



State of Ohio Environmental Protection Agency

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APR 02 2009

CERTIFIED MAIL

The Honorable Bob Nuding
President, Board of County Commissioners
Mercer County Solid Waste Management District
220 W. Livingston St.
Celina, Ohio 45822

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

Dear Commissioner Nuding:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed and approved The Ratified Draft Amended Solid Waste Management Plan Update (Plan) for the Mercer 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 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

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

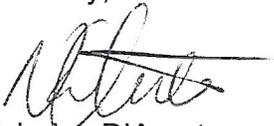
The Honorable Bob Nuding
Mercer County Solid Waste Management District
Page 2 of 2

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. An appeal may be filed with the Environmental Review Appeals 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) 728-5358.

Sincerely,



Nicholas D'Amato
Environmental Specialist
Division of Solid and Infectious Waste Management

NED/sw

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

cc (with enclosures): Jerry Laffin, Policy Committee Chairperson, Mercer County
SWMD
Terrie TerMeer, Deputy Chief, ODNR, DRLP
Kent Hinton, Coordinator, Mercer County SWMD
Mike Reiser, Environmental Supervisor, DSIWM-NWDO

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the matter of:

Mercer County Solid Waste Management District	:	Director's Final
220 W. Livingston St.	:	Findings and Orders
Celina, Ohio 44582	:	

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Mercer 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. Under the terms of the District's currently approved solid waste management plan the District was 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 District was approved on March 4, 2005. The date the District's draft amended solid waste management plan was due to Ohio EPA was March 4, 2008.

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: Deaf Lassiter Date: 4-2-09

3. On December 10, 2007, Ohio EPA received a draft amended solid waste management plan from the policy committee for the District.
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 24, 2008, Ohio EPA mailed a written, nonbinding advisory opinion concerning the draft amended solid waste management plan received on December 10, 2008 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 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 January 26, 2009, Ohio EPA received a ratified, draft, amended solid waste management plan from the policy committee for the District.
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 Ratified Draft Amended Solid Waste Plan of the District's that was received by Ohio EPA on January 26, 2009 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 District's 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:



Christopher Korleski, Director
Ohio Environmental Protection Agency

ATTACHMENT 1 TO THE FINDINGS AND ORDERS

Summary of the Implementation Schedule for the

Mercer County

Several sections of the ratified, draft, amended solid waste management plan update (Plan) submitted by the Solid Waste Management District or Authority 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 1995 Goal will this strategy be used to demonstrate compliance with?
<i>Commercial/Industrial Sector TA and Education</i>		
7347 Commercial Sector Education - Promote results of County Government office recycling programs.	2009-2018	3 4
7348 Continue to provide assistance with commercial businesses on recycling and waste reduction.	2009, 2018	3
7349 District will monitor success of its commercial assistance programs. District will survey participants in the program in order to improve the program.	2009, 2018	2
<i>Curbside Recycling, Non-subscription</i>		
2268 Celina City (p. 5-7)	existing, ongoing	1 and 2
<i>Curbside Recycling, Subscription</i>		
7329 Hauler: Allied - Residents must purchase bags to participate. District has no authority but will report on the activity of the program.	existing, ongoing	1 2
7331 Hauler: Klenke - Residents must purchase bags to participate. District has no authority but will report on the activity of the program.	existing, ongoing	1 2
7330 Hauler: Maharg - Residents must purchase bags to participate. District has no authority but will report on the activity of the program.	existing, ongoing	1 2
<i>Drop-off Recycling, FS, Rural</i>		
7358 Burkettsville	2008-2018	1 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?
7357 Rockford Village/Dublin Twp - Parkway High School. Will be available on weekdays during school hours.	2008-2018	1 2
Health Dept. Funding/Open Dumps		
7340 Mercer County Health Dept. will inspect solid waste facilities - HD will conduct 12 annual inspections of landfills to determine compliance with scrap tire disposal ban / regulations.	2009, 2018	na
Household Hazardous Waste		
2288 HHW Collection. Annually in Autumn.	2009-2018	
7337 Used Oil Recycling - Direct residents to available retail outlets to recycle oil (e.g. Giere Truck and Trailer.)	2009, 2018	5
Industrial Recycling and Reduction		
7353 As part of Annual Report Process SWMD will survey industries that were recycling in 2005. If recycling has ceased, the SWMD will work with them to see if it's possible to restart or enhance their programs.	2009, Ongoing	2
7351 Brookside Wood Products - Recycles Wood from industrial sector.	2009, Ongoing	2
Lead-Acid Battery Programs		
7338 District will annually compile and advertise establishments that accept used lead-acid batteries.	2009, 2018	5
Market Development Programs		
7344 Education/Awareness - SWMD will develop materials on "closed loop recycling" and incorporate "Buy Recycled" into education programs.	2010, 2018	3 4 7
7343 Recycled Material Signage - District will work with Ohio Recycling to develop signage for drop-off bins that identifies that their products are made from recycled materials.	2010, 2018	3
7345 SWMD will work with Walmart in Celina to encourage and assist them with highlighting recycled-content products on special days (e.g. Earth Day).	2009, 2018	3 4
MRFs		
7332 Ohio Recycling, Chicasaw. SWMD contracts with Ohio Recycling to provide processing and marketing services for recyclables. Serves residential, commercial/institutional and industrial sectors.	ongoing, 2018	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?
Other Programs		
7336 Encourage Communities to Contract for Solid Waste Services - SWMD will conduct a workshop on potential benefits of contracting for solid waste for villages and townships in Mercer County.	2009, 2018	3 4
7342 Plan Monitoring - District will prepare annual reports and monitor plan implementation.	2009, 2018	8
Other Residential/Commercial Recycling		
7352 Brookside Wood Products - Recycles wood from R/C sector.	2009, Ongoing	2
7346 Incorporate Recycling Programs into Public Offices. Use County government as a role-model for other large office settings.	2009-2018	2 3 4
Residential Sector Education and Awareness		
7334 Community Meetings - Where participation in curbside is low, the SWMD will conduct community meetings to explain the program and identify barriers to participation.	2009, 2018	3 4
7356 Education Specialists will work with other education specialists to strategize and obtain sample materials.	2009, 2018	3 4
7333 Hauler Surveys - SWMD will survey waste haulers and request them to identify what percent of their customers will participate in curbside recycling.	2009, 2018	8
7355 Purchase Newspaper Advertisements, Develop Promotional Materials, Make Presentations.	2009, 2018	3 4
7335 Target Community Education - District will target communities with low participation in recycling programs with increased education (point of purchase displays, news articles, classroom presentations).	2009, 2018	3 4
Scrap Tire Programs		
7339 Education/Awareness - District will direct individuals to local retailers that accept scrap tires.	2009, 2018	5
Yard Waste Programs		
7354 City of Celina - Composts Yard Waste.	2009, Ongoing	2 5
7341 Education/Awareness - SWMD will distribute educational materials on "grasscycling" and backyard composting at the County Fair.	2009, 2018	3
7350 Vogel Poultry in Ft. Recovery composts leaves.	2009, Ongoing	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.