

# I. Introduction

## A. Plan Approval Date, Counties in the District, and Planning Period Length

### 1. Under the current approved plan:

Date of Ohio EPA approval:	February 19, 2009
Counties in the district:	Darke County
Years in the planning period:	15 years

### 2. Plan to be implemented with the approval of this document:

Counties in the district:	Darke County
Years in the planning period:	15 years
Year one of the planning period:	2015
Year 15 of the planning period:	2029

## B. Reasons for Plan Submittal

This plan is being prepared and submitted for approval as required for the mandatory five year plan update.

## C. Process to Determine Material Change in Circumstances

Ohio law [ORC Section 3734.56(D)] requires district plans to be updated when the District Board of Directors determines that circumstances materially changed from those of the approved plan. If a plan update is required due to a material change in circumstances, the plan update must address those portions of the plan that need to be modified due to the change.

A plan amendment involving fees or designation that does not require modification of any other part of the plan requires ratification, but not Ohio Environmental Protection Agency approval. However, if any other portion of the plan is modified, the entire plan must be updated. Moreover, the updated plan must be ratified, submitted to Ohio EPA, and obtain Ohio EPA's approval prior to becoming effective. Upon receipt of the Board's request, the Policy Committee shall prepare a draft amended plan for the District and shall proceed to adopt and obtain approval of the amended plan in accordance with ORC Section 3734.55 (A) – (C).

The Darke County Solid Waste Management District will use its normal operational procedures to monitor plan implementation and determine whether and when a material change in circumstances has occurred in the District which requires a plan amendment. The District's Board of Directors meets at least quarterly, and the Policy Committee meets as needed during the year to receive updates on District implementation activities. The Policy Committee reviews the implementation of the District Plan annually. The Board of

Directors and the Policy Committee meet frequently enough to detect and respond to changing circumstances.

1. **Circumstances which may result in a material change include, but are not limited to, the following:**
  - a. reduction in the available capacity of the publicly-available landfills used for disposal of solid waste generated in the boundaries of the district, including landfills identified in Table VI-4 (A) and any landfills that may be designated for the disposal of waste generated in the District at the time of the determination, so that the total available daily disposal capacity of those landfills is less than 150% of the average daily amount of solid waste generated in the District that is disposed of in landfills;
  - b. changes in strategies for waste reduction or recycling including the closing of a facility or facilities or the discontinuation of a service or services which will result in the District not providing 90% recycling access as required to meet Goal #1 of the State Plan (except additions to or expansions of existing programs based on the availability of funds or decisions to reduce the frequency or scope of programs upon review by the Board of Directors as described in Chapter VIII);
  - c. inadequate funding to maintain the programs of the District; or
  - d. an assessment of changes in waste generation which results in inadequate disposal capacity or inadequate funding to maintain District programs;
  - e. changes in the facility designations and/or flow control of waste; however, the addition or removal of one or more facilities from designation will not necessarily constitute a material change of circumstances if equitable designations are implemented;
  - f. delay of more than one year in the implementation of programs and/or activities listed in the Schedule of Facilities and Programs that is included in this plan as Table VI5; again, delay of program implementation does not constitute a material change of circumstances if equitable alternative programs are implemented.
2. **Board action that may eliminate the need for a material change in circumstances determination:**

In the event that any of the above circumstances occur, the District Board of Directors may take action which eliminates the need to determine that a material change in circumstances has occurred. Examples of such actions include, but are not limited to the following: A material change in circumstances may not have occurred if the District Board of Directors is able to secure solid waste landfill disposal capacity commitments from landfills within a reasonable distance from the District that replace the solid waste

disposal capacity that otherwise becomes unavailable to the District. If the Board of Directors is able to secure written assurances from landfill owners and operators within a reasonable distance from the District such that there is sufficient solid waste disposal capacity for the solid waste generated within the District to manage that solid waste for the balance of the planning period, to replace the solid waste landfill disposal capacity that is otherwise unavailable, the Board may conclude that no material change in circumstances has occurred. Likewise, the Board may conclude that no material change in circumstances has occurred if the Board of Directors increases the amount of the designation or waiver fee, as provided in the designation or waiver fee agreements by and between the District and solid waste facilities, in an amount sufficient to fully fund implementation of the District Plan in the event of a shortfall. Delay of more than one year in the implementation of a program or activity that is required as part of the plan's implementation schedule may not constitute a material change in circumstances if the Board concludes that an equivalent program or activity has been instituted in its place.

**3. Procedure and timetable to address a material change in circumstances:**

The Policy Committee, District Staff or member of the District Board of Directors will notify the Chairperson of the Board of Directors of any reliable information that is likely to establish that a material change in circumstances addressed in the District's approved Plan may have occurred. The Board will place an item on the agenda of the next regularly scheduled meeting or schedule a special meeting as appropriate. The District Board of Directors will make a determination on whether to request a plan amendment be prepared by the Policy Committee within 120 days after the matter is first placed on its agenda. If a recommendation for a plan amendment is adopted, the Board of Directors will notify the Director of the Ohio Environmental Protection Agency. The Policy Committee, with the assistance of any standing or special committees, as appropriate, will prepare the plan amendment to address the material change of circumstances. The schedule for development of the plan amendment, approval, ratification, and implementation, will be established by the Policy Committee, depending upon the extent of the amendment required to address the change in circumstances.

**D. District Formation and Certification Statement**

**1. District Formation:**

A copy of the original resolution to establish the Darke County Solid Waste Management District is submitted in **Appendix A**.

**2. Public Notices:**

All of the public notices as they appeared in local newspapers publicizing the public hearing and comment period on this plan update are included in **Appendix B**.

**3. Certification and Adoption Statements:**

The certification statement signed by the Policy Committee members and the resolution by the Policy Committee adopting the plan prior to approval are located in **Appendix C**. Following ratification of the plan, the resolution certifying ratification and copies of the plan ratification resolutions from each political jurisdiction in the district which voted on ratification were included in **Appendix C**.

**E. The Darke County Solid Waste Management District Policy Committee:**

Michael E. Stegall	Darke County Commissioner	Committee Chair representing the County Commissioners
Dr. Terrence Holman	Health Commissioner, Darke County General Health District	Committee Vice-Chair representing the Health District
Michael Bowers	Mayor, City of Greenville	Representing municipalities
Thomas Hans	Butler Township Trustee	Representing townships
James Schaar	Darke County Environmental Council	Representing industry
Mike Stump	Representing the community/citizens	
Lisa L. Garland	Director of Environmental Services, Wayne Healthcare	Representing public at large

**F. The Board of Directors**

Diane L. Delaplane	Darke County Commissioner	
Michael W. Rhoades	Darke County Commissioner	)
Michael E. Stegall	Darke County Commissioner	

**G. District Contact and Address:**

Krista Fourman, District Director  
Darke County Solid Waste Management District  
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Greenville, OH 45331  
Phone: 937-547-0827  
Fax: 937-547-1496

**H. Advisory Committees**

The District does not have a Technical Advisory Committee. The Policy Committee works directly with district staff in developing and monitoring the solid waste management plan and district programs.