



**Environmental
Protection Agency**

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

March 7, 2012

CERTIFIED MAIL

The Honorable Donald L. Dixon
President, Board of County Commissioners
Butler County Solid Waste Management District
315 High Street, 6th Floor
Hamilton, Ohio 45011

Adam Sackenheim, Policy Committee Chairperson
Butler County Solid Waste Management District
315 High Street, 6th Floor
Hamilton, Ohio 45011

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

Dear Commissioner Dixon and Mr. Sackenheim:

The Director of the Ohio Environmental Protection Agency (Director) has reviewed and approved the ratified draft solid waste management plan update (Plan) for the Butler 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) 728-5369.

Sincerely,



Matthew Hittle
Environmental Specialist
Division of Materials and Waste Management

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

cc (with enclosures): Terrie TerMeer, Assistant Chief, ODNR, DRLP
 Anne Fiehrer Flaig, Coordinator, Butler County SWMD
 Tracy Buchanan, Environmental Supervisor, DMWM-SWDO

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

In the matter of:

Butler County
Solid Waste Management District
130 High Street
Hamilton, Ohio 45011

:
:
:

Director's Final
Findings and Orders

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.

I. JURISDICTION

By: John Cassler Date: 3/7/12

These Director's Final Findings and Orders (Orders) are issued to the Butler 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 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 District's existing solid waste management plan was approved on November 16, 2005 and covers a planning period of fifteen or more years. The District's draft amended solid waste management plan was due to Ohio EPA on November 16, 2010.

3. On November 16, 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 22, 2010, Ohio EPA mailed a written, nonbinding advisory opinion concerning the draft amended solid waste management plan received on November 16, 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 December 22, 2011, 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 December 22, 2011 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
Butler 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?
Commercial/Industrial Sector TA and Education		
8503 Business Recognition Program	ongoing	Goal 4
5455 Commercial P2 Program and Internship	ongoing	Goal 3
542 Commercial/Industrial Technical Assistance	ongoing	Goal 3,4
8494 County Office Recycling Program	ongoing	Goal 2
Curbside Recycling, Non-subscription		
508 Fairfield City	ongoing	Goal 1,2
509 Hamilton City	ongoing	Goal 1,2
510 Middletown City	ongoing	Goal 1,2
512 Monroe City	ongoing	Goal 1,2
514 Oxford City	ongoing	Goal 1,2
516 Trenton City	ongoing	Goal 1,2
Curbside Recycling, Subscription		
495 Fairfield Township	ongoing	Goal 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?
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496 Hanover Township	ongoing	Goal 1,2
497 Lemon Township	ongoing	Goal 1,2
498 Liberty Township	ongoing	Goal 1,2
501 Morgan Township	ongoing	Goal 1,2
504 Ross Township	ongoing	Goal 1,2
506 West Chester Township	ongoing	Goal 1,2

Drop-off Recycling

6215 Abitibi (131 locations)	ongoing	Goal 2
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Drop-off Recycling, FS, Rural

8382 Milford Township, Darrown Hitching Post	ongoing	Goal 1,2
5464 Milford Township, Maintenance Building	ongoing	Goal 1,2
7117 Reily Township, Community Center Parking	ongoing	Goal 1,2
5491 Ross Township, Police and Road Maintenance Building	ongoing	Goal 1,2
5465 Wayne Township, Maintenance Building	ongoing	Goal 1,2

Drop-off Recycling, FS, Urban

7865 Fairfield City, Community Arts Center	ongoing	Goal 1,2
7866 Fairfield City, Fairfield Aquatic Center	ongoing	Goal 1,2
7867 Fairfield City, Grange Park	ongoing	Goal 1,2
7869 Fairfield City, Point Pleasant Park	ongoing	Goal, 1,2
7871 Fairfield City, Water Works Park	ongoing	Goal 1,2
5480 Fairfield Township, Butler Tech.	ongoing	Goal 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?
5479 Fairfield Township, Fire Station No. 2	ongoing	Goal 1,2
5484 Fairfield Township, Police Station at Shaeffer Park	ongoing	Goal 1,2
7872 Hamilton City, Fire Station No. 1	ongoing	Goal 1,2
7873 Hamilton City, Fire Station No. 2	ongoing	Goal 1,2
7874 Hamilton City, Fire Station No. 5	ongoing	Goal 1,2
5486 Hanover Township, Memorial Park, Mormon Rd.	ongoing	Goal 1,2
4927 Hanover Township, Southwest Regional Water District	ongoing	Goal 1,2
5483 Liberty Township, Dudley Park	ongoing	Goal 1,2
5482 Liberty Township, Fire Station No. 2	ongoing	Goal 1,2
5485 Liberty Township, Fire Station No. 3	ongoing	Goal 1,2
5481 Liberty Township, Township Administration Building	ongoing	Goal 1,2
5490 Madison Township, Poast Town Fire Station	ongoing	Goal 1,2
5467 Madison Township, Township Administration Building	ongoing	Goal 1,2
5466 Morgan Township, Administration Building	ongoing	Goal 1,2
5492 Morgan Township, Shandon Fire Station	ongoing	Goal 1,2
4925 Oxford City, Oxford West Apartments	ongoing	Goal 1,2
5468 St. Clair Township, Administration Building	ongoing	Goal 1,2
5487 West Chester Township, Beckett Park	ongoing	Goal 1,2
5488 West Chester Township, Keehner Park	ongoing	Goal 1,2
5489 West Chester Township, Voice of America Park	ongoing	Goal 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?
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Electronics Collection

3642 Computer/Electronics Seasonal Recycling Program ongoing Goal 2,5

Grants/Funding

8492 Business Recycling Grant Program ongoing Goal 2

8495 Curbside Recycling Creation/Enhancement Grant ongoing Goal 1,2

8493 Residential Recycling Incentive Program ongoing Goal 2

Household Hazardous Waste

8498 Compact Fluorescent Bulb Recycling at HHW Events ongoing Goal 5

6217 Household Battery Recycling Program ongoing Goal 5

Household Hazardous Waste Programs

548 HHW Collection Program ongoing Goal 5

Lead-Acid Battery Programs

551 LA Battery Collection at HHW Collection Events ongoing Goal 5

Litter Prevention/Clean-Up

5477 Roadside Litter Collection ongoing

MRFs

527 Miami University MRF ongoing Goal 2

Other Programs

8499 Disaster Debris Management 2012, ongoing

Other Residential/Commercial Recycling

8501 Commercial Business Cooperative 2012, ongoing

553 Curbside Freon Appliance Collection ongoing Goal 2

8500 Food Waste Management Program ongoing

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?
8502 Multi-Family Housing Cooperative	2012, ongoing	
8496 Special Event Recycling (We Got Plans for Your Bottles and Cans)	ongoing	Goal 2
Residential Sector Education and Awareness		
8508 Backyard Composting Education and Awareness	ongoing	Goal 3,5
8486 Contests	ongoing	Goal 4
8506 Curbside Creation/Enhancement Outreach	ongoing	Goal 2,4
8504 Curbside Participation Education and Awareness Program	ongoing	Goal 2,4
539 District Newsletters	ongoing	Goal 3,4,5
8487 District Program Promotions	ongoing	Goal 2,4,5
8485 District Website	ongoing	Goal 2,3,4,5
8505 Drop-off Participation Education and Awareness Program	ongoing	Goal 2,4
537 Environmental Education Presentations	ongoing	Goal 3,4
8491 Recycle to Win Challenge	ongoing	Goal 2,4
8490 Social Media	ongoing	Goal 2,3,4,5
Scrap Tire Programs		
547 Scrap Tire Collection Program	ongoing	Goal 5
Yard Waste Programs		
4930 City of Fairfield Chipper Drop-off	ongoing	Goal 2,5
4928 City of Fairfield Curbside Yard Waste Pickup	ongoing	Goal 2,5
5470 City of Hamilton Chipper Drop-off	ongoing	Goal 2,5
4929 City of Hamilton Leaf Collection	ongoing	Goal 2,5

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?
5448 City of Monroe Curbside Yard Waste Pickup	ongoing	Goal 2,5
5478 City of Oxford Curbside Yard Waste Pickup	ongoing	Goal 2,5
5453 City of Oxford leaf collection	ongoing	Goal 2,5
5452 City of Oxford, Collins Run Compost Facility	ongoing	Goal 2,5
7521 City of Trenton Composting Facility	ongoing	Goal 2,5
8507 Joyce Park Leaf Collection Area	ongoing	Goal 2,5
5450 Miami University Compost Facility	ongoing	Goal 2,5
7520 Tri-State Mulch	ongoing	Goal 2,5
8509 University Park Leaf Collection Area	ongoing	Goal 2,5