

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

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|---------------------------------|---|----------------------------------|
| May 28 and 29, 2019 Tornados | : | <u>Director's Final Findings</u> |
| and Severe Thunderstorm Cleanup | : | <u>and Orders</u> |
| | : | |

Ohio EPA MAY 31 '19
Entered Directors Journal

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are hereby pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Section 3745.012, 3734.02(G), and 3714.04(A).

II. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734. and 3714. and the rules promulgated thereunder.

III. FINDINGS

The Director of Ohio EPA ("Director") has determined the following findings:

1. On May 27 and 28, 2019, Ohio experienced a series of tornados and severe thunderstorms across the State that generated "solid waste" as that term is defined under ORC Section 3734.01(E) or "construction and demolition debris" ("C&DD") as defined under ORC Section 3714.01. Large amounts of solid waste and C&DD will be disposed or transferred for disposal as a result of the tornados and thunderstorms. The Facilities anticipated to receive the solid waste or C&DD include but are not limited to those listed in Attachment A ("Respondents").
2. Respondents are "Landfills" or "Transfer Stations", collectively "Facilities", and are each a "facility" as that term is defined under ORC Sections 3734.01(N) or 3714.01.
3. The Landfills are each either a "solid waste disposal facility" or "construction and demolition debris facility" as defined under OAC Rules 3745-27-01(S)(23) or 3745-400-01.
4. The Transfer Stations are each a "solid waste transfer facility" as defined under OAC Rules 3745-27-01(S)(27).

5. Pursuant to ORC Section 3734.57(A), state disposal fees are to be levied on the disposal of solid waste at solid waste disposal facilities or transfer for disposal at solid waste transfer facilities. These solid waste disposal fees are collected and remitted to the State of Ohio on each ton of solid waste disposed or transferred.
6. The solid waste that will be generated and disposed of as a result of the tornadoes is subject to a \$4.75 per ton state disposal fee pursuant to ORC Section 3734.57(A).
7. Pursuant to ORC Sections 3714.07, 3714.071 and 3714.073, disposal fees are to be levied on the disposal of C&DD at licensed construction and demolition debris facilities at a rate of \$1.60 per ton. These fees are to be remitted as follows:
 - ◆ \$ 0.60 to licensing authority and other governmental entities, in accordance with the following:
 - \$ 0.06 to Ohio EPA (if licensing authority is the health district)
 - Up to \$ 0.06 to host county (if county appropriates a fee by resolution)
 - Up to \$ 0.08 to host municipality or township (if municipality or township appropriates a fee by ordinance or resolution)
 - \$ 0.40 – \$0.60 retained by the licensing authority (depending on the applicability of the preceding fee deductions)
 - ◆ \$ 0.25 to ODNR Soil and Water Conservation Districts (ORC 3714.073)
 - ◆ \$ 0.75 to Ohio EPA recycling and litter prevention fund (ORC 3714.073)
8. On May 28, 2019, the Governor of Ohio declared a state of emergency as a result of the tornadoes and thunderstorms aforementioned herein.
9. Pursuant to ORC 3745.012(B)(2), the Director may waive a fee incurred as a result of responding to an emergency, including fees for the disposal of material and debris, if the governor declares a state of emergency.
10. Under ORC Section 3734.02(G), the Director may by order exempt any person generating, collecting, storing, treating, disposing of, or transporting solid waste in such quantities or under such circumstances that, in the determination of the Director, is unlikely to adversely affect public health or safety or the environment from any requirement of this chapter.
11. Pursuant to ORC Section 3734.02(G), the Director has determined that waiving the state disposal fee for solid waste for a period of time is unlikely to adversely affect the public health or safety or the environment.

12. Under ORC Section 3714.04(A), the Director may issue an order exempting any person disposing of or proposing to dispose of C&DD in such quantities or under such circumstances that, in the determination of the director, are unlikely to adversely affect public health or safety or the environment or create a fire hazard from any provision of this chapter or a rule adopted under it.
13. Pursuant to ORC Section 3714.04(A), the Director has determined that waiving the state disposal fee for C&DD for a period of time is unlikely to adversely affect the public health or safety or the environment or create a fire hazard.

IV. ORDERS

The Director hereby issues the following Orders:

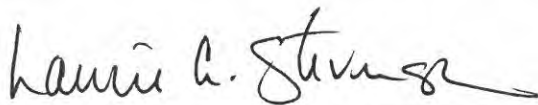
1. Respondents are hereby waived from the state disposal fees for solid waste and C&DD described in Findings No. 1 for a period of sixty (60) days from the effective date of these Orders. This waiver is only applicable to solid waste/debris generated as a result of the severe weather events identified in Findings No. 1. above.
2. Nothing in these Orders shall be construed to authority any activity, method, or waiver from the requirements of ORC Chapter 3734. or 3714. or the rules promulgated thereunder, except as expressly provided herein.

V. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

IT IS SO ORDERED:

OHIO ENVIRONMENTAL PROTECTION AGENCY



Laurie A, Stevenson, Director
Ohio EPA

ATTACHMENT A

SWACO Franklin County Sanitary
Landfill
3851 London Groveport Rd
Grove City, OH 43123

Republic Services Pine Grove Regional
Facility
5131 Drinkle Rd SW
Amanda, OH 43102

Rumpke Waste Inc Pike Sanitation
Landfill
11775 State Route 220 East
Waverly, OH 45690

Rumpke Waste Inc Beech Hollow
Landfill
28 A W Long Rd
Wellston, OH 45692

Suburban Landfill Inc
3415 Twp Rd 447
Glenford, OH 43739

Tunnell Hill Reclamation LLC
8822 Tunnel Hill Rd.
New Lexington, OH 43764

Kimble Sanitary Landfill
3596 State Rte 39 NW
Dover, OH 44622

Maharg Inc Solid Waste Transfer
Facility
3726 Monroe Rd
Celina, OH 45822

Rumpke Waste Inc Greenville Transfer
Facility
5474 Jaysville-St Johns Rd
Greenville, OH 45331

Miami County Solid Waste & Recycling
Facility
2200 N Co Rd 25 A
Troy, OH 45373

Montgomery County South Transfer
Facility
2550 Sandridge Dr
Dayton, OH 45439

Stony Hollow Landfill Inc
2460 S Gettysburg Avenue
Dayton, OH 45417

Rumpke Sanitary Landfill
10795 Hughes Rd
Cincinnati, OH 45251

Cherokee Run Landfill Inc
2946 US Rte 68 N
Bellefontaine, OH 43311

Rumpke Waste Inc Circleville Transfer
Facility
21955 Hassle Dr
Circleville, OH 43113

Rumpke Waste Inc Chillicothe Recycling
& Transfer Facility
990 Eastern Ave
Chillicothe, OH 45601