



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

August 16, 2019

CERTIFIED MAIL

Ms. Tracy Wallach
Chairperson, Policy Committee
Portage County Solid Waste
Management District
231 Starr Avenue
Kent, OH 44240

**Re: Portage County SWMD
Long Term Planning for Reg Entity
Final Approval or Acknowledgement
Solid Waste Management Planning
Portage County
SWMD167**

Commissioner Vicki A. Kline
President, Board of Directors
Portage County Solid Waste
Management District
449 S. Meridian Street, 7th Floor
Ravenna, OH 44266

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

Dear Ms. Wallach and Commissioner Kline:

The Director of the Ohio Environmental Protection Agency (Director) reviewed and approved the Portage 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

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Solid Waste Management District Plan Approval
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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

If you have any questions as the District implements the approved Plan, please contact me at (614) 728-5356 or ernie.stall@epa.ohio.gov.

Sincerely,

A handwritten signature in blue ink that reads "Ernest H. Stall" followed by a stylized flourish.

Ernie Stall
Environmental Specialist 3
Division of Materials and Waste Management

Enclosure: Director's Final Findings and Orders

cc (with enclosure): Lynn Sowers, Environmental Supervisor, DMWM-NEDO
 William G Steiner, Director, Portage County Solid Waste
 Management District
 Jamie Zawila, Resource Recycling Systems

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the matter of:

Portage County
Solid Waste Management District
3588 Mogadore Road
Kent, OH 44240

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:
:
:

Director's Final
Findings and Orders

Ohio EPA AUG 16 '19
Entered Directors Journal

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Portage 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(C), the policy committee of a solid waste management district (SWMD) that was ordered to implement and is operating under a solid waste management plan prepared by Ohio EPA may prepare, adopt, and submit an amended solid waste management plan to replace the plan prepared by Ohio EPA. The SWMD shall submit its draft amended solid waste management plan to Ohio EPA only within the 180 days immediately preceding the triennial anniversary of the date the director of Ohio EPA ordered the SWMD to implement the plan prepared by Ohio EPA.
2. On February 20, 2015, the director of Ohio EPA issued Orders to the Portage County Solid Waste Management District (District) ordering the District to implement a solid waste management plan prepared by Ohio EPA. To comply with ORC Section 3734.56(C), the District's Policy Committee was required to

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- submit a draft, amended solid waste management plan to Ohio EPA on or before February 20, 2018.
3. On April 16, 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 May 31, 2018, Ohio EPA mailed a written, nonbinding advisory opinion concerning the draft amended solid waste management plan received on April 16, 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 June 3, 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.
 9. Pursuant to ORC Section 3734.56(C), upon approving a solid waste management plan prepared by a SWMD when that plan is replacing a solid waste management plan prepared by Ohio EPA, the director of Ohio EPA shall issue an order revoking the Orders issued to the SWMD requiring the SWMD to implement the solid waste management plan prepared by Ohio EPA.

V. ORDERS

1. The Orders issued by the director of Ohio EPA to the District on February 20, 2015 are hereby revoked.
2. The District's ratified, draft, amended plan that Ohio EPA received on June 3, 2019 is hereby approved.

3. 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