



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

Certified Mail

APRIL 19, 2019

Dick Church
Chair, Policy Committee
Montgomery County Solid Waste Management
District
10 N First St.
Miamisburg, Ohio 45342

**Re: Montgomery County SWMD
Long Term Planning for Reg Entity
Final Approval or Acknowledgement
Solid Waste Management Planning
Montgomery County
SWMD157**

Subject: Approval of the Montgomery County Solid Waste Management District's Solid Waste Management District's Solid Waste Management Plan Update

Dear Mr. Church:

Ohio EPA APR 19 '19
Entered Directors Journal

The Director of the Ohio Environmental Protection Agency (Director) reviewed and approved the Montgomery County Solid Waste Management District's (District) ratified draft solid waste management plan update (Plan). Director's Final Findings and Orders approving the Plan are enclosed with this letter. The District should proceed to implement its approved Plan in accordance with the implementation schedule, timeline, and programs contained in the approved Plan.

Please be advised that Ohio Revised Code (ORC) Section 3734.55(C)(4) 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."

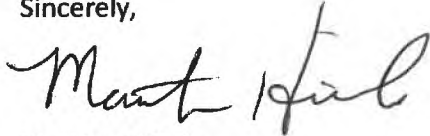
Additionally, you are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The 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 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
30 East Broad Street, 4th floor
Columbus, Ohio 43215

Montgomery County Solid Waste Management District
Solid Waste Management District Plan Approval
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If you have any questions as the District implements the approved Plan, please contact me at (614) 728-5369 or matthew.hittle@epa.ohio.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Hittle", written in a cursive style.

Matthew Hittle
Environmental Specialist
Division of Materials and Waste Management

Enclosure: Director's Final Findings and Orders

cc (with enclosure): Patrick Turnbull, Director, Montgomery County Environmental Services
Tracy Buchanan, Environmental Supervisor, DMWM-SWDO
Jamie Zawila, Resource Recycling Systems

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the matter of:

Montgomery County Solid
Waste Management District
2550 Sandridge Drive
Moraine, Ohio 45439

:
:

Director's Final
Findings and Orders

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Montgomery 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 January 28, 2013 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 January 28, 2018.

3. On January 29, 2018, 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 March 15, 2018, Ohio EPA mailed a written, nonbinding advisory opinion concerning the draft amended solid waste management plan received on January 29, 2018 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 February 4, 2019, 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 complies 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 Ohio EPA received on February 4, 2019 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.

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

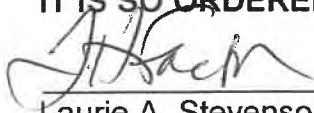
Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties against the District for noncompliance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



Laurie A. Stevenson, Director
Ohio Environmental Protection Agency