



**Environmental
Protection Agency**

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

CERTIFIED MAIL

June 12, 2012

The Honorable Clark Sheets
Chairman, Board of County Commissioners and Policy Committee Chairperson
1 East Main St
Logan, Ohio 43138

RE: Ohio Revised Code Section 3734.55(C)(1) Athens-Hocking Joint Solid Waste Management District Solid Waste Management Plan Approval

Dear Commissioner Sheets:

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

Page 2

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) 728-5353.

Sincerely,



Deborah Hoffman
Environmental Specialist
Division of Materials and Waste Management

DH/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
Roger Bail, Coordinator, Athens-Hocking Joint SWMD
Rich Fox, Environmental Supervisor, DMWM-SEDO

JUN 12 2012

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

In the matter of:

Athens-Hocking Joint
Solid Waste Management District
Board of Directors
P.O. Box 2607
Athens, Ohio 45701

:
:
:
:
:

Director's Final
Findings and Orders

Respondent

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.

PREAMBLE

By: Dorinda L. Cassel Date: 6-12-12

It is agreed by the parties the following:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Athens-Hocking Joint Solid Waste Management District Board of Directors (Respondent or Board), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) Sections 3734.55(C) and 3745.01.

II. PARTIES

These Orders shall apply to and be binding upon Respondent.

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 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.
2. The Athens-Hocking Solid Waste Management District's (District) existing solid waste management plan was approved on December 12, 2005 and covers a planning period of fifteen years. The District's draft amended solid waste management plan was due to Ohio EPA on December 12, 2010.
 3. On December 13, 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 January 26, 2011, Ohio EPA mailed a written, nonbinding advisory opinion concerning the draft amended solid waste management plan received on December 13, 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 14, 2012, Ohio EPA received a ratified, draft, amended solid waste management plan (Plan) from the District's Policy Committee.
 8. During proceedings leading up to approval of the Plan, the Board indicated a desire to perform a study related to the construction and implementation of the new MRF contained in the Plan.
 9. 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 Plan that was received by Ohio EPA on March 14, 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 Plan and contained in the implementation schedule included as Attachment 1 to these Orders.
3. The Board, in conjunction with the District's policy committee, shall perform a study related to the construction and implementation of the new MRF contained in the Plan. This study shall be completed no later than 12 months after approval of the Plan. The Board shall consider the results of the study and determine whether to amend the Plan based on the results of the study.

VI. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders.

VII. 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. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

VIII. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

IX. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio EPA
Attn: DMWM Deb Hoffman
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.

X. RESERVATION OF RIGHTS

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

XI. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, Respondent consent to the issuance of these Orders and agree to comply with these Orders. Respondent hereby waive the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waive any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

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

XII. EFFECTIVE DATE

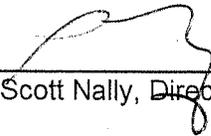
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIII. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



Scott Nally, Director

IT IS SO AGREED:

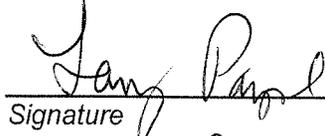
Athens-Hocking Solid Waste Management District Board of Directors



Signature

06-04-2012

Date



Signature

6/4/12

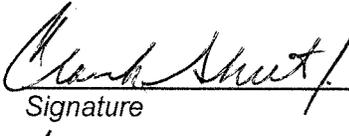
Date

Sandra Ogle

Printed or Typed Name

Larry Payne

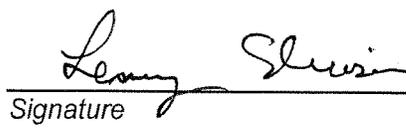
Printed or Typed Name



Signature

6-4-12

Date



Signature

6/4/12

Date

CLARK SHEETS, JR

Printed or Typed Name

LARRY ELINSON

Printed or Typed Name



Signature

6-4-12

Date



Signature

6-4-12

Date

John Walker

Printed or Typed Name

MARK SULLIVAN

Printed or Typed Name

ATTACHMENT 1 TO THE FINDINGS AND ORDERS
Summary of the Implementation Schedule for the
Athens-Hocking 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		
8535 Assistance to commercial businesses and industries in developing or expanding recycling programs (V-24, VI-10)	ongoing	Goal 3, 4
8534 Commercial, residential, and industrial recycling through private haulers and private scrap recycling facilities (V-21, VI-9)	ongoing	Goal 1
Curbside Recycling, Non-subscription		
274 Athens County - Athens City, with PAYT (V-11, VI-7)	1996, ongoing	Goal 1
Curbside Recycling, Subscription		
283 Athens County - Albany Village, with PAYT (V-11, VI-7)	1996, ongoing	Goal 1
287 Athens County - Amesville Village, with PAYT (V-11, VI-7)	1996, ongoing	Goal 1
277 Athens County - Athens City Suburbs, with PAYT (V-11, VI-7)	1996, ongoing	Goal 1
279 Athens County - The Plains, with PAYT(V-11, VI-7)	1996, ongoing	Goal 1
Drop-off Recycling, FS, Rural		
290 Athens County - Athens-Hocking Recycling Center (V-12, VI-8)	1995, ongoing	Goal 1
Drop-off Recycling, FS, Urban		
5516 Athens County - Nelsonville City (V-17, VI-9)	2005, ongoing	Goal 1

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?
5517 Hocking County - Farmers Recycling (V-17, VI-9)	2010, ongoing	Goal 1
291 Hocking County - Logan City, at the AHRC (V-14, VI-8)	2010, ongoing	Goal 1
Drop-off Recycling, PT, Rural		
5500 Athens County - Albany Village/Lee Twp (V-13, VI-10)	2007, ongoing	Goal 1
5498 Athens County - Buchtal Village/York Twp (V-13, VI-10)	2008, ongoing	Goal 1
5501 Athens County - Coolville/Troy Twp (V-13, VI-10)	2011, ongoing	Goal 1
8363 Athens County - Glouster Village/Trimble Twp (V-13, VI-10)	2010, ongoing	Goal 1
5495 Athens County - Guysville/Rome Twp (V-13, VI-10)	2010, ongoing	Goal 1
5497 Athens County - New Marshfield Village/Waterloo Twp (V-13, VI-10)	2008, ongoing	Goal 1
8526 Athens County - New site to be selected and installed (V-13, VI-10)	2012, ongoing	Goal 1
5499 Athens County - Shade Village/Lodi Twp (V-13, VI-10)	2007, ongoing	Goal 1
5496 Athens County - Sharpsburg Village/Bern Twp (V-13, VI-10)	2011, ongoing	Goal 1
5493 Athens County - Trimble Village/Trimble Twp (V-13, VI-10)	2011, ongoing	Goal 1
5507 Hocking County - Benton Township (V-15, VI-8)	2011, ongoing	Goal 1
5503 Hocking County - Haydenville Village/Green Twp and Ward Twp (V-15, VI-8)	2009, ongoing	Goal 1
5504 Hocking County - Laurelville Village (V-15, VI-8)	2011, ongoing	Goal 1
5505 Hocking County - Marion Township (V-15, VI-8)	2008, ongoing	Goal 1
5502 Hocking County - Murray City Village/Ward Twp (V-15, VI-8)	2008, ongoing	Goal 1
8527 Hocking County - New site to be selected and installed (V-15, VI-8)	2012, ongoing	Goal 1
5506 Hocking County - Starr Township (V-15, VI-8)	2008, ongoing	Goal 1

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?
-------------------------	--	--

Financial Incentives/PAYT

8540 Athens County - Athens, Albany, Amesville, The Plains (V-26, VI-11) ongoing Goal 6

Household Hazardous Waste

340 District staff will provide HHW mgmt information utilizing printed materials and the District web site (V-25, VI-10) 1998, ongoing Goal 5

8530 District wide collection event - if funds are available (V-25, VI-10) optional Goal 5

8531 District will provide logistical support for local government collections (V-25, VI-10) ongoing Goal 5

Industrial Recycling and Reduction

8533 Industrial recycling survey (V-24, VI-10) ongoing Goal 3, 4

Litter Prevention/Clean-Up

8532 Disaster debris assistance - as funds available (V-27, VI-11) 2012, ongoing NA

293 Litter Collection - as funds are available (V-27, VI-11) 1996, ongoing NA

Market Development Programs

8542 "Buy-recycled" information on the District website (V-26, VI-11) 2012, ongoing Goal 7

8541 Utilize recycled content products when possible - District and county governments (V-26, VI-11) ongoing Goal 7

MRFs

8528 Athens Hocking Recycling Center, located on St Rt 13 (V-7, VI-17) ongoing, may end by 2016 Goal 1

8529 New Athens Hocking Recycling Center, location to be decided, (V-7, VI-17) 2015, ongoing Goal 1

Other Residential/Commercial Recycling

323 School recycling collection (V-21, VI-9) ongoing Goal 1

299 Special recycling collection events (V-17, VI-9) 1995, ongoing Goal 1

Residential Sector Education & Awareness Programs

318 Comprehensive resource guide (V-23, VI 9) ongoing Goal 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?
315 Infrastructure Inventory (V-23, VI 9)	ongoing	Goal 3, 4
Residential Sector Education and Awareness		
320 Speaker/presenter (V-24, VI-9)	ongoing	Goal 3, 4
Scrap Tire Programs		
334 Tires accepted at Special recycling collection events (V-17, VI-9)	ongoing	Goal 5
Web Page and Social Media		
8536 District web site will include a comprehensive resource guide, infrastructure inventory, links to private sector recycling programs and services (V-23, VI-9)	ongoing	Goal 3, 4
Yard Waste Programs		
5513 Backyard composting education - information on web site (V-25, VI-10)	ongoing	Goal 5
8537 Field spreading of leaves throughout district (V-25, VI-10)	ongoing	Goal 5
8538 L.A. Horn Excavating Class IV Compost Facility (V-25, VI-10)	2001, ongoing	Goal 5
8539 Ohio University Class II Compost Facility (V-26, VI-11)	2009, ongoing	Goal 5
6678 Ohio University Class IV Compost Facility (V-25, VI-10)	ongoing	Goal 5