

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY
In the Matter of:**

Wright-Patterson Air Force Base
C/O David Dalton
Solid Waste Program Manager
88 CEG/CEIEC 1450 Littrell Rd
Wright-Pat AFB, OH 45433

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Director's Final Findings
and Orders

I certify this to be a true and accurate copy of the
official documents as filed in the records of the Ohio
Environmental Protection Agency.

By:  Date: _____

I. JURISDICTION

6/9/2020

These Director's Final Findings and Orders ("Orders") are issued to Respondent, Wright-Patterson Air Force Base, pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3734.02(G) and 3734.13.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent, shall in any way alter Respondent's obligations under these Orders.

III. 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.

IV. FINDINGS

The Director of Ohio EPA ("Director") has determined the following findings:

1. On March 9, 2020, Governor Mike DeWine issued Executive Order 2020-01D declaring a State of Emergency to protect the well-being of the citizens of Ohio from the dangerous effects of COVID-19. Large amounts of infectious waste, as that term is defined under ORC Section 3734.01(R), will be generated as a result.
2. Respondent is a "person" as that term is defined in ORC Section 3734.01 and OAC Rule 3745-27-01.
3. Respondent is a "generator", as that term is defined under ORC Section 3734.021(D).
4. Pursuant to ORC Section 3734.021(B)(1)(b)(i), each generator of fifty pounds or more of infectious wastes during any one month shall register with the

environmental protection agency as a generator of infectious wastes and obtain a registration certificate. The registration certificate shall list each premises where infectious wastes are generated.

5. OAC Rule 3745-27-36(A) generally requires that persons who generate fifty pounds or more of infectious waste in any one month at any one location shall register with Ohio EPA not later than thirty days after the last day of the month in which fifty pounds or more of infectious waste were generated. The generator must submit to Ohio EPA an application for a registration certificate accompanied by an application fee of one hundred and forty dollars.
6. In order to respond to the situation giving rise to the emergency declaration described in Finding No.1, Respondent will be generating infectious waste at 2455 Presidential Dr., Beavercreek, Ohio 45324 in a quantity that would require Respondent to register with Ohio EPA and obtain a registration certificate or amend an existing registration certificate.
7. Pursuant to ORC Section 3734.02(G), the Director may exempt any person from any requirement of ORC Chapter 3734, provided that the action is unlikely to adversely affect the public health or safety or the environment. Under the terms of this order, Respondent is required to manage their infectious wastes as specified in OAC Rules 3745-27-30 through 3745-27-39. Thus, the issuance of this exemption is unlikely to adversely impact public health or safety or the environment.

V. ORDERS

The Director hereby issues the following Orders:

1. Respondent is hereby exempted from the requirement to register with Ohio EPA and obtain a registration certificate or amend an existing registration certificate as described in Findings No. 4 through 6 beginning on the effective date of these Orders until such time as the Governor of Ohio declares the State of Emergency to be ended provided the infectious waste is managed in accordance with OAC Rules 3745-27-30 through 3745-27-39.
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.

VI. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action, or demand in law or equity against any person, firm, partnership, or corporation, not a party to these Orders, for any liability arising from, or related to Respondent.

VII. 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. These Orders do not waive or compromise the applicability of any other statutes and regulations applicable to Respondent.

VIII. 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 for noncompliance with these Orders. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Respondent to perform additional activities pursuant to ORC Chapter 3734 or any other applicable law in the future. Nothing herein shall restrict the right of Respondent to raise any administrative, legal, or equitable claim or defense with respect to such further actions that Ohio EPA may seek to require of Respondent. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations which may occur at the Facility.

IX. 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

 6/9/2020

Laurie A. Stevenson, Director
Ohio EPA