

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

South Side Plating Inc.	:	<u>Director's Final Findings</u>
Ohio EPA Remediation Site	:	<u>and Orders</u>
965 Edward St	:	
Galion, Ohio 44833	:	

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are hereby pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3734.57(D)(8) and 3734.02(G).

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. Ohio Environmental Protection Agency (Ohio EPA) is overseeing a remediation project at the former electroplater facility, South Side Plating Inc., located at 965 Edward Street, Galion, Ohio, in Crawford County (Site).
2. The estimated commencement of the remediation project is November 9, 2020. The remediation project will include the removal and proper disposal of contaminated non-hazardous soils. The material is solid waste as defined in Ohio Administrative Code ("OAC") Rule 3734.01(E).
3. The remediation project at the Site is anticipated to generate approximately 380 tons of solid waste.
4. Pursuant to ORC Section 3734.57(A), state disposal fees are to be levied on the disposal of solid waste at solid waste disposal facilities. These solid waste disposal fees are collected and remitted to the State of Ohio on each ton of solid waste disposed.
5. The solid waste that will be generated and disposed of as a result of the cleanup is subject to a \$4.75 per ton state disposal fee pursuant to ORC Section 3734.57(A).

6. Pursuant to ORC Section 3734.57(B), the solid waste management policy committee of a single or joint solid waste management district is authorized to levy a disposal fee on solid wastes disposed at solid waste disposal facilities located within the solid waste management district ("SWMD fee").
7. The Crawford County Solid Waste Management District has a SWMD fee and has agreed that the SWMD fee can be waived for the solid waste described in Finding No. 2.
8. Under ORC Section 3734.02(G), the Director may by order exempt any person generating, collecting, storing, treating, disposing of, or transporting solid waste in such quantities or under such circumstances that, in the determination of the Director, is unlikely to adversely affect public health or safety or the environment from any requirement of this chapter.
9. Pursuant to ORC Section 3734.02(G), the Director has determined that waiving the state disposal fee and the SWMD fee for the remediation project described in Finding No. 1 is unlikely to adversely affect the public health or safety or the environment.
10. 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

The Director hereby issues the following Orders:

1. Pursuant to ORC Sections 3734.57(D)(8), the solid waste disposed as a result of remediation of the Site is hereby exempted from the requirement to collect and remit fees levied pursuant to ORC Section 3734.57(A) and 3734.57(B). This exemption shall not apply to any solid waste other than the solid waste described in Finding No. 2, above.

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.

V. 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



Laurie A. Stevenson, Director
Ohio EPA