



HB 592 REVIEW

Revisiting Ohio's Comprehensive Solid Waste Law

Phase II Kickoff

July, 2012

Welcome



- Pam Allen
 - Ohio EPA
 - Chief, Division of Materials and Waste Management

Welcome

□ Meeting Goals

- Review and Discuss Phase I Results
 - Preparing for Phase II Issue meetings
- Engage in stakeholder-to-stakeholder conversation
- Lay out vision for Phase II

Agenda

- Welcome, Opening Remarks and Phase I Overview
- Goals and Vision
- Part 1: Technical Issues & ‘Big Picture’ Concepts
 - Technical & Programmatic Issues Roles of Various Entities Other ‘Big Picture’ Concepts
- Part 2: Recycling/Reduction & Other Issues
 - Recycling/Reduction Programs & Concepts Other Issues
- Part 3: Solid Waste Management Districts
 - SWMD Planning Issues Structure and Services Rules and Authorities Revenue and Expenses
- Phase II Logistics

HB 592 Review

□ General Principles

- Looking comprehensively at the entire system
- Open, transparent process
- Consensus-seeking
- Primary focus is to make the system more efficient and effective
- Not afraid to think big

General Update: Phase I

- Nearly 300 participants in Phase I
- 39 Phase I meetings
 - 32 External
 - 7 Internal
- Written Record
 - ~130 pages of Notes (front/back) from meetings/calls
 - 17 Prepared Documents (hard copy and electronic)
 - 14 Substantive Emails/General Comments

Who We've Heard From

(Not all-inclusive)

Organization	Date
Manufacturers (OMA)	30-March
NSWMA	4-April
Ohio Chamber	4-April
OEC/Sierra Club	4-April
Ohio Townships (OTA)	9-April
Ohio Resilience Inst.	10-April
SWANA	11-April
Ohio Recyclers (AOR)	16-April
JAZ Environmental	16-April
GT Environmental	19-April
Waste Alternatives	19-April
OSWDO/CCAO	30-April

Organization	Date
Municipal League (OML)	1-May
Resource Recycling	7-May
OEHA	19-April
Ohio EPA - Districts	2-20 April
Ohio EPA - Central	13-April
Individual SWMDs	March – May
Ohio Residents	April – June
Rural Action Zero Waste	23-May
Local Organizations	April - June
Businesses	April – June
MORPC	30-May
Green Umbrella	15-June

Goal/Vision/Mission



- Ohio EPA recognizes the value of having a framework to work within throughout the process
- Ohio EPA will be working on a draft vision statement for Ohio's solid waste management system as whole and posting it for comment in the near future

Phase II Solutions Framework

Statutory Changes	Regulatory Changes	'Parking Lot' Issue Identification	Partnerships & Initiatives	Shared Visions and Goals
	Guidance, Policies & BMPs			

Group Activity

Identify the 3 Most Important issues that you would like to see discussed during today's meeting

Phase I Review: Part 1

- Waste Management Technical and Programmatic Issues
- Roles of Various Entities
- Other Big Picture Changes

Part 1: Technical & Programmatic Changes

- ▣ What, if any, technical rules and regulations should be addressed?
 - Beneficial Reuse
 - Rules should be finalized and implemented/codified
 - Rule 27-13
 - Process needs to be more clear and fully paid for at all steps
 - ORC 6111
 - Consistency needed between various division rules and code sections
 - Background check requirements
 - Further reduction of who and how much data is collected (beyond SB 302)
 - Regulation of high-volume, low-toxicity industrial waste
 - Definitions including “exempt waste”, “storage”, “earthen materials”, etc...
 - Clarification regarding regulation of lime sludge and other wastes
 - Clarification of proper roles among various Ohio EPA divisions

Part 1: Technical & Programmatic Changes

- Should siting criteria and other requirements for landfills be altered?
 - Additional water, air and radiation monitoring/protection?
 - No specifics provided, but general increase desired
 - Larger setbacks?
 - Include more “green space”
 - Additional criteria such as traffic? Need? Noise?
 - Bioreactor landfills
 - Fundamental shift from ‘cap-and-monitor’ concept currently utilized
 - Eliminate recirculation of leachate
 - Hold Public Meeting only if requested
 - Post-Closure Care
 - Ohio currently has 30 year post-closure, but some would like to see perpetual care
 - Increased frequency of inspections
 - Increased methane capture requirements
 - Require all landfills to collect methane from the beginning of operation

Part 1: Technical & Programmatic Changes

- Other technical and programmatic issues raised during Phase I:
 - Operator Certification Training (Eliminate or only serve as tester)
 - Waste-To-Energy (WTE) framework
 - Support/Opposition runs the spectrum, but most agree we need a framework for reviewing such projects
 - Registration of Material Recovery Facilities (MRFs) and C&DD recycling facilities?
 - Basic registration of facilities
 - License and/or Regulation of Haulers
 - ORC 9.28 (Joint Purchasing) concerns
 - Can Sometimes Promote lack of competition and reduced services
 - Roll ORC 343 (SWMDs) into ORC 3734 (Solid & Infectious Waste)
 - SB 290 concepts and issues
 - SWMD Provision of Services/Flow Control of Recyclables
 - Financial Assurance
 - Should be more consistent across the board

Part 1: Roles of Various Entities

- ▣ SWMDs
 - Education vs. Services
- ▣ Ohio EPA
 - Data collection vs. Networking vs. Reporting
- ▣ Health Departments
 - Overall Role in the System
- ▣ Local Entities
 - Should local governments play a larger role?
- ▣ Law Enforcement
 - Open Dumping and Enforcement activities
- ▣ Public vs. Private balance

Part 1: Other Big Picture Changes



- ▣ Regulation of C&DD under Solid Waste Program
- ▣ Regulation of Excluded Wastes under Solid Waste Program
- ▣ Scrap Tire Deposit Program
- ▣ Orphan Landfill Program

Part 1: Reactions, Discussion and Ideas

- Waste Management Technical and Programmatic Issues
- Roles of Various Entities
- Other Big Picture Changes

BREAK

(10 MINUTES)



Phase I Review: Part 2

- Recycling/Reduction Programs and Concepts
- Other non-SWMD Issues

Part 2: Recycling/Reduction Programs and Concepts

- What type of specialized waste streams should Ohio be focusing on?
 - Electronics Recycling (E-Waste)
 - Paint
 - Pharmaceuticals
 - Organics (Yard / Food Waste)
 - Household Hazardous Waste (HHW)

- Are there specific programs/concepts that Ohio should be looking to develop or promote?
 - Extended Producer Responsibility (EPR)
 - Pay-As-You-Throw (PAYT)
 - Population/Density trigger for curbside collection?
 - Bottle Deposit
 - Bar & Restaurant Recycling

Part 2: Recycling/Reduction Programs and Concepts

▣ Programs/Concepts (cont.)

- Packaging Reduction
- Landfill Bans (Plastic bags, Yard Waste, E-Waste, Recyclables, Appliances, etc...)
- Waste Collection Services:
 - Require them for all Ohioans?
 - Require curbside with garbage collection?

▣ Additional Questions/Ideas:

- Should Ohio work to support 'certified recyclers' more? If so, how?
- How can Ohio promote more markets for #3-7 plastics?

Part 2: Reactions, Discussion and Ideas

- Recycling/Reduction Programs & Concepts
- Other non-SWMD issues and ideas

LUNCH

(1 HOUR)



Group Activity

Review the 3 Most Important Issues that you identified
earlier in the Meeting
Have your Issues been covered?

Phase I Review: Part 3

- SWMD Planning Issues
- SWMD Structure and Services
- SWMD Rules and Authorities
- SWMD Revenue and Expenses

Part 3: SWMD Planning Issues

- ▣ What changes, if any, should be made to the planning process?
 - Reduction of Planning Period (5-10 years)
 - Ratification:
 - Elimination of Largest Municipality Veto/Establish Threshold
 - Abstaining municipalities do not count in final result
 - Reduction in Public Notice requirements
 - Expansion of Public Comment Period
 - Reduction of window for final Ohio EPA Review (90 → 45 days)
 - Expansion of window for Ohio EPA Non-Binding Advisory Option (NBAO)
 - Contents of Plan:
 - Reduction in statutory required sections
 - Reduction of emphasis on capacity demonstration
 - Overall simplification
 - Extra step between veto and Ohio EPA written plan (mediation?)
 - Complete elimination of Plan and the planning process

Part 3: SWMD Planning Issues

- Do we need higher quality data, and how do we acquire it?
 - Centralized Ohio EPA reporting and data dissemination
 - Required reporting for large generators/entities
 - Required response to SWMD ADR/Plan Surveys
 - Required reporting by MRFs and other recycling facilities
 - Required reporting by haulers
 - All data should be due by March 1st of each year

- Should the reporting process, frequency or other factors change?
 - Ohio EPA should create annual statewide report from ADR submissions
 - Ohio EPA should create annual report for Ohio Legislature

Part 3: SWMD Planning Issues

- What is the role of the State Plan, SWAC and the Format?
 - SWAC should be eliminated/have altered membership
 - State Plan should be eliminated
 - State Goals:
 - Zero Waste
 - Breakdown by material (especially Yard Waste)
 - Urban vs. Rural
 - Overall goal only (no separation of R/C/I sectors)
 - Should be stronger, more ambitious
 - SWMDs should strive for, but not be required to meet
 - Measurement of Goals:
 - CO² Footprint
 - Per Capita waste disposal
 - Format shouldn't be legally binding, serve as a guidance document instead
 - Format should be included as appendix in State Plan
 - State Plan should have regular updates (5 years)

Part 3: SWMD Structure and Services

- Should the composition and structure of SWMDs change? How so?
 - Number of SWMDs (More/Fewer/Same)
 - Establish and enforce population threshold (new or current)
 - Policy Committee (PC) changes:
 - Allow for 'non-statutory' membership of 3+ county SWMDs
 - Allow video conferencing of PC meetings in 2+ county SWMDs
 - Require Marketing professional on PC
 - Authorities (Promote/Alter/Eliminate)
 - Leadership of SWMD should be elected (as opposed to Board of Trustees)
 - Name Change
 - SWMDs should not own landfills/disposal facilities
 - SWMDs should only be considered in one Ohio EPA district office

Part 3: SWMD Structure and Services

- What services should SWMDs offer or focus on?
 - Need for overall increase in recycling
 - Need for more statewide consistency
 - No mandated services, services tailored to local needs
 - Focus should be on education
 - Additional HHW Collection events needed
 - Allow discontinuation of services based on 'economic viability' (without rewriting the plan)
 - Focus on establishing consortiums (public and private)
 - Maximum utilization of existing resources/facilities

Part 3: SWMD Rules and Authorities

- Should Designation (Flow Control) powers/process change?
 - Keep it as it is
 - Allow only for instances of public debt
 - Remove designation powers completely
 - Remove designation powers from recyclables
 - Reduce public notice and input process for designation
- Do we need to change other rules and authorities?
 - Review 343.01(G) rules and authorities
 - Siting and Operations Criteria (Eliminate/Keep/Alter)
 - New Rule: Governing Required Services within District by haulers
 - Out-Of-District Waste (Intra-state waste)
 - Retain authority to deny at public facilities
 - Retain authority to regulate acceptance at private facilities only when capacity issues exist

Part 3: SWMD Revenue

- ▣ Should the fee structure to fund Ohio EPA/SWMDs change?
 - Move away from per-ton fee system and find more stable source
 - Centralized fund managed by Ohio EPA
 - Disposal Fee:
 - Eliminate tiered structure, flat fee across state
 - Remove \$1.00/ton floor
 - Retain caps
 - Generation Fee:
 - Establish cap (current maximum: \$10.00/ton)
 - Establish cap at \$1.50/ton, \$6.00/ton if covering post-closure care
 - State Fee:
 - Reduce to \$3.50/ton
 - Review/alter allocation
 - Contract/Designation Fees:
 - Clarify in statute
 - Allow “rates and charges” without direct services by the District

Part 3: SWMD Revenue

- ▣ What about other revenue sources/activities?
 - Protect (or increase) Host Community Fee
 - Create dedicated funding source for Health Departments
 - Independent of SWMDs
 - Based on formula established during this process
 - Additional funding for educational activities
 - Create fund for law enforcement assistance
 - New funding source for DRLP

- ▣ Additional Revenue issues:
 - Require fee changes to be put to a vote
 - Simplify procedure for reducing fee
 - 2 public hearings and a resolution, no re-ratification of plan

Part 3: SWMD Expenses

- ▣ Should there be any changes to the 'Allowable Uses'?
 - Eliminate #8: Health Department Training/Certification Funding
 - Add 11th Use: "District/Authority Goals and Objectives"
 - Allow for Surface Water Testing
 - Allow for funding to roads not in landfill home township

Part 3: SWMD Funding - General

- Change Quarterly Fee Reports (QFRs) to yearly
- Allow for yearly remittance (instead of month) of generation/disposal fees for facilities taking a small amount of district waste
- Require any reduction in fees to be passed on to consumers?
- Should there be rules regarding carryover balances?

Part 3: Reactions, Discussion and Ideas

- SWMD Planning Issues
- SWMD Structure and Services
- SWMD Rules and Authorities
- SWMD Revenue and Expenses

BREAK

(10 MINUTES)



Questions to Consider

- ▣ What ideas/concepts are most important to you? Least important?
- ▣ Are there things you didn't see that you expected and would like to add to the pool for consideration?
- ▣ Are there questions you have about any of the topics?
 - ▣ Feel free to directly engage in discussion with other stakeholders
- ▣ Are there items which you believe should not be part of the review process?
- ▣ Any other general thoughts?

Phase II Overview

- ▣ July 'Kickoff Meetings' in Elyria and Kettering
 - Also a WebEx event broadcast from Columbus

- ▣ August issue-specific meetings

- ▣ Professional Facilitation Services

- ▣ Different topics may require various methods after initial meeting:
 - Additional Facilitated Meetings
 - White Papers
 - Subcommittees

Phase II Solutions Framework

Statutory Changes	Regulatory Changes	'Parking Lot' Issue Identification	Partnerships & Initiatives	Shared Visions and Goals
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Remaining Timeline

- Phase II: July – October 2012
 - Issue Facilitation and Consensus Building

- Phase III: October – December 2012
 - Formal Proposals released by Ohio EPA
 - Series of meetings for public input and feedback
 - Revisions
 - Final Proposals

- Phase IV: 2013
 - Legislative Initiative

How You Can Stay Involved

- Participate in Phase II meetings
- Get on official listserv
- HB 592 [Website](#)
- Continue to submit written comments

- Primary Point of Contact: Christopher Germain
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Questions?



Thank You for Participating!

Ohio Solid Waste Management Review Process

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