



State of Ohio Environmental Protection Agency

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February 24, 2009

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CERTIFIED MAIL

The Honorable John Bergman, Chairperson
Auglaize County Solid Waste Management District Policy Committee
209 Blackhoof St.
Wapakoneta, Ohio 45895

RE: Third notice of violation concerning the Auglaize County Solid Waste Management District's draft amended solid waste management plan

Dear Commissioner Bergman:

The purpose of this letter is to inform you that the Auglaize County Solid Waste Management District (District) continues to be in violation of Division (A) of Section 3734.56 of the Ohio Revised Code for failure to submit a draft amended solid waste management plan (draft amended plan) within five years of the anniversary date of the approval of the District's current solid waste management plan (approved plan). This letter represents the third notice of violation that Ohio EPA has issued to the issued to the District concerning the District's draft amended solid waste management plan.

You should be aware that the statutorily prescribed date by which the District is required to have obtained approval of its amended solid waste management plan is November 16, 2009. If the District fails to meet this deadline, then ORC Sections 3734.55(D) and 3734.56(A) require Ohio EPA to prepare a solid waste management plan for the District and to order the District to implement that plan. Once Ohio EPA initiates the process of preparing the District's amended plan, the Agency will no longer accept a plan from the District.

If Ohio EPA prepares the District's solid waste management plan update, then there are repercussions for the District that will result. These repercussions are detailed in the following bulleted points:

- o The District will lose the ability to establish facility designations in accordance with ORC Section 3734.53(E);
- o The District will lose the ability to adopt rules in accordance with ORC Section 3734.53(C);
- o The District will be required, pursuant to ORC Section 3734.554, to submit proposed quarterly budgets to Ohio EPA for approval;

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

- o Ohio EPA, under the authority of ORC Section 3734.551, will require the District to reimburse the Agency for expenses incurred during the process of preparing the solid waste management plan; and
- o Ohio EPA, not the District, will determine what waste reduction and recycling programs the District will provide during the planning period covered by the amended plan.

Therefore, it is in the District's best interests to obtain approval of its amended solid waste management plan. If Ohio EPA does not receive a ratified version of the District's amended solid waste management plan by November 16, 2009, then the Agency will initiate its statutorily imposed obligation to prepare the District's amended plan on November 17, 2009.

Upon receiving this letter, I urge the District to immediately contact Ohio EPA with an aggressive schedule for completing and submitting the draft amended solid waste management plan, for completing the ratification process, and for submitting a ratified solid waste management plan to Ohio EPA.

Until the time that either the District obtains an approved amended plan or Ohio EPA initiates the plan-writing process, I cannot emphasize enough the importance of providing Ohio EPA with regular updates regarding the District's progress.

I appreciate your cooperation in resolving this matter quickly. Please contact Nick D'Amato, the planner assigned to the District at (614) 728-5358.

Sincerely,

Shaun K. Gbur, Assistant Chief

Pamela S. Allen
Chief, Division of Solid and Infectious Waste Management

PSA/DA/sw

cc: David Richelderfer, Coordinator,
Auglaize County Solid Waste Management District
Mike Reiser, NWDO-DSIWM.