

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

**CERTIFIED**

April 11, 2014

Defiance County Commissioners  
500 Court Street  
Defiance, OH 43512

RE: Defiance County Sanitary Landfill  
Director's Final Findings and Orders  
DFF&O  
Solid Waste  
Defiance County  
MSWL018764

Dear Sir or Madam:

Transmitted herewith are Final Findings & Orders of the Director concerning the matter indicated.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. 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 if by affidavit you demonstrate 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, OH 43215

Sincerely,

A handwritten signature in cursive script that reads "Georgia Frakes".

Georgia Frakes, Management Analyst  
Division of Materials and Waste Management

Enclosure: Director's Final Findings and Orders

cc: Steve Tuozzolo, DMWM, CO  
Scott Hester, DMWM, CO  
Andrew Booker, DMWM, CO  
Jeremy Scoles, DMWM, NEDO

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

OHIO E.P.A.  
APR 11 2014

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Defiance County Sanitary Landfill  
13207 Canal Rd  
Defiance, OH 43512  
Fee Exemption

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Director's Final  
Findings and  
Orders

**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") Sections 3734.02(G) and 3714.04(A).

**II. DEFINITIONS**

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapters 3734. and 3714. and rules promulgated thereunder.

**III. FINDINGS**

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

1. A tornado touched down in Cloverdale Village, Ohio on November 17, 2013, damaging numerous houses and structures.
2. In response to the emergency, storm related demolition debris and solid waste is being disposed of at the Defiance County Sanitary Landfill, located in Defiance, Ohio.
3. Under Ohio law, fees are collected on the disposal of construction and demolition debris and solid waste. Those fees include a state solid waste disposal fee established under ORC Section 3734.57(A), a state construction and demolition debris disposal fee established under ORC Section 3714.073, and solid waste management district fees established under ORC Sections 3734.57(B) and 3734.573.
4. The Director of Ohio EPA has determined that it would be inappropriate to collect the fees listed above on storm related construction and demolition debris and

solid waste in light of the severe damage that occurred to Cloverdale Village and the efforts being made by various public entities to clean up the Village and dispose of the material resulting from the storm.

5. Pursuant to ORC Sections 3734.02(G) and 3714.04(A), the Director of Ohio EPA may exempt any person disposing of construction and demolition debris and solid wastes, in such quantities or under such circumstances that in the determination of the Director are unlikely to adversely affect the public health or safety or the environment, from various requirements of ORC Chapters 3734 and 3714.
6. The Director of Ohio EPA has determined that exempting the Defiance County Sanitary Landfill from the requirement to collect and remit the fees established under ORC Sections 3734.57(A) and (B), 3734.573, and 3714.073 on storm related construction and demolition debris and solid waste resulting from the tornado in Cloverdale Village is unlikely to adversely affect the public health or safety or the environment.

#### **IV. ORDERS**

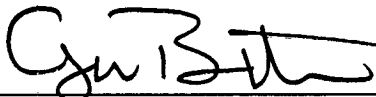
1. Pursuant to ORC Sections 3734.02(G) and 3714.04(A), the Defiance County Sanitary Landfill is exempted from the requirement to collect and remit the \$1.00 per ton state disposal fee on construction and demolition debris, the \$4.75 per ton state disposal fee on solid waste, the \$2.00 per ton Defiance County Solid Waste Management District out-of-district disposal fee on solid waste, and the \$5.00 per ton Putnam County generation fee on solid waste that resulted from the tornado that touched down in Cloverdale Village on November 17, 2013.
2. The Defiance County Sanitary Landfill shall note in the daily log required under OAC Rule 3745-27-19(E)(10) each load for which fees have not been collected and remitted in accordance with these Orders and shall submit correspondence with the monthly return required to be submitted in accordance with ORC Sections 3745.57(A) and 3714.07(A) identifying the amount of construction and demolition debris and solid waste received for which fees were not collected and submitted in accordance with these Orders.

3. These orders apply only to storm related construction and demolition debris and solid waste described in Findings Numbers 1 and 2 and disposed at the Defiance County Sanitary Landfill, and shall expire on July 31, 2014 unless otherwise extended in writing by Ohio EPA.

#### V. EFFECTIVE DATE

The effective date of these Orders is the date the 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