



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

OCT 30 2008

CERTIFIED MAIL

The Honorable Mark Thomas
Chairman, Board of Trustees
Belmont/Jefferson Joint Solid Waste Management Authority
c/o Belmont County Commissioner's Office
101 W. Main Street
St. Clairsville, Ohio 43950-1225

RE: Ohio Revised Code Section 3734.55(C)(1) Belmont/Jefferson Joint Solid Waste Management Authority Solid Waste Management Plan Approval

Dear Commissioner Thomas:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed and approved the ratified draft solid waste management plan update (Plan) for the Belmont/Jefferson Joint 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.

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 Ohio Revised Code (ORC) Section 3734.55(C)(4) 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 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 Environmental Review Appeals 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

An appeal may be filed with the Environmental Review Appeal 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 me at (614) 728-5370.

Sincerely,



Kevin Shoemaker
Environmental Specialist
Division of Solid and Infectious Waste Management

KS/

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

cc (with enclosures):

Derek Anderson, Chief, ODNR, DRLP
Patrick Lanaghan, Executive Director, Belmont/Jefferson Joint
Solid Waste Management Authority
Steve Rine, Environmental Supervisor, DSIWM-SEDO

OHIO E.P.A.
OCT 2008

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

In the matter of:

Jefferson/Belmont
Regional Solid Waste Authority
125 Fernwood Road, Suite 300
2145 Greene Way Boulevard
Wintersville, Ohio 43953

: Director's Final
: Findings and Orders

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Jefferson/Belmont Regional Solid Waste 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(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 3734.55 (D) and ORC Section 3734.56 (C), the Director of Ohio EPA prepared a solid waste management plan and issued orders directing the board of trustees of the Authority to implement the solid waste management plan prepared by Ohio EPA on July 13, 2004.
2. Pursuant to ORC 3734.56 (C), a solid waste management authority ("SWMA") that is operating under a solid waste management plan prepared by Ohio EPA may prepare, adopt, and submit its own solid waste management plan to replace the management plan prepared by Ohio EPA. The SWMA shall submit its solid waste management plan to Ohio EPA only within the one hundred eighty days immediately preceding the triennial anniversary of the date the Director of Ohio EPA issued orders under ORC 3734.55 (D).

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.

By: *[Signature]* Date: 10-30-08

3. On July 13, 2007, 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 SWMA 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 August 27, 2007, Ohio EPA mailed a written, nonbinding advisory opinion concerning the draft amended solid waste management plan received on July 13, 2007 to the Authority's policy committee.
6. Pursuant to ORC Section 3734.55, the board of trustees of a SWMA is required to submit a draft solid waste management plan that has been 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 August 14, 2008, Ohio EPA received a ratified, draft, amended solid waste management plan from the board of trustees for the Authority.
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.
9. Pursuant to ORC Section 3734.56 (C), upon approval of a solid waste management plan prepared by a SWMA when that management plan is replacing a solid waste management plan prepared by Ohio EPA, the Director of Ohio EPA shall issue an order revoking the Orders issued to the SWMA requiring the SWMA to implement the solid waste management plan prepared by Ohio EPA.

V. ORDERS

1. The Orders issued by the Director of Ohio EPA to the Authority on July 13, 2004 are hereby revoked.
2. The ratified, draft, amended plan of the Authority that was received by Ohio EPA on August 14, 2008 is hereby approved.
3. 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

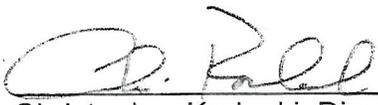
Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties against the Authority for noncompliance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

Belmont/Jefferson Joint Solid Waste Management Authority

Several sections of the solid waste management plan update submitted by the Belmont/Jefferson Joint 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 discussed by the Authority and Ohio EPA on October 23, 2008 during a telephone call between the executive director for the Belmont/Jefferson Joint Solid Waste Management Authority, Patrick Lanaghan, and Kevin Shoemaker of the Division of Solid and Infectious Waste Management.

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?
Commercial/Industrial Sector TA and Education		
7175 Authority Director of Commercial and Industrial Services. This Authority employee will conduct waste audits and provide education through brochures and presentations. (page V-13)	2008, ongoing	Goal 3, Goal 4
7173 Conduct waste audits (page V-13, Table VI-5)	2008, ongoing	Goal 3, Goal 4
7204 Ensure buybacks and haulers are available (Table VI-5)	2008, ongoing	Goal 2
7176 Expand web page to identify available grants for recycling, available low interest loans for recycling, and the Ohio Materials Exchange (page V-13)	2008, ongoing	Goal 3, Goal 5
7174 Publish and distribute quarterly newsletter (page V-13, Table VI-5)	2008, ongoing	Goal 3, Goal 4
Curbside Recycling, Non-subscription		
7177 Belmont County, Powhatan Point (Pages V-4 and V-5, Table VI-5, Table VII-2)	ongoing	Goal 1
7251 Establishment of a new Belmont County opportunity (page V-13, Table VI-5)	2010	Goal 1
7252 Establishment of a new Jefferson County opportunity (page V-13, Table VI-5)	2010	Goal 1
Drop-off Recycling, FS, Rural		
7207 Belmont County, Bethesda (Table VI-5, Table VII-2)	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?
7213 Belmont County, Bethesda adding a second barn (Table VI-5)	2007, ongoing	Goal 1
7208 Belmont County, Colerain (Table VI-5, Table VII-2)	ongoing	Goal 1
7209 Belmont County, Fairpoint (Table VI-5, Table VII-2)	ongoing	Goal 1
7210 Belmont County, Holloway Village (Table VI-5, Table VII-2)	ongoing	Goal 1
7211 Belmont County, Morristown (Table VI-5, Table VII-2)	ongoing	Goal 1
7212 Belmont County, Somerton (Table VI-5, Table VII-2)	ongoing	Goal 1
7195 Jefferson County, Bergholz Village (Table VI-5, Table VII-2)	2008	Goal 1
7196 Jefferson County, Bloomingdale Village (Table VI-5, Table VII-2)	2008	Goal 1
7199 Jefferson County, Dillonvale Village (Table VI-5, Table VII-2)	2008	Goal 1
7191 Jefferson County, Knox Township (Moving from Empire/Stratton Village to southern part of township) (page V-14, Table VI-5)	2008	Goal 1
7192 Jefferson County, Mingo Junction (page V-14, Table VI-5)	ongoing	Goal 1
7197 Jefferson County, Mt. Pleasant Village (Table VI-5, Table VII-2)	2008	Goal 1
7198 Jefferson County, Rayland Village (Table VI-5, Table VII-2)	2008	Goal 1
7181 Jefferson County, Richmond Village (page IV-5, Table VI-5)	2008	Goal 1
7201 Jefferson County, Saline Village (Table VI-5, Table VII-2)	2008	Goal 1
7200 Jefferson County, Tiltonville Village (Table VI-5, Table VII-2)	2008	Goal 1
7180 Jefferson County, Wells Township (page IV-5, Table VI-5)	ongoing	Goal 1
Drop-off Recycling, FS, Urban		
7217 Belmont County, Barnesville (Table VI-5 Table VII-2)	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?
7214 Belmont County, Barnesville adding a second barn (Table VI-5, Table VII-2)	2007, ongoing	Goal 1
7218 Belmont County, Bellaire (Table VI-5 Table VII-2)	ongoing	Goal 1
7224 Belmont County, Bridgeport (Table VI-5 Table VII-2)	ongoing	Goal 1
7219 Belmont County, Glencoe (Table VI-5 Table VII-2)	ongoing	Goal 1
7220 Belmont County, Martins Ferry (Table VI-5 Table VII-2)	ongoing	Goal 1
7216 Belmont County, Martins Ferry adding a second barn (Table VI-5)	2007, ongoing	Goal 1
7221 Belmont County, Neffs (Table VI-5 Table VII-2)	ongoing	Goal 1
7222 Belmont County, Shadyside (Table VI-5 Table VII-2)	ongoing	Goal 1
7223 Belmont County, St. Clairsville (Table VI-5 Table VII-2)	ongoing	Goal 1
7215 Belmont County, St. Clairsville adding a second barn (Table VI-5, Table VII-2)	2007, ongoing	Goal 1
7189 Jefferson County, Aquinas Central School (Table VII-2)	2008	Goal 1
7184 Jefferson County, Island Creek Township (page IV-6, Table VI-5)	ongoing	Goal 1
7182 Jefferson County, Lincoln Elementary (page IV-6, Table VI-5)	ongoing	Goal 1
7183 Jefferson County, Roosevelt Elementary (page IV-6, Table VI-5)	ongoing	Goal 1
7190 Jefferson County, School of Bright Promise (Table VI-5)	ongoing	Goal 1
7203 Jefferson County, Steubenville location to be announced (Table VII-2)	ongoing	Goal 1
7185 Jefferson County, Toronto City (page IV-6, Table VI-5)	ongoing	Goal 1
7188 Jefferson County, Wheeling Pittsburgh Steel (page IV-6, Table VI-5)	ongoing	Goal 1
7187 Jefferson County, Wintersville (page IV-6, 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?
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Electronics Collection

7234 One collection event offered per county a year. Feasibility study designed to establish a need for events held with less or more frequency and need for expanding items collected is planned (Pages V-5 to V-6, Table VI-5)	2008, ongoing	Goal 5
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Financial Incentives/PAYT

7242 Promotion of Pay-as-You-Throw (PAYT) (page V-9, Table VI-5)	ongoing	Goal 1, Goal 2
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Grants/Funding

7246 Authority Recycling Rewards. Financial incentive for direct impacts made to environment through composting, recycling, source reduction, or litter prevention (page V-10, Table VI-5)	2008, ongoing	Goal 1, Goal 2
7245 Curbside programs economic incentive. Financial incentive to communities implementing curbside recycling based on performance measured by weight for materials collected. (Page V-10, Table VI-5)	2008, ongoing	Goal 1, Goal 2
7248 Financial Market Grants. Grants offered to new businesses that either produce products with recycled materials or recycle solid waste for resale on commodity markets. (page V-11, Table VI-5)	2008, ongoing	Goal 7
7250 Litter Collection/Community Cleanup Grants available to villages, municipalities, townships, community organizations, or govt. agencies for litter or cleanup activities (pages V-12 to V-13, Table VI-5)	2008, ongoing	None
7247 Pay-As-You-Throw Rebates. Financial incentives to communities implementing PAYT curbside recycling program in the form of rebates. (Pages V-10 to V-11, Table VI-5)	2008, ongoing	Goal 1, Goal 2

Health Dept. Funding/Open Dumps

7238 Funding provided by Authority to the Jefferson County Board of Health with receipt of quarterly reports (and regular submission of receipts/invoices) by the Health District to the Authority (Page V-8, Table VI-5)	ongoing	None
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Household Hazardous Waste

7229 Education through the website and by phone contacts, compilation of facility lists that manage HHW materials, feasibility study for batt. collect., possible paint collection/exchange, brochures for HHW, oil recyclers list (Pages V-16 to V-17, Table VI-5)	2008, ongoing	Goal 5
7230 One day collection event offered in each county on alternating years (Page V-17, Table VI-5)	2008, ongoing	Goal 5

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?
Lead-Acid Battery Programs		
7231 The Authority will maintain a list of LAB recyclers and make the list available to residents. A bi-ennial survey will be conducted to keep the list current (Page V-17, Table VI-5)	ongoing	Goal 5
Market Development Programs		
7233 Monies allocated by Authority for development of markets. Monies are for purchasing recycled-content products, coord. Cooperative buying and marketing products. Promote "Buy Recycled" (Page V-17, Table VI-5)	ongoing	Goal 7
Other Programs		
7240 Authority office restructuring. Establishment of "Field Offices" with defined staff for implementation of streamlined ed. & recycling programs. (Pages V-3 to V-4, Table VI-5)	ongoing	Goal 1, Goal 2, Goal 3, Goal 4 Goal 5
7232 Authority-wide paper collection program for collection of paper, paper products, and cardboard from schools and other organizations. Containers are provided and serviced by the Authority. Proceeds from schools returned (Pages V-17 to V-18, Table VI-5)	ongoing	Goal 2
7239 Community Recycling Awards by Authority to promote and award communities annually for recycling efforts (non-economic incentive awards). Includes annual banquet. (Pages V-8 to V9 and Table VI-5)	ongoing	None
7205 Conduct surveys of commercial and industrial businesses. Annual industrial survey. Commercial sector divided into 2 groups and surveyed every other year (Page V-6, Table VI-5)	ongoing	None
7271 Contingency strategy to raise Authority disposal fees (page VIII-9)		None
7267 County assistance by Authority to maintain roads and public facilities related to the location or operation of a solid waste disposal facility. (page VIII-7)	2008-2010	None
7237 Disaster Debris Management. Authority will provide education regarding separation of recyclable materials and yard waste from other general debris (pages V-7 to V-8, Table VI-5)	ongoing	Goal 2
7236 Employment of full-time environmental enforcement officer (Table VI-5)	2009, ongoing	None
7235 Feasibility study to determine need for an environmental enforcement officer, determine specifics regarding employment status, and reporting structure. (Page V-7)	2008	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?
7268 Obtain consulting services to assist with annual district reports, quarterly fee reports, contract negotiations, and general consulting (including, but not limited to management plan preparation (page VIII-7)	ongoing	None
7269 Obtain legal services (page VIII-7)	ongoing	None
7270 Obtain services from vendors who provide a variety of services to the Solid Waste Management Authority. (page VIII-7)	ongoing	None
7253 Promotion for establishing curbside collection programs. Preparing cost estimates, negotiating contracts, exploration to establish a hybrid subscription program (page V-13)	ongoing	Goal 1
7241 Purchase of paper recycling truck dedicated to full-time collection for both counties. (Page V-4)	2008	Goal 2
7249 Recycling Operations Feasibility Study. To determine whether Authority should operate one recycling center or satellite field recycling locations. A study only and not a strategy to enact any facility or location. (pages V-11 to V-12, Table VI-5)	2008	None
7243 University Partnerships to promote campus recycling and create relationships between the Authority and the Universities (Pages V-9 to V-10, Table VI-5)	ongoing	Goal 2
Other Residential/Commercial Recycling		
7206 Commercial and residential recycling through private entities (Table VI-5)	ongoing	Goal 2
7186 Jefferson County, Valley Converting for paper only (page IV-6, Table VI-5)	ongoing	Goal 2
Residential Sector Education and Awareness		
7227 Adult ed/awareness through presentations/displays at meetings held by public officials organizations/businesses and church groups, county fair activities, publication/ distrib. of brochures for drop-off availability & recycling composting, etc (Tbl VI-5)	ongoing	Goal 1, Goal 3, Goal 4
7254 Education and advertising to promote use of drop-off recycling opportunities (Page V-14)	ongoing	Goal 1
7228 Keep America Beautiful activities including windows on waste, adopt a highway, great American cleanup, earth week activities, motorist day, America Recycles Day, "Students for Recycling," "Make a Difference..." week, paper recycling tours (Table VI-5)	ongoing	Goal 1, Goal 3, Goal 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?
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7226 KJCB and KBCB promoting litter prevention and recycling through classroom activities, 4-H contests, science fairs and expo's, an outdoor land lab, and "Trash to Treasure" recycling events (page IV-13, pages V-17 to V-19, Table VI-5)

ongoing

Goal 1, Goal 3, Goal 4

7225 ORSANCO activities include poster contest and Ohio River sweep (page IV-13, pages V-17 to V-19, Table VI-5)

ongoing

Goal 1, Goal 3, Goal 4

Scrap Tire Programs

7256 Assure at least one service provider accepts tires from the public on a regular basis (page V-19, Table VI-5)

ongoing

Goal 2, Goal 5

7257 Clean up existing tire dumps. One strategy component is to seek grant opportunities to initiate a tire dump-cleanup program (page V-19, Table VI-5)

ongoing

Goal 2, Goal 5

7258 Develop and distributed. Materials and prepare and distribute a list of tire recycling facilities (page V-19, Table VI-5)

ongoing

Goal 3, Goal 4, Goal 5

7255 Scrap tire collection events (page V-19, Table VI-5)

ongoing

Goal 2, Goal 5

Yard Waste Programs

7259 Education and technical assistance to the public about disposal restrictions and alternative yard waste management strategies via the website and brochures (pages V-19 to V-20, Table VI-5)

ongoing

Goal 2, Goal 5

7260 German Ridge Composting

ongoing

Goal 2

7261 Ohio Valley Composting

ongoing

Goal 2

7264 St. Clairsville

ongoing

Goal 2

7262 Steubenville

ongoing

Goal 2

7263 Total Lawn Care

ongoing

Goal 2

7265 Wells Township Composting

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 SWMD.