



State of Ohio Environmental Protection Agency

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DEC 04 2007

CERTIFIED MAIL

The Honorable Ted Kalo, President
Board of County Commissioners
Lorain County Solid Waste Management District
226 Middle Avenue
Elyria, Ohio 44035-5641

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

Dear Commissioner Kalo:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed and approved the ratified draft solid waste management plan update (Plan) for the Lorain County Solid Waste Management 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 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 you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of filing of the appeal shall be filed with the

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

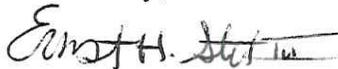
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Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
309 S. Fourth Street
Room 222
Columbus, Ohio 43215

If you have any questions regarding implementation of the approved Plan, please contact Michelle Kenton at (614) 728-5368.

Sincerely,



Ernie Stall
Environmental Specialist 3
Division of Solid and Infectious Waste Management

ES/sw

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

cc (with enclosures): Beth Barber, Policy Committee Chairperson, Lorain County
SWMD
Derek Anderson, Chief, ODNR, DRLP
Dan Billman, Coordinator, Lorain County SWMD
Lynn Sowers, Environmental Supervisor, DSIWM-NEDO
Michael Greenburg, Principal Consultant, GT Environmental,
Inc.

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

In the matter of:

Lorain County Solid Waste Management District	:	Director's Final
226 Middle Avenue	:	Findings and Orders
Elyria, Ohio 44035	:	

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Lorain 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, a solid waste management district (SWMD) with an approved solid waste management plan that contains a planning period of less than fifteen 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 third year anniversary of the date the existing solid waste management plan was approved.
2. The existing solid waste management plan for the District was approved on June 5, 2003 and covers a planning period of less than fifteen years. The date the District's draft amended solid waste management plan was due to Ohio EPA was June 5, 2006.

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:  Date: 12-4-07

3. On August 7, 2006, Ohio EPA received a draft amended solid waste management plan from the policy committee for the District.
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 September 21, 2006, Ohio EPA mailed a written, nonbinding advisory opinion concerning the draft amended solid waste management plan received on August 7, 2006 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 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.
7. On November 29, 2007, Ohio EPA received a ratified, draft, amended solid waste management plan from the policy committee for the District.
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 ratified, draft, amended plan of the District that was received by Ohio EPA on November 29, 2007 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:



Christopher Korleski, Director
Ohio Environmental Protection Agency

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

Several sections of the solid waste management plan update submitted by the Lorain County Solid Waste Management District (District) 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 as contained in the District's ratified solid waste management plan update (Plan). These elements are listed in the table below. The contents of this table were agreed upon by the District and Ohio EPA on November 28, 2007 during a telephone conversation between the coordinator for the District, Dan Billman, and Ernie Stall of the Division of Solid and Infectious Waste Management. All of the strategies listed below, with the exception of non-material changes to the Plan, will continue throughout the planning period.

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 1995 Goal will this strategy be used to demonstrate compliance with?
Commercial/Industrial Sector TA and Education		
6732 Commercial sector paper recycling; District provided containers, created numerous drop-offs that accept paper and Abitibi also serviced schools and other drop-offs. District conducting survey to better determine volume. LCRP-12.	2004	1, 2
6758 District will establish and facilitate a business round table that will focus on innovative recycling processes and applications in the business community, solid waste and recycling contracts and cooperatives, etc. LCIP-03.	TBA	3, 4
6757 Recognition program for commercial and industrial businesses that have innovative recycling programs and that actively participate in the District's annual surveying efforts. LCIP-02.	2007	3, 4
6756 Waste assessments and audits for businesses, industry and institutions. LCIP-01.	Ongoing	3, 4
Curbside Recycling, Non-subscription		
6696 Amherst Township LCRP-01.	ongoing	1, 2
6695 City of Amherst LCRP-01.	ongoing	1, 2
6698 City of Avon Lake LCRP-01.	ongoing	1, 2
6697 City of Avon LCRP-01.	ongoing	1, 2
6700 City of Elyria LCRP-01.	ongoing	1, 2

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which 1995 Goal will this strategy be used to demonstrate compliance with?
6707 City of Lorain LCRP-01.	ongoing	1, 2
6709 City of North Ridgeville LCRP-01.	ongoing	1, 2
6710 City of Oberlin LCRP-01.	ongoing	1, 2
6714 City of Sheffield Lake LCRP-01.	ongoing	1, 2
6717 City of Vermillion LCRP-01.	ongoing	1, 2
6699 Columbia Township LCRP-01.	ongoing	1, 2
6701 Elyria Township LCRP-01.	ongoing	1, 2
6703 Grafton Township LCRP-01.	ongoing	1, 2
6704 Henrietta Township LCRP-01.	ongoing	1, 2
6706 LaGrange Township LCRP-01.	ongoing	1, 2
6708 New Russia Township LCRP-01.	ongoing	1, 2
6711 Pittsfield Township LCRP-01.	ongoing	1, 2
6716 Sheffield Township LCRP-01.	ongoing	1, 2
6713 South Amherst LCRP-01.	2005	1, 2
6702 Village of Grafton LCRP-01.	ongoing	1, 2
6705 Village of LaGrange LCRP-01.	ongoing	1, 2
6712 Village of Rochester LCRP-01.	ongoing	1, 2
6715 Village of Sheffield LCRP-01.	ongoing	1, 2
6719 Wellington Township LCRP-01.	ongoing	1, 2
6718 Wellington Village LCRP-01.	ongoing	1, 2

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which 1995 Goal will this strategy be used to demonstrate compliance with?
Drop-off Recycling, FS, Urban		
6722 Carlisle Township LCRP-02.	ongoing	1, 2
6759 Eaton Township LCRP-02	ongoing	1, 2
Drop-off Recycling, PT, Rural		
6720 Brighton Township LCRP-02.	ongoing	1, 2
6721 Brownhelm Township LCRP-02.	ongoing	1, 2
6760 Huntington Township LCRP-02	ongoing	1, 2
6761 Penfield Township LCRP-02	ongoing	1, 2
Electronics Collection		
6726 Annual electronic collections event. LCRP-06.	2002, ongoing	5
6731 District collects and recycles fluorescent and high intensity discharge light bulbs and their ballasts. LCRP-11.	2004, ongoing	5
6727 Printer Cartridge Recycling Program in partnership with Lorain County Office on Aging. LCRP-07.	2003, ongoing	5
Financial Incentives/PAYT		
6742 Volume Based Incentive Education Program. LCEP-07 and LCCGP-02.	2007	1, 2, 6
Grants/Funding		
6744 District operates revolving loan program for businesses that utilize post consumer recyclable materials in the manufacturing process. LCMDG-03.	Ongoing	1, 2
6746 District provides grant funding to communities to assist with non-subscription curbside and drop-off recycling. The grant funds are also used for recycling and composting equipment. LCCGP-01.	Ongoing	1, 2
6750 District will set aside funding to assist programs that require additional funding or to establish new programs. LCOP-06.	Ongoing	1,2, 3, 4, 5, 6
6751 District will support Lorain County Emergency Planning Committee financially for assistance in spill response including equipment and supplies relating to the District's planned Mercury Collection Program. LCOP-07.	2007	5

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which 1995 Goal will this strategy be used to demonstrate compliance with?
6745 In 2005, the District began providing grants for special projects initiated by the Lorain County Commissioners. LCMDG-04.	2005, ongoing	1, 2
6743 Recycling/Market Development Grants - new program focused on identifying grant opportunities from a variety of federal, state and local sources for the District and/or for businesses and Lorain County political subdivisions. LCMDG-02.	2007	1, 2
Health Dept. Funding/Open Dumps		
6749 District will annually evaluate funding for the county engineer for road repairs which are due to excess truck traffic from solid waste haulers. LCOP-04.	Ongoing	5
6748 The Boards of Health (Lorain County, City of Elyria, and City of Lorain) can apply for funding for the cleanup of open dump sites. Funds will be allocated out of the general plan implementation line item. LCOP-02, LCOP-03.	Ongoing	5
Household Hazardous Waste		
6724 District hosts annual collection day. Second event contingent on budget. Satellite collection sites in rural areas is also under consideration. LCRP-04.	1995	5
6734 District plans to create a new special materials collection program that will focus on mercury containing items, specifically; household thermostats, thermometers, elemental mercury. LCRP-14.	TBD	5
6725 Household battery collection program in partnership with Elyria City Schools. LCRP-05.	2003	5
Litter Prevention/Clean-Up		
6747 District will work with local law enforcement to determine the feasibility of increased litter law enforcement by 2010. District will continue to work with local volunteer groups and agencies. LCOP-01.	Ongoing	5
6753 Initiated in 2006, the Litter Strike Force (LSF) consists of two teams that can respond to events that have created litter or can be dispatched to areas of the county fo address litter problems. LCOP-09.	2006, ongoing	5
Other Programs		
6754 Annual third party financial audits to ensure proper expenditures under the general accounting requirements of the State of Ohio and with the ten allowable uses of solid waste disposal fees and the District budget. LCOP-10.	2007	

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which 1995 Goal will this strategy be used to demonstrate compliance with?
6752 District intends to develop and adopt a Disaster Management Plan to be in place by 12/07. The Plan will identify the services and needs of the County in the event a debris management emergency exists. LCOP-08	2007	5
6733 District provided beverage container recycling to various entities throughout the county. LCRP-13.	1998	2
6755 District reserves right to negotiate a host community agreement with any solid waste facility operator. Approval must be in accordance with all applicable Ohio laws and regulations. LCOP-11.	2007	
Other Residential/Commercial Recycling		
6729 Appliance awareness recycling campaign. LCRP-09.	ongoing	4
6730 Phone book collection program in cooperation with Burger King and Century Tel. LCRP-10.	ongoing	2
6735 Potential future programs under consideration: C&DD waste recycling, organic processing, shrink wrap recycling, antifreeze recycling, drop-offs for used; carpet, ceiling tile, tennis shoes, irregular plastic materials/items. LCRP-15.	TBA	3, 4
Residential Sector Education and Awareness		
6736 Advertising, calendar contests, quarterly school publications, school presentations, special presentations, District web site and District quarterly newsletter. LCEP-01.	Ongoing	4
6739 Cigarette Butt Litter Awareness Program. LCEP-04.	2006	3, 4
6741 Community Recognition Program - new in 2008. The program will recognize communities that have innovative recycling and education programs. LCEP-06.	2008	2, 5
6737 District distributes brochures on waste reduction and an annual report at community events including; Apple Festival, County Fair and Earth Day. LCEP-02.	Ongoing	3, 4
6740 Targeted promotion, education and awareness to local schools, commercial businesses, associations and organizations, institutions and government to "cross sell" District programs and recyclable materials. LCEP-05.	TBA	2
6738 Toll-free phoneline (800-449-5463). LCEP-03.	Ongoing	2, 3, 4

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which 1995 Goal will this strategy be used to demonstrate compliance with?
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Scrap Tire Programs

6728 District provides 18 sites all around the county are set up to accept scrap tires on one day free of charge. District also maintains five permanent sites open all year round. Consider ways to reduce improper tire disposal by commercial dealers. LCRP-08.	ongoing	5
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Yard Waste Programs

6723 There are 23 registered public and private compost facilities within the District. The District encourages residents to mulch grass clippings and operate backyard composting. The District works with the county Ag Agent to conduct education LCRP-03.	ongoing	1, 2
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(1) Other facilities include those landfills, incinerators, and transfer stations that are used by the District that are either: under construction or expansion; going through closure; or are owned, operated, or funded by the SMWD.