



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

August 30, 2021

Tony Applegate
Chair, Board of Trustees
Brown County Solid Waste
Management Authority
800 Mt. Orab Pike, Suite 101
Georgetown, OH 45121

**Re: Brown County SWMD
Long Term Planning for Reg Entity
Final Approval or Acknowledgement
Solid Waste Management Planning
Brown County
SWMD108**

**Subject: Approval of the Brown County Solid Waste Management Authority's
Solid Waste Management Plan Update**

Dear Commissioner Applegate:

The Director of the Ohio Environmental Protection Agency (Director) reviewed and approved the Brown County Solid Waste Management Authority's (Authority) ratified draft solid waste management plan update (Plan). Director's Final Findings and Orders approving the Plan are enclosed with this letter. The Authority should proceed to implement its approved Plan in accordance with the implementation schedule, timeline, and programs contained in the approved Plan.

Please be advised that Ohio Revised Code (ORC) Section 3734.55(C)(4) requires the policy committee to "...annually review implementation of the approved plan... and report its findings and recommendations regarding implementation to the board of county commissioners or board of directors of the district."

Additionally, 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
30 East Broad Street, 4th floor
Columbus, Ohio 43215

If you have any questions as the Authority implements the approved Plan, then please contact me at (614) 728-5369 or matthew.hittle@epa.ohio.gov.

Sincerely,

A handwritten signature in black ink that reads "Matthew Hittle". The signature is written in a cursive style with a large initial "M" and a stylized "H".

Matthew Hittle
Environmental Specialist 2
Division of Materials and Waste Management

Enclosure: Director's Final Findings and Orders

cc (with enclosure): Dan Wickerham, Coordinator, Brown County SWMA
Maria Lammers, Environmental Supervisor, DMWM-SWDO

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the matter of:

Brown County Solid	:	Director's Final
Waste Management Authority	:	Findings and Orders
800 Mt. Orab Pike		
Georgetown, OH 45121		

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Brown County Solid Waste Management Authority (Authority), 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 Authority.

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 343.011(B), all duties and responsibilities imposed on or granted to a board of county commissioners or a board of directors shall be vested in and exercised by the board of trustees of regional solid waste management authority (regional SWMA). Pursuant to ORC Sections 343.011(F), and 3734.55(G), any reference to a board of county commissioners of a county or a board of directors of a joint solid waste management district is deemed to include the board of trustees of a regional SWMA. Pursuant to 3734.54(H), all duties and responsibilities imposed on or granted to a solid waste management policy committee shall be vested in and exercised by the board of trustees of a regional SWMA.
2. The Authority is a Regional SWMA.

3. Pursuant to Division (A) of ORC Section 3734.56, the board of trustees of a solid waste management authority 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.
4. The Authority's existing solid waste management plan was approved on March 3, 2015 and covers a planning period of fifteen years. The Authority's draft amended solid waste management plan was due to Ohio EPA on March 3, 2020.
5. On March 3, 2020, Ohio EPA received a draft amended solid waste management plan from the Authority's Board of Trustees.
6. Pursuant to ORC Section 3734.55, the director of Ohio EPA is required to provide the board of trustees of a solid waste management authority 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 affect its approval.
7. On April 16, 2020, Ohio EPA mailed a written, nonbinding advisory opinion concerning the draft amended solid waste management plan received on March 3, 2020 to the Authority's Board of Trustees.
8. Pursuant to ORC Section 3734.55, the board of trustees of a solid waste management authority 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.
9. On June 2, 2021, Ohio EPA received a ratified, draft, amended solid waste management plan from the Authority's Board of Trustees.
10. The director has determined that the Authority's ratified, draft, amended solid waste management plan complies with Divisions (A), (B), (D), and (E)(1) of Section 3734.53 of the ORC.

V. ORDERS

1. The Authority's ratified, draft, amended plan that Ohio EPA received on June 2, 2021 is hereby approved.

2. The Authority 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.

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

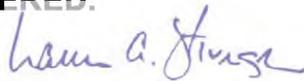
Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties against the Authority for noncompliance with these Orders.

Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require the Authority 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 Authority 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 Authority. 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:



Laurie A. Stevenson, Director
Ohio Environmental Protection Agency