



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

July 24, 2007

CERTIFIED MAIL

Henry County Health Department
1843 Oakwood Avenue
Napoleon, OH 43545

Director's Final Findings & Orders

Dear Sir or Madam:

Transmitted herewith are Final Findings & Orders of the Director concerning the matter indicated.

Sincerely,

Kimberly Reese
Systems Management Unit
Division of Solid & Infectious Waste Management

cc: Ed Gortner, CO, DSIWM
Jeff Hurdley, CO, Legal
Ed Merriman, NWDO, DSIWM

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

3. Pursuant to ORC § 3734.08(B), in the event that a health district is removed from the Director's approved list of solid and infectious waste programs, the Director shall administer and enforce the solid and infectious waste program within the health district's jurisdiction until the program is lawfully returned to the health district. In addition, all solid and infectious waste facility license fees shall thereafter be paid to the Director until such time as the program is lawfully returned to the health district.
4. Pursuant to ORC § 3714.09(A), if a health district is removed from the Director's list of approved solid and infectious waste programs, the Director shall also remove that district from the list of approved C&DD programs.
5. Pursuant to ORC § 3714.09(B)(4), in the event that a health district is removed from the Director's approved list of C&DD programs, the Director shall administer and enforce the C&DD program within the health district's jurisdiction until the program is lawfully returned to the health district.
6. Pursuant to ORC § 3734.13(A), the Director may issue, modify, suspend, or revoke enforcement orders to prevent a violation of ORC Chapter 3734. or the rules adopted thereunder.
7. Pursuant to ORC § 3714.12(A), the Director may issue, modify, suspend, or revoke enforcement orders to abate a violation of ORC Chapter 3714. or the rules adopted thereunder.
8. These Orders are intended, in part, to prevent violations of ORC Chapters 3714. and 3734. or the rules adopted thereunder.

V. ORDERS

The Respondent shall achieve compliance with ORC Chapter 3734. and 3714. and the rules promulgated thereunder according to the following compliance schedule:

1. Upon the effective date of these Orders, the Respondent is hereby removed from the Director's list of health districts approved to administer and enforce the solid and infectious waste programs pursuant to ORC § 3734.08.
2. All solid and infectious waste facility license fees required to have been paid to the Respondent in accordance with ORC § 3734.06 or ORC § 3734.82 that have not been expended or encumbered, shall be remitted to the Director within fifteen (15) days after the effective date of these Orders. Thereafter, all license fees shall be paid directly to the Director.

3. Upon the effective date of these Orders, the Respondent is hereby removed from the Director's list of health districts approved to administer and enforce the C&DD program pursuant to ORC § 3714.09.

VI. TERMINATION AND SATISFACTION

These Orders shall remain in effect until such time as the Respondent is placed on the approved list by the Director.

VII. NOTICE

All fees to be returned to the Ohio EPA in accordance with Order Number 2 shall be submitted to:

Director
Ohio Environmental Protection Agency
Attn: Supervisor, Systems Management Unit, DSIWM
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.

VIII. RESERVATION OF RIGHTS

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

IX. WAIVER

Respondent hereby waives the right to appeal the issuance, terms and service of these Orders, and the Respondent hereby waives any and all rights it may have to seek administrative or judicial review of these Orders either in law or equity. Respondent agrees to comply with these Orders.

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

X. SIGNATORIES

Each undersigned representative of a signatory to these Orders certifies that he or she is fully authorized to enter into the terms and conditions of these Orders and to legally bind such signatory to this document.

IT IS SO ORDERED AND AGREED:

Henry County Health Department (Respondent)

By: Wallace B. Nelson Pres.

July 3, 2007

Date

Title: President, Henry County Board of Health

Ohio Environmental Protection Agency

Chris Korleski

Chris Korleski, Director