

**Environmental
Protection Agency**

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

CERTIFIED MAIL

April 18, 2012

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

Mr. Brian Parsons, Policy Committee Chairperson
Lorain County Solid Waste Management District
2245 Pelegrine Drive
Avon, Ohio 44011

Program	PLG (Solid)
County	Lorain
Fac/Entity	147
Subcategory	Final Plan

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

Dear Commissioner Kalo and Mr. Parsons,

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

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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) 728-5317.

Sincerely,



Christopher Germain
Environmental Specialist
Division of Materials and Waste Management

CG/jam

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

cc (with enclosures): Terrie TerMeer, Assistant Chief, ODNR, DRLP
Keith Bailey, Coordinator, Lorain County SWMD
Natalie Oryshkewych, Environmental Supervisor, DMWM-NEDO

BY: Dana Lassiter Date: 4-18-12

OHIO E.P.A.

APR 18 2012

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

ENTERED DIRECTOR'S JOURNAL

In the matter of:

Lorain County	:	Director's Final
Solid Waste Management District	:	Findings and Orders
226 Middle Avenue	:	
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, the policy committee of 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 District's existing solid waste management plan was approved on December 4, 2007 and covers a planning period of less than fifteen years. The District's draft amended solid waste management plan was due to Ohio EPA on December 4, 2010.

3. On November 10, 2010, 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 23, 2010, Ohio EPA mailed a written, nonbinding advisory opinion concerning the draft amended solid waste management plan received on November 10, 2010 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 March 6, 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 March 6, 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

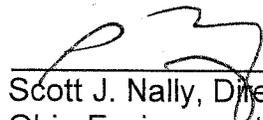
Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties against the District for noncompliance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

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		
6758 Business Recycling Roundtable. 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.	2009, ongoing	3, 4
6732 Commercial sector paper recycling; District provided containers, created numerous drop-offs that accept paper and Abitibi also serviced schools and other drop-offs. LCRP-12.	2004, ongoing	1, 2
6757 Commercial/Industrial 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.	2008, ongoing	3, 4
6756 Waste Audits. Waste assessments and audits for businesses, industry and institutions. LCIP-01.	existing, ongoing	3, 4
Curbside Recycling, Non-subscription		
6695 Amherst City LCRP-01.	existing, ongoing	1, 2
6696 Amherst Township LCRP-01.	existing, ongoing	1, 2
6697 Avon City LCRP-01.	existing, ongoing	1, 2
6698 Avon Lake City LCRP-01.	existing, ongoing	1, 2
8520 Brighton Township. LCRP-01	2010, ongoing	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?
8521 Brownhelm Township. LCRP-01	2010, ongoing	1, 2
8522 Camden Township/Kipton Village. LCRP-01	2011, ongoing	1, 2
8510 Carlisle Township LCRP-01	2010, ongoing	1, 2
6699 Columbia Township LCRP-01.	existing, ongoing	1, 2
8523 Eaton Township. LCRP-01	2010, ongoing	1, 2
6700 Elyria City LCRP-01.	existing, ongoing	1, 2
6701 Elyria Township LCRP-01.	existing, ongoing	1, 2
6703 Grafton Township LCRP-01.	existing, ongoing	1, 2
6702 Grafton Village LCRP-01.	existing, ongoing	1, 2
6704 Henrietta Township LCRP-01.	existing, ongoing	1, 2
8524 Huntington Township. LCRP-01	2010, ongoing	1, 2
6706 LaGrange Township LCRP-01.	existing, ongoing	1, 2
6705 LaGrange Village LCRP-01.	existing, ongoing	1, 2
6707 Lorain City LCRP-01.	existing, ongoing	1, 2
6708 New Russia Township LCRP-01.	existing, ongoing	1, 2
6709 North Ridgeville City LCRP-01.	existing, ongoing	1, 2
6710 Oberlin City LCRP-01.	existing, ongoing	1, 2
8525 Penfield Township. LCRP-01	2010, ongoing	1, 2
6711 Pittsfield Township LCRP-01.	existing, ongoing	1, 2
8511 Rochester Township LCRP-01	existing, ongoing	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?
6712 Rochester Village LCRP-01.	existing, ongoing	1, 2
6714 Sheffield Lake City LCRP-01.	existing, ongoing	1, 2
6716 Sheffield Township LCRP-01.	existing, ongoing	1, 2
6715 Sheffield Village LCRP-01.	existing, ongoing	1, 2
6713 South Amherst LCRP-01.	2005, ongoing	1, 2
6717 Vermillion City LCRP-01.	existing, ongoing	1, 2
6719 Wellington Township LCRP-01.	existing, ongoing	1, 2
6718 Wellington Village LCRP-01.	existing, ongoing	1, 2
Drop-off Recycling		
8517 Abitibi Consolidated - Various locations, Lorain County. LCRP-02.	existing, ongoing	1, 2
8514 Lorain County Collection Center. Countywide drop-off location as well as base for HHW, Scrap Tires, Mercury and other specialized collections. LCRP-16	2010, ongoing	1, 2, 3, 4, 5
Drop-off Recycling, FS, Urban		
8512 Carlisle Township, East Carlisle Complex LCRP-02	existing, ongoing	1, 2
6722 Carlisle Township, Town Hall LCRP-02.	existing, ongoing	1, 2
6759 Eaton Township LCRP-02	existing, ongoing	1, 2
8519 Lorain County Recyclery. LCRP-02	existing, ongoing	1, 2
Drop-off Recycling, PT, Rural		
6720 Brighton Township LCRP-02.	existing, ongoing	1, 2
6721 Brownhelm Township LCRP-02.	existing, ongoing	1, 2
8513 Camden Township (Kipton Village) LCRP-02	existing, ongoing	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?
6760 Huntington Township LCRP-02	existing, ongoing	1, 2
6761 Penfield Township LCRP-02	existing, ongoing	1, 2
Electronics Collection		
6726 Electronics Collection. Regularly scheduled dates and times for electronics collection at the Lorain County Collection Center. LCRP-06.	existing, ongoing	5
6727 Printer Cartridge Recycling Program in partnership with Lorain County Office on Aging. Cartridges are also accepted at the Collection Center. LCRP-07.	2003, ongoing	5
Financial Incentives/PAYT		
6742 Volume Based Incentive Education Program. LCEP-07 and LCCGP-02.	2007, ongoing	3, 4
Grants/Funding		
6746 Community Incentive Grants. District provides grant funding to communities to encourage a switch to volume-base systems. LCCGP-01.	existing, Ongoing	1, 4
6745 District Market Development Grants. The district provides grants for special projects initiated by the Lorain County Commissioners. LCMDG-04.	2005, ongoing	7
6750 New Programs Funding. District will set aside funding to assist programs that require additional funding or to establish new programs. LCOP-06.	existing, ongoing	1, 3, 4, 5, 7
6743 Recycling/Market Development Grants - 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, ongoing	7
6744 Revolving Loan Program. District operates revolving loan program for businesses that utilize post consumer recyclable materials either in their building materials or in their manufacturing process. LCMDG-03.	existing, ongoing	7
Health Dept. Funding/Open Dumps		
8518 Health Department Financial Assistance - The District provides financial assistance to the City of Lorain and the City of Elyria Boards of Health and the Lorain County Health Dept. for enforcement of solid waste regulations. LCOP-03	existing, ongoing	
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	existing, ongoing	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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Household Hazardous Waste

6731 Fluorescent and high intensity discharge light bulbs and ballast collection at Lorain County Collection Center. LCRP-11.	2004, ongoing	5
6724 HHW Collection. District will collect HHW at Lorain County Collection Center year round. LCRP-04.	1995, ongoing	5
6725 Household battery collection at Lorain County Collection Center. LCRP-05.	2002, ongoing	5
6734 Mercury Collection at Lorain County Collection Center. LCRP-14.	existing, ongoing	5

Litter Prevention/Clean-Up

6753 Litter Strike Force (LSF) - responds to problem areas in Lorain County to stop the spread and accumulation of litter. LCOP-09.	2007, ongoing	
6747 Volunteer Litter Collection program. (Litter and Open Dump Enforcement). District will continue to work with local volunteer groups and agencies on litter collection activities. LCOP-01.	existing, ongoing	

Other Programs

6749 County Assistance (Engineer). 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.	existing, ongoing	
6752 Emergency Management Plan - The District developed a draft Disaster Debris Management Plan and presented it to the Lorain County Emergency Management Agency. The draft plan was incorporated into the county's master emergency management plan. LCOP-08	2008, ongoing	5
6755 Host Community Agreements. 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, ongoing	
8515 Legal. The district may solicit advice from the Lorain County prosecutors office as well as outside council regarding solid waste issues.	existing, ongoing	
8516 Sheriffs Department Funding. District funds two sheriff staff positions to investigate and prosecute open dump sites. LCOP-12	existing, ongoing	
6733 Specialized bottle/can collection program. District provides bins to various commercial and institutional entites. LCRP-13.	1998, ongoing	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?
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6754 Third party financial audit. The policy committee may request a third party financial audit. The Board will consider the request. The policy committee Chairperson will prepare a written request outlining the reasons for the request. LCOP-10. 2010, ongoing

Other Residential/Commercial Recycling

6729 Appliance awareness recycling campaign. LCRP-09.	existing, ongoing	4
6730 Phone books will be accepted at the Collection Center and Abitibi Collection centers. LCRP-10.	existing, ongoing	2
6735 Potential future programs under consideration: C&DD waste recycling, organic processing, antifreeze recycling, drop-offs for used; carpet, ceiling tile, tennis shoes, irregular plastic materials/items. LCRP-15.	existing, ongoing	3, 4

Residential Sector Education and Awareness

6739 Cigarette Butt Litter Awareness Program. LCEP-04.	2006, ongoing	3, 4
6741 Community Recognition Program. The program will recognize communities that have innovative recycling and education programs. LCEP-06.	2012, ongoing	3, 4
6740 Multi-Program Presentations. Targeted promotion, education and awareness to local schools, commercial businesses, associations and organizations, institutions and government to "cross sell" District programs. LCEP-05.	existing, ongoing	3, 4
6736 Residential Recycling Education and Awareness Program. Advertising, calendar contests, quarterly school publications, school presentations, special presentations, District web site and District quarterly newsletter. LCEP-01.	existing, Ongoing	4
6737 Residential/Commercial Source Reduction Brochures. District distributes brochures on waste reduction and an annual report at community events and fairs. LCEP-02.	existing, Ongoing	3, 4
6738 Telephone Information Line. Toll-free: (800-449-5463). LCEP-03.	existing, Ongoing	3, 4

Scrap Tire Programs

6728 Scrap Tire Collection program. 4 permanent sites around county. Tires also collected at the Lorain County Collection Center. LCRP-08.	existing, ongoing	5
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Yard Waste Programs

6723 Yard Waste Program. The District encourages residents to mulch grass clippings and operate backyard composting or use local composting facilities. The District works with the county Ag Agent to conduct education LCRP-03.	existing, ongoing	4
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