

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter Of:

Kenton-Hardin Health Department
Courthouse Annex, Suite 120
175 West Franklin Street
Kenton, Ohio 43326

Director's Final Findings
and Orders

Respondent

PREAMBLE

It is hereby agreed by and between the parties hereto as follows:

I. JURISDICTION

These Director's Final Finding and Orders ("Orders") are hereby issued to the Kenton-Hardin Health Department ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Sections 3714.12, 3734.13 and 3745.01 of the Ohio Revised Code ("ORC").

II. PARTIES

These Orders shall apply to and be binding upon the Respondent.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as used in ORC Chapter 3734. and 3714. and the rules promulgated thereunder.

IV. FINDINGS OF FACT

The Director has determined the following findings of fact:

1. The Respondent is currently approved to administer and enforce the solid and infectious waste program in Hardin County pursuant to ORC § 3734.08 and the construction and demolition debris ("C&DD") program pursuant to ORC § 3714.09 ("the Director's approved list").

2. By letter dated July 25, 2006, Respondent voluntarily requested to be removed from the Director's approved list.
3. Pursuant to ORC § 3734.08(B), in the event that a health district is removed from the Director's approved list of solid and infectious waste programs, the Director shall administer and enforce the solid and infectious waste program within the health district's jurisdiction until the program is lawfully returned to the health district. In addition, all solid and infectious waste facility license fees shall thereafter be paid to the Director until such time as the program is lawfully returned to the health district.
4. Pursuant to ORC § 3714.09(A), if a health district is removed from the Director's list of approved solid and infectious waste programs, the Director shall also remove that district from the list of approved C&DD programs.
5. Pursuant to ORC § 3714.09(B)(4), in the event that a health district is removed from the Director's approved list of C&DD programs, the Director shall administer and enforce the C&DD program within the health district's jurisdiction until the program is lawfully returned to the health district. In addition, all C&DD facility license fees shall thereafter be paid to the Director.
6. Pursuant to ORC § 3734.13(A), the Director may issue, modify, suspend, or revoke enforcement orders to prevent a violation of ORC Chapter 3734. or the rules adopted thereunder.
7. Pursuant to ORC § 3714.12(A), the Director may issue, modify, suspend, or revoke enforcement orders to abate a violation of ORC Chapter 3714. or the rules adopted thereunder.
8. These Orders are intended, in part, to prevent violations of ORC Chapters 3714. and 3734. or the rules adopted thereunder.

V. ORDERS

The Respondent shall achieve compliance with ORC Chapter 3734. and 3714. and the rules promulgated thereunder according to the following compliance schedule:

1. Upon the effective date of these Orders, the Respondent is hereby removed from the Director's list of health districts approved to administer and enforce the solid and infectious waste programs pursuant to ORC § 3734.08.
2. All solid and infectious waste facility license fees required to have been paid to the Respondent in accordance with ORC § 3734.06 or ORC § 3734.82 that have not been expended or encumbered, shall be remitted to the Director within fifteen (15)

days after the effective date of these Orders. Thereafter, all licence fees shall be paid directly to the Director.

3. Upon the effective date of these Orders, the Respondent is hereby removed from the Director's list of health districts approved to administer and enforce the C&DD program pursuant to ORC § 3714.09.
4. All C&DD facility license fees required to be paid to the Respondent in accordance with ORC § 3714.07 that have not been expended or encumbered, shall be remitted to the Director within fifteen (15) days after the effective date of these Orders. Thereafter, all licence fees shall be paid directly to the Director.

VI. TERMINATION AND SATISFACTION

These Orders shall remain in effect until such time as the Respondent is placed on the approved list by the Director.

VII. NOTICE

All fees to be returned to the Ohio EPA in accordance with Orders Number 2 and 4 shall be submitted to:

Director
Ohio Environmental Protection Agency
Attn: Enforcement Coordinator, DSIWM
P.O. Box 1049
Columbus, OH 43216-1049

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

VIII. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section IX. of these Orders.

IX. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA, the Respondent agrees that these Orders are lawful and reasonable, that the items and time frames provided for compliance herein are reasonable and that the Respondent agrees to comply with these Orders. Ohio EPA specifically does not waive its right to pursue actions and civil penalties as set forth in the Reservation of Rights section of these Orders.

The Respondent hereby waives the right to appeal the issuance, terms and service of these Orders, and the Respondent hereby waives any and all rights it may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and the Respondent agree that in the event that these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, the Respondent retains the right to intervene and participate in such appeal. In such an event, the Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated, or modified.

X. SIGNATORIES

Each undersigned representative of a signatory to these Orders certifies that he or she is fully authorized to enter into the terms and conditions of these Orders and to legally bind such signatory to this document.

IT IS SO ORDERED AND AGREED:

Kenton-Hardin Health Department (Respondent)

By: _____

_____ Date

Title: _____

Ohio Environmental Protection Agency

Joseph P. Koncelik, Director