

## Appendix A

### Reference Year, Planning Period, Goal Statement, Material Change in Circumstances, Explanations of Differences in Data

#### A. Reference Year

The reference year for this solid waste management plan is 2018.

#### B. Planning Period (first and last years)

The planning period for this solid waste management plan is: 2022 to 2036.

#### C. Goal Statement

The District will demonstrate compliance with Goal #1 of the 2020 State Plan. Goal #1 states, “The SWMD must assure that there is adequate infrastructure to give residents and commercial businesses the opportunities to recycle solid waste.”

#### D. Material Change in Circumstances/Contingencies

Ohio Revised Code Section 3734.56(D) authorizes the board of directors to request the SWMD to begin updating a solid waste management plan prior to the required date if the board determines that circumstances materially changed from those addressed in the approved plan. The following is a continuation of the District policy as presented in the 2015 SWMD Plan.

##### 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).

## Darke County Solid Waste Management Plan Update 2021

1. **Monitoring:** 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.
2. **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 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 80% 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.;
  - 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 that are required to achieve Goal 1, access to recycling opportunities, as described in this Plan (Appendix J), and/or to meet the minimum requirements for education programs, including outreach, marketing, and general education. (Appendix L). A change or delay of program implementation does not constitute a material change of circumstances if equitable alternative programs are implemented in a timely manner.

**3. 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.

**4. 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.

**E. Explanations of differences between data previously reported and data used in the solid waste management plan.**

**1. Differences in quantities of materials recovered between the Annual District Report and the Solid Waste Management Plan.**

The amount of residential/commercial material reported as recycled in historical data used in this plan for 2014 through 2017, and the amount reported in this plan for the reference year, 2018, is less than that reported for 2014 through 2018 in the District's Annual District Reports to Ohio EPA . In reviewing the data for this Plan, errors in the spread sheets that were used for compiling the data were found. Some errors were carried over through several years. Original survey data from the years in which errors were suspected was reviewed and corrections were made.

For instance, in reviewing 2018 data it was decided that material from one respondent, a tire retread company, was reported as commercial but should have been reported as industrial. The error was corrected resulting in a decrease in reported residential/commercial rubber recycling and an increase of industrial rubber recycling. A more detailed account of the source of the errors and the corrections in specific materials and amounts reported in 2018 and preceding years' data and the corrections made is included in this Plan in Appendix E-Residential/Commercial Reduction and Recycling Data, and Appendix F-Industrial Waste Reduction and Recycling Data.

**2. Differences in financial information reported in quarterly fee reports and the financial data used in the solid waste management plan.**

To the best of our knowledge, with the exception explained below, the historical financial information used in this plan is the information that was submitted in the District's quarterly fee reports and financial data.

Exception: In reviewing the District's expenditures in 2014 through 2018, The District identified inconsistencies in the categories used for expenditures. The inconsistencies were corrected to the extent possible to facilitate year to year comparisons. The total amount of revenue and expenditure remains the same as that reported in the quarterly fee reports.