



State of Ohio Environmental Protection Agency

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FEB 25 2008

CERTIFIED MAIL

The Honorable James B. McCarthy, Chairman
Board of Trustees, Summit/Akron Solid Waste Management Authority
12 East Exchange Street, Third Floor
Akron, Ohio 44308

RE: Ohio Revised Code Section 3734.55(C)(1) Summit/Akron Solid Waste Management Authority Solid Waste Management Plan Approval

Dear Chairman McCarthy:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed and approved the ratified draft solid waste management plan update (Plan) for the Summit/Akron Solid Waste Management Authority (Authority). 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 Authority's Plan. Attachment 1 also reflects the clarifying information sent by Yolanda Walker, Executive Director of the Authority, on January 9, 2008 regarding information pertaining to the Authority's recycling curbside and drop-off programs.

The Authority 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 Division (C)(4) of Section 3734.55 of the Ohio Revised Code (ORC) also requires the Board of Trustees to "...annually review implementation of the approved plan."

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to ORC 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 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 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.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

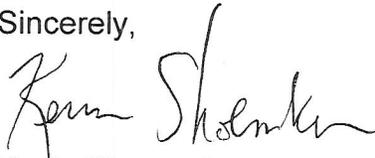
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An appeal may be filed with the Commission at the following address:

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 Kevin Shoemaker at (614) 728-5370.

Sincerely,



Kevin Shoemaker
Environmental Specialist
Division of Solid and Infectious Waste Management

KS/sw

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

cc (with enclosures): Derek Anderson, Chief, ODNR, DRLP
Yolanda Walker, Executive Director, Summit/Akron Solid
Waste Management Authority
Lynn Sowers, Environmental Supervisor, DSIWM-NEDO
Michael Greenburg, Principal Consultant, GT Environmental,
Inc.

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.

OHIO E.P.A.

FEB 25 2008

By: M. Paul Shapiro Date: 2/25/08

BEFORE THE

ENTERED DIRECTOR'S JOURNAL

OHIO ENVIRONMENTAL PROTECTION AGENCY



In the matter of:

Summit/Akron Solid Waste Management Authority	:	Director's Final
12 East Exchange Street, 3 rd Floor	:	Findings and Orders
Akron, Ohio 44308	:	

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Summit/Akron Solid Waste Management Authority (Authority), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) Section 3734.55, Division (C).

II. PARTIES

These Orders shall be binding upon the Authority.

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 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 existing solid waste management plan for the Authority was approved on November 25, 2003 and covers a planning period of less than fifteen years. The date the Authority's draft amended solid waste management plan was due to Ohio EPA was November 25, 2006.

3. On November 29, 2006, Ohio EPA received a draft amended solid waste management plan from the board of trustees for the Authority.
4. Pursuant to ORC Section 3734.55, the Director of Ohio EPA is required to provide the board of trustees 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 16, 2007 Ohio EPA mailed a written, nonbinding advisory opinion concerning the draft amended solid waste management plan received on November 29, 2006 to the Authority's board of trustees.
6. Pursuant to ORC Section 3734.55, the board of trustees of a SWMD is required to submit a draft solid waste management plan that has been ratified in accordance with the criteria established in ORC Section 3734.55, Division (B) 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 November 27, 2007, Ohio EPA received a ratified, draft, amended solid waste management plan from the board of trustees for the Authority.
7. On January 10, 2008, the Authority submitted additional information to the Director that clarified certain portions of the ratified draft solid waste management plan.
8. The Director has determined that the Authority'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 Authority that was received by Ohio EPA on November 27, 2007 is hereby approved.
2. The Authority 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

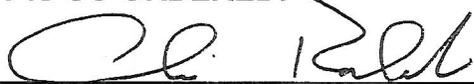
Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties against the Authority for noncompliance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

Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require the Authority 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 Authority 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 Authority. 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:



Christopher Korleski, Director
Ohio Environmental Protection Agency

ATTACHMENT 1 TO THE FINDINGS AND ORDERS

Summary of the Implementation Schedule for the

Summit/Akron Solid Waste Management Authority

Several sections of the solid waste management plan update submitted by the Summit/Akron Solid Waste Management Authority (Authority) 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 as contained in the Authority's ratified, draft, amended solid waste management plan (Plan). These elements are listed in the table below. The contents of this table were agreed upon by the Authority and Ohio EPA on February 7, 2008 during a telephone conversation between the executive director for the Authority, Yolanda Walker, and Kevin Shoemaker of the Division of Solid and Infectious Waste Management. All of the strategies listed below, with the exception of non-material changes to the Plan, will continue throughout the planning period.

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 1995 Goal will this strategy be used to demonstrate compliance with?
<i>Commercial/Industrial Sector TA and Education</i>		
6839 Commercial/Industrial Recycling Recognition Program (Table VI-5)	Ongoing	Goal 3, 4
6838 Waste Assessments (Table VI-5)	Ongoing	Goal 3, 4
<i>Curbside Recycling, Non-subscription</i>		
6766 Boston Heights Village - (Table VI-5)	Ongoing	Goal 1
6769 Boston Township - (Table VI-5)	Ongoing	Goal 1
6767 Clinton Village - (Table VI-5)	Ongoing	Goal 1
6768 Copely Township - (Table VI-5)	Ongoing	Goal 1
6770 Cuyahoga Falls - (Table VI-5)	Ongoing	Goal 1
6771 Green - (Table VI-5)	Ongoing	Goal 1
6772 Lakemore Village - (Table VI-5)	Ongoing	Goal 1
6773 Northfield Center Township - (Table VI-5)	Ongoing	Goal 1
6774 Peninsula Village - (Table VI-5)	Ongoing	Goal 1

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which 1995 Goal will this strategy be used to demonstrate compliance with?
6775 Reminderville Village - (Table VI-5)	Ongoing	Goal 1
6777 Richfield Township - (Table VI-5)	Ongoing	Goal 1
6776 Richfield Village - (Table VI-5)	Ongoing	Goal 1
6778 Stow - (Table VI-5)	Ongoing	Goal 1
6779 Twinsburg - (Table VI-5)	Ongoing	Goal 1
6780 Twinsburg Township - (Table VI-5)	Ongoing	Goal 1
6762 Akron - (Table VI-5)	Ongoing	Goal 1
6765 Barberton - (Table VI-5)	Ongoing	Goal 1
6849 SILVER LAKE VILLAGE - (Table VI-5)	Ongoing	Goal 1
<i>Curbside Recycling, Subscription</i>		
6783 Norton - (Table VI-5)	Ongoing	Goal 1
6784 Silver Lake Village - (Table VI-5)	Ongoing	Goal 1
6785 Springfield Township - (Table VI-5)	Ongoing	Goal 1
6781 Bath Township - (Table VI-5)	Ongoing	Goal 1
6787 Hudson - (Table VII-2)	Ongoing	Goal 1
6782 Munroe Falls - (Table VI-5)	Ongoing	Goal 1
6786 Tallmadge - (Table VI-5)	Ongoing	Goal 1
<i>Drop-off Recycling, FS, Rural</i>		
6802 Mogadore - (Table VI-5)	2007	Goal 1
6800 Northfield Village - (Table VI-5)	Ongoing	Goal 1

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which 1995 Goal will this strategy be used to demonstrate compliance with?
<i>Drop-off Recycling, FS, Urban</i>		
6808 Akron - Republic Waste Services- (Table VI-5)	Ongoing	Goal 1
6809 Akron- Waste Management- (Table VI-5)	Ongoing	Goal 1
6795 Barberton - (Table VI-5)	2007	Goal 1
6796 Coventry Township - (Table VI-5)	2007	Goal 1
6797 Cuyahoga Falls - (Table VI-5)	Ongoing	Goal 1
6798 Fairlawn - (Table VI-5)	Ongoing	Goal 1
6801 Macedonia - (Table VI-5)	Ongoing	Goal 1
6799 New Franklin Village - (Table VI-5)	2007	Goal 1
6803 Norton - (Table VI-5)	2007	Goal 1
6804 Sagamore Hills Township - (Table VI-5)	Ongoing	Goal 1
6805 Springfield Township - (Table VI-5)	Ongoing	Goal 1
6807 Stow- Fruth Sanitation - (Table VI-5)	Ongoing	Goal 1
6806 Twinsburg - (Table VI-5)	Ongoing	Goal 1
<i>Electronics Collection</i>		
6811 E-Waste Recycling Program. The continuation of this program will be determined annually (Table VI-5)	Ongoing	Goal 2
<i>Financial Incentives/PAYT</i>		
6832 Recycling Incentive (Table VI-5, Page VII-5)	Ongoing	Goal 1, 3, 4
<i>Grants/Funding</i>		
6824 Community Development Grant (Sought by Authority from ODNR) (Table VI-5)	Ongoing	None

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which 1995 Goal will this strategy be used to demonstrate compliance with?
6825 Tire Amnesty Grant (Sought by Authority from ODNR) (Table VI-5)	Ongoing	None
Health Dept. Funding/Open Dumps		
6834 Health Department Funding - general funding for enforcement of solid waste regulations to Ohio EPA "approved" health districts Table (VI-5, Page V-21)	Ongoing	None
6823 Open Dump/Scrap Tire Grants (Table VI-5)	Ongoing	Goal 5
Household Hazardous Waste		
6790 HHW Waste Recycling Center providing adequate service at competitive costs by continual evaluation of HHW service providers. (Table VI-5)	Ongoing	Goal 2, 5
6812 The Authority works with several communities to conduct satellite HHW collection programs. The continuation of this program will be determined annually. (Pages V-9, IV-10)	Ongoing	Goal 2, 5
Industrial Recycling and Reduction		
6814 Paper Recycling (Table VI-5, Page V-11)	Ongoing	Goal 2
Landfill Post-Closure Activities		
6833 Hardy Road Landfill Annual funding by Authority to Akron ranging from \$650,659 to \$658,500 (Table VI-5, Table VIII-5)	Ongoing	None
Lead-Acid Battery Programs		
6842 Lead-acid batteries collected with HHW (Table IV-5)	Ongoing	Goal 2
Market Development Programs		
6821 Recycling Market Development Grants (Table VI-5)	Ongoing	Goal 7
6822 Scrap Tire Grants (Sought by Authority from ODNR) (Table VI-5)	Ongoing	Goal 5
Other Programs		
6848 Administrative Expenses (Page VIII-3)	Ongoing	Goal 1,2,3,4,5,6
6837 General Plan Implementation (Table VI-5, Page V-21) "As needed" funding for existing/new programs including purchasing or construction of Authority facilities (Table VI-5, Page V-21)	Ongoing	None

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which 1995 Goal will this strategy be used to demonstrate compliance with?
6836 Legal expenses (Table VI-5, Page V-21)	Ongoing	None
6818 Targeted Materials Recycling (Table VI-5)	Ongoing	Goal 2
6794 The Authority will increase survey efforts to subscription curbside recycling programs through the Community Recycling Access Grant report for improved data on no. of subscriptions and tonnages recovers. (Table VI-5, Page V-7)	Ongoing	Goal 1, 2
Other Residential/Commercial Recycling		
6847 Access to recycling for commercial sector entities is provided through numerous brokers and processors in the region. (Page VII-6)	Ongoing	Goal 1, 2
6815 Commercial Recycling Facilities. The Authority may contract with a local recycling company to provide indoor and outdoor recycling containers and to collect the materials (Table VI-5, Page V-12)	Ongoing	Goal 2
6819 Community Access Grant Recycling (Table VI-5)	Ongoing	Goal 1, 2
6840 Earth N Wood Accepts wood wastes for recycling credit (Page V-9)	Ongoing	Goal 2
6841 Mulchmakers Accepts wood wastes for recycling credit (Page V-9)	Ongoing	Goal 2
6813 Paper Recycling (Table VI-5, Page V-11)	Ongoing	Goal 2
6817 School Recycling (5R Initiative). Provide assistance to schools/school districts (Table VI-5, Appendix I)	Ongoing	Goal 2
6810 Telephone Book Recycling Program, collections provided twice each year- (Table VI-5)	Ongoing	Goal 2
6763 Update contract guidance document for solid waste and recycling services. This is part of the Recycling Access Grant Program which provides incentives to political subdivisions to upgrade their recycling programs per the defined hierarchy. Page V-6	Ongoing	Goal 1
Residential Sector Education and Awareness		
6816 Commercial Recycling Facilities. The Authority will update the Local Recycling Solutions sheet to list commercial recycling facilities. (Table VI-5, Page V-12)	Ongoing	Goal 2, 3, 4
6831 Community Recognition Program (Table VI-5)	2008, Ongoing	Goal 1, 3, 4

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which 1995 Goal will this strategy be used to demonstrate compliance with?
6826 Education and Awareness Program. The Authority's Education Outreach Programs for presentations fall under this program. (Table VI-5, Pages V-17	Ongoing	Goal 3, 4
6829 Lending Library (Table VI-5)	Ongoing	Goal 3, 4
6828 Local Recycling Solutions Flyer (Table VI-5)	Ongoing	Goal 3, 4
6835 Program Promotional Expenses This program supplements Authority strategies for: HHW, paper collection, scrap tires, e-waste, "targeted materials," phonebook/appliance recycling, yard waste, and drop-offs (Table VI-5, Page V-21)	Ongoing	Goal 1, 2, 3, 4
6764 Publication of efforts, success, and areas of improvement for each political subdivision regarding recycling programs. Pages V-6 and V-7	Ongoing	Goal 2, 4
6830 Recycling and Litter Prevention Container Program (Table VI-5 Also on Pge V-19 "Recycling Container Program")	Ongoing	Goal 3, 4
6820 Waste Reduction/Recycling and Education/Awareness Grants (Table VI-5)	Ongoing	Goal 3, 4
6827 Wasteline Newsletter (Table VI-5)	Ongoing	Goal 1, 3, 4

Scrap Tire Programs

6791 Scrap Tire Collection Program (Table VI-5)	Ongoing	Goal 2, 5
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Yard Waste Programs

6788 Publication of efforts, success, and areas of improvement for each political subdivision regarding composting programs. (Table VI-5)	Ongoing	Goal 2
6789 The Authority will encourage usage of existing yard waste programs and composting facilities in Summit County. (Table VI-5)	Ongoing	Goal 2, 4
6843 Yard Waste - 24 registered composting facilities and community programs for leaf collection (Table VI-5 and Page V-9)	Ongoing	Goal 2

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which 1995 Goal will this strategy be used to demonstrate compliance with?
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(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 SMWD.

(2) Recycling opportunities which appear in all uppercase letters are those programs included in the ratified draft Plan for which clarifying information, provided by the Authority, indicates improved recycling services beyond what was identified in the ratified draft Plan. Recycling opportunities which appear in strike-out font are those same programs as originally described in the ratified draft Plan.