



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

February 19, 2015

Honorable Maureen T. Frederick,  
President of the Board  
Honorable Kathleen Chandler,  
Policy Committee Chairperson  
Portage County Administration  
Building  
Office of the Commissioners  
449 S. Meridian Street, 7<sup>th</sup> Floor  
Ravenna, OH 44266

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

**Subject: Solid Waste Management Plan for the Portage County Solid Waste  
Management District Issued Pursuant to Division (D) of Ohio Revised Code  
Section 3734.55**

Dear Commissioners Frederick and Chandler:

Ohio EPA has completed the solid waste management plan for the Portage County Solid Waste Management District (District). That solid waste management plan is enclosed with this letter as are the Director's Final Findings and Orders (Findings and Orders) requiring the District to implement Ohio EPA's solid waste management plan.

Ohio EPA greatly appreciates the hard work that District staff put in during the process of developing this solid waste management plan. Ohio EPA also appreciates the willingness of so many stakeholders to be engaged in the process and to share their opinions, thoughts and concerns. It is because of their willingness to engage with Ohio EPA that we were able to arrive at positive solutions that set the District up for continued success while addressing emerging issues.

The District should proceed to implement the enclosed solid waste management plan in accordance with the implementation schedule and timeline contained in the enclosed solid waste management plan and in Attachment 1 to the Findings and Orders. Please be advised that ORC Section 3734.55(C)(4) also 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."

Pursuant to ORC Section 3734.551 Division (B), Ohio EPA is required to send the board of county commissioners a demand for reimbursement of certain expenses incurred by Ohio EPA in preparing the District's solid waste management plan update. Ohio EPA's total cost for preparing the plan was \$41,967. The District will receive a letter outlining repayment of expenses totaling \$14,567.

The District's board of county commissioners is required to submit, on behalf of the District, quarterly proposed budgets to Ohio EPA for approval. These quarterly budgets are required to be submitted on a form prescribed by the Director of Ohio EPA and are due 30 days before the beginning of each calendar quarter according to the following schedule:

- First quarter (January 1 through March 31) is due on or before December 1 of the previous year;
- Second quarter (April 1 through June 30) is due on or before March 1 of each year;
- Third quarter (July 1 through September 30) is due on or before May 31 of each year;
- Fourth quarter (October 1 through December 31) is due on or before August 31 of each year.

The District's first quarterly budget will be due to Ohio EPA no later than March 1, 2015 and will represent planned expenditures for the second quarter of 2015 (April 1 through June 30). Ohio EPA will send the District the form that it will use for its quarterly proposed budgets.

As required by law, 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:

Environmental Review Appeals Commission  
77 South High Street  
17th Floor  
Columbus, Ohio 43215

The Honorable Maureen T. Frederick

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If you have any questions regarding implementing Ohio EPA's solid waste management plan, please contact me by e-mail at [Christopher.germain@epa.ohio.gov](mailto:Christopher.germain@epa.ohio.gov) or by telephone at (614) 728-5317.

Again, thank you for your contributions to the solid waste management plan.

Sincerely,



Christopher Germain, AICP  
Planner, Division of Materials and Waste Management (DMWM)

CG/clk

Enclosures (2):   Solid Waste Management Plan  
                          Directors Findings and Orders (DFFOs)

cc (with enclosures):

Bill Steiner, Director, Portage County Solid Waste Management District  
Lynn Sowers, Environmental Manager, DMWM-NEDO

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the matter of:

Portage County	:	Director's Final
Solid Waste Management District	:	Findings and Orders
3588 Mogadore Road	:	
Kent, Ohio 44240	:	

**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, 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 October 5, 2006 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 October 5, 2011.
3. On November 3, 2011, 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 December 19, 2011, Ohio EPA mailed a written, nonbinding advisory opinion concerning the draft amended solid waste management plan received on November 3, 2011 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. Ohio EPA never received a ratified, draft, amendment solid waste management plan from the District's Policy Committee.
8. Pursuant to Division (D) of the ORC Section 3734.55, the director of Ohio EPA is required to prepare a solid waste management plan for a SWMD that fails to obtain approval of its solid waste management plan within eighteen months from the date the SWMD was required to submit the draft amended solid waste management plan. The director of Ohio EPA is further required to order the SWMD's board of directors to implement the solid waste management plan prepared by Ohio EPA.
9. The District failed to obtain approval of its solid waste management plan update by April 5, 2013.
10. The director of Ohio EPA notified the District, via correspondence dated April 18, 2013, that Ohio EPA has initiated the process of preparing a solid waste management plan for the District.
11. The director of Ohio EPA has completed a solid waste management plan for the District.

12. Pursuant to Division (E) of ORC Section 3734.574, a SWMD that was levying either a disposal fee or a generation fee at the time the director of Ohio EPA orders the SWMD to implement a solid waste management plan is required to submit proposed quarterly budgets to the director of Ohio EPA in order to spend the money received from those funds.
13. The District was levying a generation fee as of the date these orders were issued.

#### **V. ORDERS**

1. In accordance with Division (D) of ORC Section 3734.55, the District shall proceed to implement its approved solid waste management plan prepared by the director of Ohio EPA in accordance with the strategies, programs, and activities described in the plan and the implementation schedule included as Attachment 1 to these Orders.
2. In accordance with Division (E) of ORC Section 3734.574, the Portage County Board of County Commissioners shall submit to the director of Ohio EPA proposed quarterly budgets in order to spend money received from levying the generation fee. The Portage Board of County Commissioners shall submit these proposed quarterly budgets not later than 30 days prior to the beginning of each calendar year quarter on a form that will be prescribed by the director of Ohio EPA and sent to the county commissioners.

#### **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:**

  
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Craig W. Butler, Director  
Ohio Environmental Protection Agency

**ATTACHMENT 1 TO THE FINDINGS AND ORDERS**  
**Summary of the Implementation Schedule for the**  
**Portage County Solid Waste Management District**

Several sections of the solid waste management plan update (Plan) issued by Ohio EPA are considered to be part of the implementation schedule required in accordance with Ohio Revised Code Section 3734.53(A)(13). The table below lists the programs that are included in the implementation schedule contained in the Plan. Refer to the Plan for full descriptions and other information related to these programs.

**Implementation Schedule for Facilities, Strategies, Programs and Activities**

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which Goal will this strategy be used to demonstrate compliance with?
<b>Commercial/Industrial Sector TA and Education</b>		
2605 (PC-12) Commercial and Industrial Technical Assistance and Waste Audit Program	Ongoing	Goal 3, Goal 4
<b>Curbside Recycling, Non-subscription</b>		
2572 (PC-01) Atwater Township	Ongoing	Goal 1, 2
2565 (PC-01) Aurora City	Ongoing	Goal 1, 2
2569 (PC-01) Brady Lake Village	Ongoing	Goal 1, 2
2573 (PC-01) Brimfield Township	Ongoing	Goal 1, 2
8814 (PC-01) Curbside Capital Investments: Conversion to single-stream curbside	2015 - 2018	Goal 1, 2
9166 (PC-01) Curbside Collection Efficiency Analysis	2015, Ongoing	N/A
9165 (PC-01) Curbside Recycling Expansion Efforts	Ongoing	Goal 1, 2
2574 (PC-01) Franklin Township	Ongoing	Goal 1, 2
2575 (PC-01) Hiram Township	Ongoing	Goal 1, 2
2570 (PC-01) Hiram Village	Ongoing	Goal 1, 2

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which Goal will this strategy be used to demonstrate compliance with?
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2566 (PC-01) Kent City	Ongoing	Goal 1, 2
2576 (PC-01) Mantua Township	Ongoing	Goal 1, 2
2571 (PC-01) Mantua Village	Ongoing	Goal 1, 2
2567 (PC-01) Ravenna City	Ongoing	Goal 1, 2
2577 (PC-01) Shalersville Township	Ongoing	Goal 1, 2
2568 (PC-01) Streetsboro City	Ongoing	Goal 1, 2

**Curbside Recycling Subscription**

9167 (PC-01) Ravenna Township	Ongoing	Goal 1, 2
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**Drop-off Recycling**

9168 (PC-02) Drop-Off Capital Improvements	2015-2017	N/A
9169 (PC-02) Drop-off Comprehensive Study	2015-2016	N/A

**Drop-off Recycling, FS, Rural**

2582 (PC-02) Charlestown Township	Ongoing	Goal 1, 2
2583 (PC-02) Deerfield Township	Ongoing	Goal 1, 2
2584 (PC-02) Edinburg Township	Ongoing	Goal 1, 2
2585 (PC-02) Freedom Township	Ongoing	Goal 1, 2
2579 (PC-02) Garrettsville Village	Ongoing	Goal 1, 2
2586 (PC-02) Nelson Township	Ongoing	Goal 1, 2
2587 (PC-02) Palmyra Township	Ongoing	Goal 1, 2
2588 (PC-02) Paris Township	Ongoing	Goal 1, 2
2580 (PC-02) Windham Village/Township	Ongoing	Goal 1, 2

1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which Goal will this strategy be used to demonstrate compliance with?
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**Drop-off Recycling, FS, Urban**

2581 (PC-02) Brimfield Township (District Recycling Center)	Ongoing	Goal 1, 2
2589 (PC-02) Randolph Township	Ongoing	Goal 1, 2
2578 (PC-02) Ravenna Township	Ongoing	Goal 1, 2
2590 (PC-02) Rootstown Township	Ongoing	Goal 1, 2
2591 (PC-02) Suffield Township	Ongoing	Goal 1, 2

**Electronics Collection**

2643 (PC-05) Computer Collection Program	Ongoing	Goal 1
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**Grants/Funding**

9170 (PC-20) Local Community Recycling Grant Program	2020-2024	Goal 6
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**Health Dept. Funding/Open Dumps**

2650 (PC-22) Health Department Partnership	Ongoing	N/A
2647 (PC-23) Environmental Compliance Officer	2015, Ongoing	N/A

**Household Hazardous Waste**

8624 (PC-17) HHW Education and Reference Program	Ongoing	Goal 5
2614 (PC-18) Used Motor Oil/Antifreeze Collection Program	Ongoing	Goal 5

**Industrial Recycling and Reduction**

2596 (PC-08) Commercial and industrial recycling collection route	Ongoing	Goal 1, 2
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**Lead-Acid Battery Programs**

2631 (PC-19) Lead Acid Battery Collection Program	Ongoing	Goal 5
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**MRFs**

9171 (PC-03) District MRF - Processing of cardboard and serves as a recycling transfer station.	Ongoing	Goal 1, 2
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1. Elements of the Plan	2. According to the Plan, when will implementation of this strategy begin and end?	3. Which Goal will this strategy be used to demonstrate compliance with?
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**Other Programs**

9174 (PC-10) Processing of Private Hauler Recycling Materials	Ongoing	Goal 2
9175 (PC-24) Recycling Collection Benchmarking	2015, Ongoing	N/A

**Other Residential/Commercial Recycling**

2651 (PC-04) ReUse and Durable Goods - County Clothing Center	Ongoing	Goal 2
9172 (PC-06) Scrap Metal and Appliance Collection Program	Ongoing	Goal 2
9173 (PC-07) Away-From-Home Recycling Initiative	2016, Ongoing	Goal 2
5926 (PC-09) Private hauler recycling collection routes	Ongoing	Goal 2
9176 (PC-25) Community Clean Up Events	Ongoing	Goal 2

**Residential Sector Education and Awareness**

5921 (PC-11) District Website: Will be overhauled in 2015 and kept up to date afterward	Ongoing	Goal 3, 4
5922 (PC-13) Brochures and Flyers	Ongoing	Goal 3, 4
9177 (PC-13) Education Specialist: Employed at least part time.	2015, Ongoing	Goal 3, 4
9178 (PC-13) Education Target Audiences: Schools, Teachers, Adults, and Youth	2015, Ongoing	Goal 3, 4
9179 (PC-14) Community Roundtables, semi-annual survey (and other efforts)	2015, Ongoing	N/A
9180 (PC-21) Annual District Report (for stakeholders)	2015, Ongoing	N/A

**Scrap Tire Programs**

2612 (PC-15) Scrap Tire Collection/Scrap Tire Abatement Program	Ongoing	Goal 5
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**Yard Waste Programs**

2619 (PC-16) Yard Waste Education and Technical Assistance	Ongoing	Goal 3, Goal 4
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