|----------|
| 3836 Composting education program | ongoing | Goal 4,5 |
| 2400 Kettering yard waste drop-off | ongoing | Goal 1,2 |
| 6093 Yard waste collection at District facilities | ongoing | Goal 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? |
|-------------------------|--|--|
|-------------------------|--|--|

8675 Yard waste community survey initiative

2013, ongoing

Goal 2