

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

JUN -3 2016

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

*Bogus Road Open Dump Site  
839 Bogus Road NE  
Washington Courthouse, OH 43160*

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

**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. An estimated 3,600 cubic yards (1,200 tons) of solid waste was illegally open dumped on parcel No. 190-013-0-00-023-00 and/or on parcel No. 190-013-0-00-024-00 located at 839 Bogus Road NE, Washington Courthouse, Ohio, 43160 (the "Property"). The Property remains a nuisance and a substantial threat to public health or safety or the environment and the conditions have the potential to cause harm to the environment through soil, ground water and/or surface water contamination.
2. Ohio EPA was approached by Fayette County Health Department requesting assistance in remediating the site, and controlling the rodent population. As

such, Ohio EPA's Division of Materials and Waste Management is coordinating with the Fayette County Health Department a remediation project for the removal and disposal of the solid waste illegally open dumped at the Bogus Road location, the Property. This timely remediation project is necessitated to address public health and environmental protection concerns from the open dumped waste.

3. The cleanup project will include the removal and proper disposal of solid waste, as that term is defined in Ohio Administrative Code ("OAC") Rule 3745-27-01(S)(24).
4. The cleanup project at the 839 Bogus Road dump, the Property, is anticipated to generate approximately 1,200 tons of solid waste. This material may be disposed of at the Pike Sanitation Landfill located at 11775 SR 220 East, Waverly, Ohio in Pike County or Beech Hollow Landfill, 28 AW Long Road, Wellston, Ohio.
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.
8. Ohio EPA is coordinating this cleanup project with the Health Department using public funds to address conditions that are causing or contributing to air or water pollution or soil contamination or that present a substantial threat to public health or safety or the environment, through soil, ground water and/or surface water contamination.

**IV. ORDERS**

1. Pursuant to ORC Sections 3734.57(D)(8), the solid waste disposed as a result of Ohio EPA or the Health Department's remediation of the 839 Bogus Road dump site, the Property, is hereby exempted from the \$4.75 per ton state solid waste disposal fee 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 Number 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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Craig W. Butler, Director  
Ohio Environmental Protection Agency