



State of Ohio Environmental Protection Agency

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JUN 3 0 2009

CERTIFIED MAIL

The Honorable Ron Widener, Chairman, Board of Directors
Miami County Solid Waste Management District
200 W. Main Street
Troy, OH 45373

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

Dear Commissioner Widener:

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

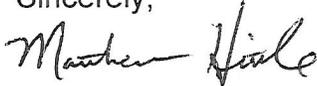
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Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals 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 me at (614) 728-5369.

Sincerely,



Matthew Hittle
Environmental Specialist 2
Division of Solid and Infectious Waste Management

MH/sw

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

cc (with enclosures): Terrie TerMeer, Deputy Director, ODNR, DRLP
 Cindy Bach, Coordinator, Miami County SWMD
 Tracy Buchanan, Environmental Supervisor, DSIWM-SWDO

JUN 30 2009

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY ENTIRE DIRECTOR'S JOURNAL

In the matter of:

Miami County Solid Waste Management District	:	Director's Final
2200 N. County Road 25-A	:	Findings and Orders
Troy, OH 45373	:	

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Miami 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 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.

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 *Jonny Lassler* Date: 6-30-09

2. The existing solid waste management plan for the District was approved on February 5, 2003 and covers a planning period of fifteen years. The date the District's draft amended solid waste management plan was due to Ohio EPA was February 5, 2008.
3. On February 5, 2008, 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 March 21, 2008, Ohio EPA mailed a written, nonbinding advisory opinion concerning the draft amended solid waste management plan received on February 5, 2008 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 April 23, 2009, 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 April 23, 2009 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:



Chris Korleski, Director
Ohio Environmental Protection Agency

ATTACHMENT 1 TO THE FINDINGS AND ORDERS
Summary of the Implementation Schedule for the
Miami 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?
Buy-Backs, Haulers, and Scrap Yards		
4022 Private sector recycling and scrap yards	existing, ongoing	Goal 2
Commercial/Industrial Sector Technical Assistance and Education Programs		
2341 Commercial/Industrial surveying	existing, ongoing	Goals 2,3,4
2340 Technical assistance	existing, ongoing	Goals 3,4,5
Curbside Recycling, Non-subscription		
4012 Piqua City	existing, ongoing	Goal 2
4013 Pleasant Hill Village	existing, ongoing	Goal 2
2304 Tipp City	existing, ongoing	Goal 2
2305 Troy City	existing, ongoing	Goal 2
2306 West Milton	existing, ongoing	Goal 2
Curbside Recycling, Subscription		
7446 Bethel Township	existing, ongoing	Goal 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?
7447 Concord Township	existing, ongoing	Goal 2
7448 Elizabeth Township	existing, ongoing	Goal 2
7449 Lostcreek Township	existing, ongoing	Goal 2
7450 Monroe Township	existing, ongoing	Goal 2
7451 Newton Township	existing, ongoing	Goal 2
7452 Springcreek Township	existing, ongoing	Goal 2
7453 Staunton Township	existing, ongoing	Goal 2
<i>Drop-off Recycling</i>		
4019 Single material drop-offs	existing, ongoing	Goal 2
<i>Drop-off Recycling, FS, Urban</i>		
4015 Bradford Village	existing, ongoing	Goal 2
4016 Covington Village	existing, ongoing	Goal 2
4014 Miami County Transfer Facility drop-off	existing, ongoing	Goal 2
4017 Monroe Township	existing, ongoing	Goal 2
6212 Union Township	existing, ongoing	Goal 2
<i>Electronics Collection</i>		
6214 Electronics collection events	existing, ongoing	Goals 2,5
7454 Electronics program evaluation	2011	Goal 5
<i>Financial Incentives/PAYT</i>		
4035 Miami County Transfer Facility pay-per-bag	existing, ongoing	Goal 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?
4038 Technical assistance to implement pay-as-you-throw	existing, ongoing	Goal 4
4036 Tipp City pay-as-you-throw	existing, ongoing	Goal 2
4037 West Milton pay-as-you-throw	existing, ongoing	Goal 2
Grants/Funding		
7468 Community Development Grant awareness program	existing, ongoing	Goal 4
7470 Litter Collection Grant	2006, ongoing	n/a
7471 Market Development Grant awareness program	2009, ongoing	Goals 4,7
7469 Scrap Tire Grant awareness program	2011, ongoing	Goals 4,5
Household Hazardous Waste		
2348 HHW collection	existing, ongoing	Goal 5
4045 HHW education and information	existing, ongoing	Goal 5
7455 HHW permanent collection feasibility study	2011	Goal 5
2345 HHW telephone information service	existing, ongoing	Goal 5
Market Development Programs		
4048 Include "buy-recycled" in public education	existing, ongoing	Goal 7
4046 Maintain and make available information about recycled content products	existing, ongoing	Goal 7
4047 Purchase recycled content products	existing, ongoing	Goal 7
Other Facilities		
2359 Miami County Transfer Station	1998, ongoing	n/a
Other Programs		
7473 Miami County Debris Management Guide	2007, ongoing	Goal 4

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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7472 Non-recyclable container ban initiative

2009, ongoing

n/a

Other Residential/Commercial Recycling

4026 Automotive batteries and used oil recycling

existing, ongoing

Goal 2

2330 Christmas tree chipping

existing, ongoing

Goal 2

7458 Evaluation of existing curbside recycling programs

2009, ongoing

Goals 3,4

7462 Evaluation of existing drop-off recycling programs

2010, ongoing

Goals 2,4

7463 Evaluation of existing yard waste programs

2011, ongoing

Goals 2,4,5

7460 Outreach for new curbside recycling programs

2009, ongoing

Goals 3,4

7464 Outreach for new yard waste programs

2011, ongoing

Goals 3,4,5

6213 Special event recycling

existing, ongoing

Goal 2

7456 Special event recycling outreach

2007, ongoing

Goal 2

Residential Sector Education and Awareness

7459 Curbside recycling contamination education

2009, ongoing

Goals 3,4

4041 District educational displays

existing, ongoing

Goals 3,4

7129 District website

2009, ongoing

Goals 3,4

7461 Drop-off recycling participation and contamination education

2010, ongoing

Goals 3,4

4043 Informational flyers and brochures

existing, ongoing

Goals 3,4

4042 Publicity and advertising

existing, ongoing

Goals 3,4

7457 Publicity for political subdivisions' recycling efforts

2009, ongoing

Goal 4

4044 School presentations

existing, ongoing

Goals 3,4

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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Scrap Tire Programs

2343 Provide information on legal recycling and disposal options for tires	existing, ongoing	Goal 5
2344 Scrap tire collection at transfer facility	existing, ongoing	Goals 2,5

Yard Waste Programs

4030 Bradford Village compost facility	existing, ongoing	Goals 2,5
7465 Bradford Village yard waste collection	existing, ongoing	Goals 2,5
4031 Covington Village yard waste collection	existing, ongoing	Goals 2,5
4029 Dye Mill Road compost facility	existing, ongoing	Goals 2,5
4028 Piqua compost facility	existing, ongoing	Goals 2,5
7474 Piqua yard waste collection	existing, ongoing	Goals 2,5
4032 Tipp City yard waste collection	existing, ongoing	Goals 2,5
7466 Troy yard waste collection	existing, ongoing	Goals 2,5
4033 West Milton yard waste collection	existing, ongoing	Goals 2,5

(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 SWMD.