

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the matter of:

Richland County Regional	:	Director's Final
Solid Waste Management Authority	:	Findings and Orders
1495 West Longview Ave., Suite 201	:	
Mansfield, Ohio 44906	:	

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Richland County Regional 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 343.011(B), all duties and responsibilities imposed on or granted to a board of county commissioners or a board of directors shall be vested in and exercised by the board of trustees of regional solid waste management authority (Regional SWMA). Pursuant to ORC Sections 343.011(F), and 3734.55(G), any reference to a board of county commissioners of a county or a board of directors of a joint solid waste management district is deemed to include the board of trustees of a Regional SWMA. Pursuant to 3734.54(H), all duties and responsibilities imposed on or granted to a solid waste management policy committee shall be vested in and exercised by the board of trustees of a Regional SWMA.

2. Pursuant to ORC Section 3734.56, a Regional SWMA 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.
3. The existing solid waste management plan for the Authority was approved on March 6, 2001 and covers a planning period of fifteen or more years. The date the Authority's draft amended solid waste management plan was due to Ohio EPA was March 6, 2006.
4. On March 22, 2006, Ohio EPA received a draft amended solid waste management plan from the Board of Trustees for the Authority.
5. Pursuant to ORC Section 3734.55, the Director of Ohio EPA is required to provide the board of trustees of a Regional SWMA 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.
6. On May 6, 2006, Ohio EPA mailed a written, nonbinding advisory opinion concerning the draft amended solid waste management plan received on March 22, 2006 to the Authority's Board of Trustees.
7. Pursuant to ORC Section 3734.55, the board of trustees of a Regional SWMA 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.
8. On July 28, 2007 Ohio EPA received a ratified, draft, amended solid waste management plan from the Board of Trustees for the Authority.
9. 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 July 28, 2007 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