

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Cherokee Run Landfill Inc.:	:	<u>Director's Final Findings</u>
c/o Republic Services	:	<u>and Orders</u>
Airport Road	:	
Bellefontaine, Ohio 43311	:	
	:	
	:	

I. JURISDICTION

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

Ohio EPA JUN 14 '19
Entered Directors Journal

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 will be disposed as a result of the tornados and thunderstorms. Cherokee Run Landfill, which is owned by Cherokee Run Landfill Inc., is anticipated to receive some of the solid waste for disposal. Cherokee Run Landfill is located at 2946 US Rte. 68 N. Bellefontaine, Logan County, Ohio. The former Bellefontaine Airport, located at Airport Road, Bellefontaine, Logan County, Ohio, Parcel # 16-064-00-00-048-000, which is also owned by Cherokee Run Landfill Inc. ("Respondent"), is located adjacent to Cherokee Run Landfill. Respondent will be accepting some of the solid waste (i.e., corn fodder) at the former Bellefontaine Airport as temporary placement for purposes of drying prior to disposal at Cherokee Run Landfill.
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 Ohio Administrative Code ("OAC") Rule 3745-27-01(S)(23).

4. ORC Sections 3734.02(C), 3734.05(A)(1), and 3734.05(A)(2), and OAC Chapters 3745-27, 3745-30, and 3745-37 require that a permit and license be obtained prior to establishment or modification of a solid waste facility.
5. The temporary placement constitutes establishment or modification of a solid waste facility and require that a permit and license be obtained prior to initiating such activities.
6. Under ORC Section 3734.02(G), the Director may issue an order exempting any person from generating, collecting, storing, treating, disposing, 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.
7. Pursuant to ORC Section 3734.02(G) the Director has determined the placement of the materials for drying as described in Findings No. 1 can be performed without creating a nuisance or harming human health or the environment, and in compliance with other applicable laws, provided it is performed in accordance with these Orders.

IV. ORDERS

The Director hereby issues the following Orders:

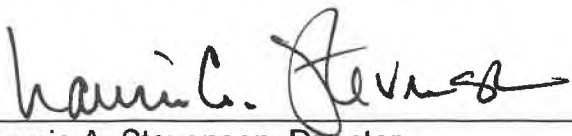
1. Respondent is hereby waived from permit and license requirements for the temporary placement described in Findings No. 1 for a period of sixty (60) days from the effective date of these Orders.
2. Nothing in these Orders shall be construed to authorize any activity, method, or waiver from the requirements of ORC Chapter 3734. or the rules promulgated thereunder, except as expressly provided herein.

VIII. 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