



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

**August 23, 2019**

**CERTIFIED MAIL**

Mr. Kenneth Surratt  
Chairperson, Policy Committee  
Cuyahoga County Solid Waste  
Management District  
2079 East 9<sup>th</sup> Street  
Cleveland, OH 44115

**Re: Cuyahoga County SWMD  
Long Term Planning for Reg Entity  
Final Approval or Acknowledgement  
Solid Waste Management Planning  
Cuyahoga County  
SWMD118**

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

Dear Commissioner Surratt:

The Director of the Ohio Environmental Protection Agency (Director) reviewed and approved the Cuyahoga 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."

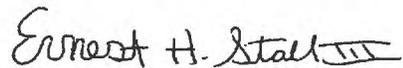
Additionally, you are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The 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:

Cuyahoga County Solid Waste Management District  
Solid Waste Management District Plan Approval  
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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, then please contact me at (614) 728-5356 or [ernest.stall@epa.ohio.gov](mailto:ernest.stall@epa.ohio.gov).

Sincerely,



Ernie Stall  
Environmental Specialist 3  
Division of Materials and Waste Management

Enclosure: Director's Final Findings and Orders

cc (with enclosure): Jarnal Singh, Environmental Supervisor, DMWM-NEDO  
Diane Bickett, Executive Director, Cuyahoga County Solid  
Waste Management District

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the matter of:

Cuyahoga County Solid  
Waste Management District  
4750 East 131 Street  
Garfield Heights, OH 44105

:  
:

Director's Final  
Findings and Orders

**I. JURISDICTION**

*Ohio EPA AUG 23 '19  
Entered Directors Journal*

These Director's Final Findings and Orders (Orders) are issued to the Cuyahoga 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 May 1, 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 May 1, 2018.

3. On May 2, 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 affect its approval.
5. On June 15, 2018, Ohio EPA mailed a written, nonbinding advisory opinion concerning the draft amended solid waste management plan received on May 2, 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 20, 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 June 20, 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**

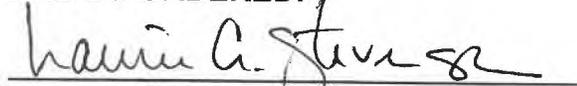
Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties against the District for noncompliance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