


**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**In the Matter of:**

American Legion of Roseville, Ohio  
Post 71 Inc.  
USEPA Remediation Site  
74 S Main Street  
Roseville, Ohio 45203

**Director's Final Findings and Orders  
Fee Exemption:**

This is to be a true and accurate copy of the original documents as filed in the records of the Ohio Environmental Protection Agency.

By:  Date: 8/2/19

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Section 3734.57(D)(8).

**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. United States Environmental Protection Agency (USEPA) has initiated a cleanup of an estimated 10,000 cubic yards of lead-contaminated soil at the American Legion of Roseville, Ohio, Post 71 Inc., located at 74 S Main Street, Roseville, Ohio, in Muskingum County (Site).
2. Ohio EPA was approached by USEPA, Region 5 requesting an exemption from the waste fees levied under ORC Chapter 3734. A timely remediation project is necessary to address public health and environmental protection concerns from the contamination located on the Site.
3. The estimated commencement of the remediation project is after July 8, 2019. The remediation project will include the removal and proper disposal of lead-contaminated soil. The material is solid waste as defined in Ohio Administrative Code ("OAC") Rule 3745-27-01(S)(24).
4. The remediation project at the Site is anticipated to generate approximately 10,000

cubic yards of solid waste.

5. Pursuant to ORC Section 3734.57(A), state disposal fees are to be levied on the disposal of solid waste at solid waste facilities. These solid waste disposal fees are to be collected and remitted to the state of Ohio on each ton of solid waste disposed at solid waste disposal facilities.
6. The solid waste that will be generated and disposed as a result of this project is subject to a \$4.75 per ton state disposal fee pursuant to ORC Section 3734.57(A).
7. Pursuant to ORC Section 3734.57(D)(8), the Director may issue an order exempting from the fees levied under ORC Sections 3734.57 solid wastes that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the administrator or regional administrator of the USEPA, the Director, or the director of administrative services on behalf of the Director for the purpose of remediating conditions at a hazardous waste facility, solid waste facility, or other location at which the administrator or regional administrator or the Director has reason to believe that there is a substantial threat to public health or safety or the environment or that the conditions are causing or contributing to air or water pollution or soil contamination.

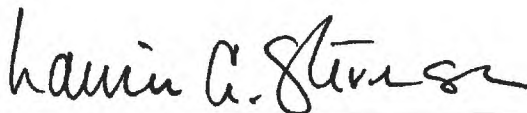
#### **IV. ORDERS**

Pursuant to ORC Sections 3734.57(D)(8), the solid waste disposed as a result of USEPA's remediation of the Site is hereby exempted from the requirement to collect and remit fees levied pursuant to ORC Section 3734.57(A). This exemption shall not apply to any solid waste other than the solid waste described in Findings Numbers 1 and 4, above.

#### **V. EFFECTIVE DATE**

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

**IT IS SO ORDERED**



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Laurie A. Stevenson, Director  
Ohio Environmental Protection Agency