

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Preble County Sanitary Landfill	:	<u>Director's Final Findings</u>
4239 State Route 127 South	:	<u>and Orders</u>
Eaton, Ohio 45320	:	

Ohio EPA JUN 14 '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") Sections 3745.012 and 3734.02(G).

II. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734. 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). Large amounts of solid waste and storm-related debris will be disposed as a result of the tornados and thunderstorms. Located at 4239 State Route 127 South. Eaton, Preble County, Ohio, the Preble County Sanitary Landfill ("Respondent") is anticipated to receive some of the solid waste and debris.
2. Respondent is a "facility" as that term is defined under ORC Section 3734.01(N).
3. Respondent is a "solid waste disposal facility" as defined under OAC Rule 3745-27-01(S)(23).
4. Pursuant to ORC Section 3734.573, the solid waste management policy committee of a single or joint solid waste management district ("SWMD") is authorized to levy a generation fee ("SWMD fee") on solid wastes

generated within the SWMD and disposed as solid waste at solid waste disposal facilities or transferred for disposal at solid waste transfer facilities.

5. The Montgomery Solid Waste Management District has a SWMD fee and has agreed that the SWMD fee be waived for solid waste described in Finding No. 1.
6. On May 28, 2019, the Governor of Ohio declared a state of emergency as a result of the tornados and thunderstorms aforementioned herein.
7. 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.
8. 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.
9. Pursuant to ORC Section 3734.02(G), the Director has determined that waiving the SWMD fee for a period of time is unlikely to adversely affect the public health or safety or the environment.

IV. ORDERS

The Director hereby issues the following Orders:

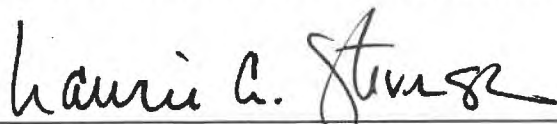
1. Respondent is hereby waived from the SWMD fee for solid waste described in Finding No. 1 until July 30, 2019. This waiver is only applicable to solid waste/debris generated as a result of the severe weather events identified in Findings No. 1, above.
2. Nothing in these Orders shall be construed to authorize any activity, method, or waiver from the requirements of ORC Chapter 3734. 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