



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

**CERTIFIED MAIL**

JULY 29, 2015

Mr. Michael Rhodes  
Chairperson, Policy Committee  
Darke County Solid Waste  
Management District  
520 S. Broadway  
Greenville, Ohio 45331

**Re: Darke County SWMD  
Long Term Planning for Reg Entity  
Final Approval or Acknowledgement  
Solid Waste Management Planning  
Defiance County  
SWMD119**

**Subject: Ohio Revised Code Section 3734.55(C)(1) Darke County Solid Waste  
Management District Solid Waste Management Plan Approval**

Dear Commissioner Rhoades:

The Director of the Ohio Environmental Protection Agency (Director) has reviewed and approved the ratified draft solid waste management plan update (Plan) for the Darke County Solid Waste Management District (District). Director's Final Findings and Orders approving the Plan are enclosed with this letter. Attachment 1 is a summary of the implementation schedule that was derived from the District's Plan.

The District should proceed to implement its approved Plan in accordance with the implementation schedule and timeline contained in the approved Plan and in Attachment 1 to the enclosed Director's Final Findings and Orders. Please be advised that Ohio Revised Code (ORC) Section 3734.55(C)(4) also requires the board of trustees to "...annually review implementation of the approved plan..."

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

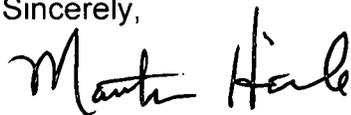
be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office,

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  
17<sup>th</sup> Floor  
Columbus, Ohio 43215

If you have any questions regarding implementation of the approved Plan, please contact me at (614) 728-5369.

Sincerely,



Matthew Hittle  
Environmental Specialist  
Division of Materials and Waste Management

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Enclosures (2): Director's Final Findings and Orders  
Attachment 1 to the Findings and Orders

cc (with enclosures): Krista Fourman, Director, Darke County Solid Waste  
Management District  
Tracy Buchanan, Environmental Supervisor, DMWM-SWDO

OHIO E.P.A.

JUL 29 2015

BEFORE THE  
**OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the matter of:

Darke County Solid Waste Management	:	Director's Final
District	:	Findings and Orders
603 Wagner Avenue, Suite C		
Greenville, OH 45331		

### I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Darke 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 at least fifteen 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 February 19, 2009 and covers a planning period of fifteen years. The District's draft amended solid waste management plan was due to Ohio EPA on February 19, 2014.

3. On March 21, 2014, 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 May 5, 2014, Ohio EPA mailed a written, nonbinding advisory opinion concerning the draft amended solid waste management plan received on March 21, 2014 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 26, 2015, 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 is in compliance 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 was received by Ohio EPA on June 26, 2015 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 and contained in the implementation schedule included as Attachment 1 to these Orders.

## 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:**



Craig W. Butler, Director  
Ohio Environmental Protection Agency

**ATTACHMENT 1 TO THE FINDINGS AND ORDERS**  
**Summary of the Implementation Schedule for the**

**Darke County Solid Waste Management District**

Several sections of the ratified, draft amended solid waste management plan update (Plan) submitted by the Solid Waste Management District or Authority identified above are considered to be part of the implementation schedule required in accordance with Ohio Revised Code Section 3734.53(A)(13). This attachment lists the elements that Ohio EPA understands to constitute the implementation schedule contained in the District's or Authority's Plan. These elements are listed in the table below.

**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>		
9330 Commercial/Industrial Educational Meetings/Seminars	Ongoing	Goal 3,4
9329 Commercial/Industrial Technical Assistance	Ongoing	Goal 3,4
<b>Curbside Recycling, Non-subscription</b>		
7280 Greenville City (PAYT)	Ongoing	Goal 1,2
7282 Versailles Village	Ongoing	Goal 1,2
7279 Arcanum Village	Ongoing	Goal 1,2
9114 Palestine Village (PAYT)	Ongoing	Goal 1,2
<b>Drop-off Recycling, FS, Rural</b>		
7284 Adams Township (under the water tower, Gettysburg Village)	Ongoing	Goal 1,2
7290 Allen Township (Village Council Building, New Weston Village)	Ongoing	Goal 1,2
7283 Brown Township (Corner of Pearl and Cross Streets, Ansonia Village)	Ongoing	Goal 1,2
7285 Butler Township (114 N Harrison St, New Madison Village)	Ongoing	Goal 1,2
7287 Butler Township (corner of Grubbs-Rex and Emrick Rds)	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?
7291 Harrison Township (Village Park on Union St, Hollansburg Village)	Ongoing	Goal 1,2
7286 Jackson Township (Administration Building, Union City Village)	Ongoing	Goal 1,2
7288 Liberty Township (215 Cross St, Palestine Village)	Ongoing	Goal 1,2
7289 Monroe Township (across from Fire Dept, Pittsburg Village)	Ongoing	Goal 1,2
9117 Neave Township (Village Garage, Wayne Lakes Village)	Ongoing	Goal 1,2
9115 Twin Township (Sutton's Super Value, Arcanum Village)	Ongoing	Goal 1,2
7294 Versailles Village (School District)	Ongoing	Goal 1,2
9116 Versailles Village (Service Garage)	Ongoing	Goal 1,2
7292 Wabash Township (American Legion Hall, North Star Village)	Ongoing	Goal 1,2
9118 Wayne Township (Administration Building)	Ongoing	Goal 1,2
<b>Drop-off Recycling, FS, Urban</b>		
7293 Greenville (Rumpke Recycling and Transfer Facility)	Ongoing	Goal 1,2
<b>Electronics Collection</b>		
7323 Electronics Collection Events (optional)	Ongoing	Goal 2
<b>Financial Incentives/PAYT</b>		
7321 Encourage PAYT and continue PAYT programs in Greenville and Palestine	Ongoing	Goal 3,4
<b>Grants/Funding</b>		
7326 Funds for the Darke County Health Department for enforcement programs	Ongoing	none
<b>Household Hazardous Waste</b>		
7319 Household battery collection program	Ongoing	Goal 2,5
7315 HHW Education Program	Ongoing	Goal 5



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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9337 Presentations to Civic Organizations

Ongoing

Goal 3,4

**Scrap Tire Programs**

7316 Assure availability of at least one in-District facility that will accept tires for recycling or disposal

Ongoing

Goal 5

7317 Provide public information about legal tire recycling and disposal options

Ongoing

Goal 5

7318 Provide reimbursement to local governments for cost of disposing of tire clean-up sites

Ongoing

Goal 5

9336 Tire Collection Events (optional program)

Ongoing

Goal 2

**Yard Waste Programs**

7304 Community leaf collections

Ongoing

Goal 2

8597 Fitzwater Tree and Lawn Care Class IV Compost Facility

Ongoing

Goal 2

9334 Fresh Aire Farms Class III Composting Facility

Ongoing

Goal 2

7307 Separate collection for yard waste in Greenville and Versailles

Ongoing

Goal 2

7308 Versailles Class IV Composting Facility

Ongoing

Goal 2

9335 Yard Waste Education Program

Ongoing

Goal 2