

June 2007

2006 Out-of-State Waste

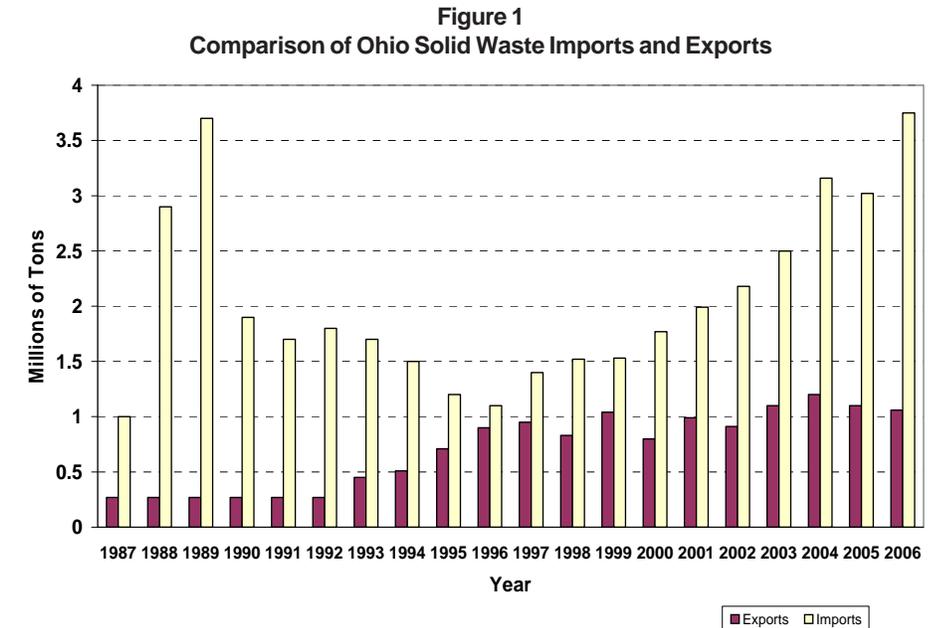
When Ohio passed its last comprehensive solid waste law in 1988, it took a step toward responsibly managing waste by assuring in-state capacity for solid waste generated in Ohio and by setting state recycling goals. As a result, Ohio has achieved a residential/commercial recycling rate of 25 percent and an industrial recycling rate of 57 percent. Ohio also has secured enough permitted landfill capacity to last nearly 30 years at the current rate of use.

Unfortunately, statistics show that Ohio is importing a growing amount of out-of-state waste, with 2006 receipts exceeding the previous record set in 1989. This fact sheet provides a summary of out-of-state waste trends and current issues of concern.

Historical perspective

From 1986 to 1989, out-of-state waste disposed in Ohio increased from approximately 33,000 tons, representing less than one percent of total disposal, to about 3.7 million tons, representing 20 percent of total disposal. This sudden increase in out-of-state waste imports, coupled with limited disposal capacity at that time, was one of the issues that prompted the passage of House Bill 592 in 1988. That law created a structure for Ohio to plan for adequate disposal capacity, established statewide recycling goals and required landfills to meet stringent design and operational standards.

Following the peak in 1989, waste imports decreased significantly to approximately 1 million tons in 1996, or six percent of total disposal. Since that time, Ohio has seen a 10-year trend of relatively small but steady increases in waste imports almost every year (Figure 1).



Why do other states export their waste?

The availability of in-state landfill disposal capacity coupled with relatively low disposal costs are two of the main drivers of the import and export of solid waste. For the past several years, the overall amount of waste transported across state borders has risen to nearly 20 percent of all waste disposed in the United States, up from approximately 10 percent of total waste receipts just five years ago. The major exporting states include New York (more than 8 million tons), New Jersey (more than 5 million tons), Missouri and Illinois (more than 2 million tons each) and Maryland (more than 1.5 million tons). New York and New Jersey combined export approximately 35 percent of all waste that crosses state boundaries.*

In Ohio and nationally, the trend is toward fewer permitted landfills but with greater disposal capacity, owned and operated by fewer companies. As this trend continues, assuming transportation costs do not rise

significantly, imports and exports are likely to comprise a growing percentage of waste disposed in the U.S. Proximity may also serve as an incentive for solid waste to cross a state border. Haulers and landfills under the same ownership, but located in different states, may transport waste across state lines to maximize profits.

Why can't Ohio stop the import of out-of-state waste?

States cannot pass laws restricting or prohibiting out-of-state waste shipments due to U.S. Supreme Court decisions that have determined the shipment of waste is considered an act of commerce, and therefore protected from state restriction by the Commerce Clause of the U.S. Constitution. As a result, state and local governments cannot impose prohibitions or restrictions on the receipt of out-of-state waste nor can they impose waste disposal fees that discriminate on the basis of origin.



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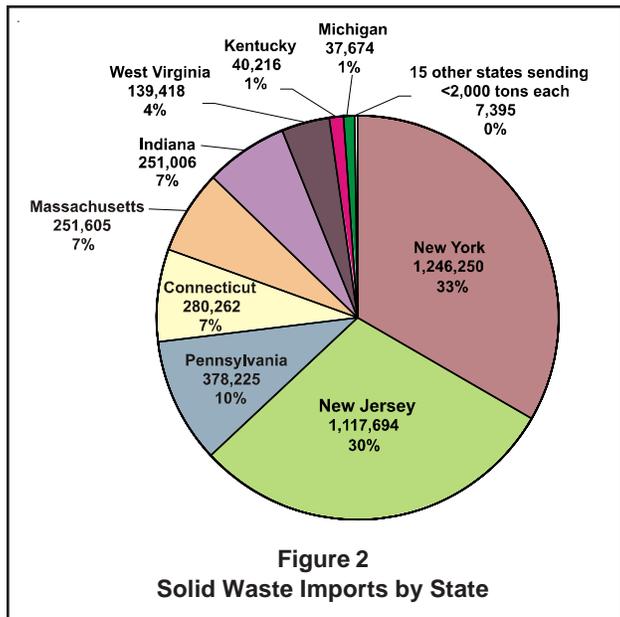


Figure 2
Solid Waste Imports by State

The federal government could pass legislation granting states the right to impose waste restrictions or prohibitions. For many years, Ohio officials have been vocal advocates for federal legislation that would give states the right to restrict out-of-state waste. Ohio EPA has advocated for the passage of such legislation and has testified before U.S. Congress-

ional hearings in support of the issue. However, federal legislation has not moved forward.

In 2006, Ohio's municipal solid waste (MSW) landfills received approximately 3.76 million tons of out-of-state waste, constituting about 15 percent of total landfill disposal in Ohio and 21 percent of waste received at municipal solid waste landfills. It is estimated that Construction and Demolition Debris (C&DD) landfills in Ohio received an additional 3.5 million tons of C&DD waste from out-of-state sources, or roughly 50 percent of all C&DD waste disposed in Ohio. This means that the total amount of waste imported to Ohio during 2006 was 7.26 million tons, the highest ever in Ohio's history. A majority of the imported waste (4.48 million tons) was C&DD waste sent to

sional hearings in support of the issue. However, federal legislation has not moved forward.

Amount of waste imported in 2006

In 2006, Ohio's municipal solid waste (MSW) landfills received approximately 3.76 million tons of out-of-state waste, constituting about 15 percent of total landfill disposal in Ohio and 21 percent of waste received at municipal solid waste landfills. It is estimated that Construction and Demolition Debris (C&DD) landfills

both C&DD and municipal solid waste landfills. The next largest amount was municipal waste (2.09 million tons) followed by industrial waste (552,277 tons).

Where does the waste come from?

In 2006, landfills in Ohio received waste from 22 states throughout the country (and a very small amount from two jurisdictions outside of the U.S.). The largest amounts of waste were from New York and New Jersey, each of which exported more than 1 million tons of waste to Ohio. Together, this represents about 63 percent of the waste received from out of state (Figure 2). Other significant points of origin include Pennsylvania, Connecticut and Massachusetts.

What landfills are taking this waste?

In the past, the majority of MSW imports were received by two Ohio landfills, Carbon Limestone Landfill in Mahoning County and American Landfill in Stark County. Those two facilities received 58 percent of all imports in 2004. While Carbon Limestone continues to receive the greatest amount of out-of-state waste, over the last few years several additional facilities have started to receive significant amounts of waste imports (Figure 3).

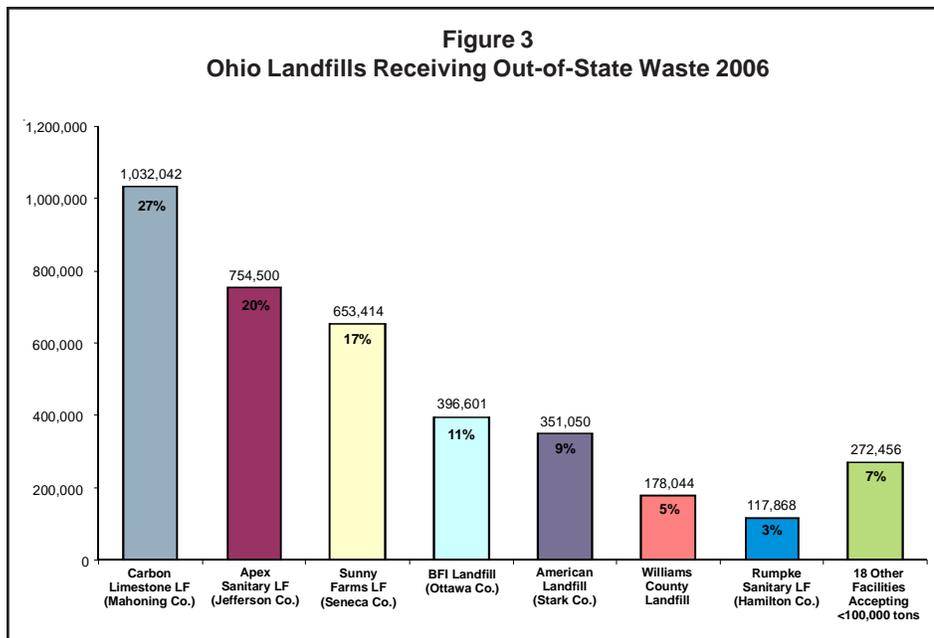


Figure 3
Ohio Landfills Receiving Out-of-State Waste 2006

Effects of rail transportation

Rail transportation is emerging as a significant factor in the movement of interstate waste. Apex Landfill (Jefferson County), Ottawa County Landfill and Sunny Farms (Seneca County), which received the second, third and fourth highest amounts of waste imports respectively in 2006, are all serviced by rail lines into the facilities. These facilities did not receive any appreciable amounts of out-of-state waste until recently, when their rail lines became active.

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Ohio's vulnerability to out-of-state waste

Several factors make Ohio vulnerable to out-of-state waste. First, Ohio has ample permitted MSW landfill space to receive the waste, with nearly 30 years of capacity remaining at the end of 2006. If all pending landfill permit applications are ultimately approved, Ohio could

have more than 36 years of permitted capacity in the future.

More important than capacity are Ohio's relatively low disposal, or tipping, fees. Ohio's average tipping fees for MSW are about \$26 per ton lower than the average for other states in the northeast part of the country. The table below shows how Ohio's average tipping fee compares to some neighboring states and New York and New Jersey.

Average Tipping Fee	
Ohio	\$32.00
Michigan	\$36.00
Kentucky	\$31.00
Indiana	\$32.00
West Virginia	\$35.00
Pennsylvania	\$58.00
New York	\$95.00
New Jersey	\$73.00

More than 90 percent of the waste received by Apex Landfill comes to Ohio via rail. This facility, for which 2006 was the first full year of operation, received more than 750,000 tons of out-of-state waste, and accounts for the increased tonnages of out-of-state waste received in Ohio from 2005 to 2006.

There are now four MSW landfills that have direct rail access, with one more in the planning stages. There are at least four C&DD facilities that receive waste by rail and four off-site C&DD rail transfer stations.

There has been a long-standing concern that compacted waste imported via long-haul trucks contains hazardous or untreated infectious waste. The increased use of rail transportation intensifies this concern.

Why is out-of-state waste a concern?

Many citizens express concern or are reluctant to recycle upon learning that other states send solid waste into Ohio for disposal. Ohio EPA is also concerned about imported waste because it is difficult or sometimes impossible for state and local inspectors to verify that hazardous or untreated infectious waste has not been included in solid waste shipments that are heavily compacted before being shipped long distances.

Ohio EPA has observed numerous environmental problems related to the long-haul transportation of C&DD, including the production of hydrogen sulfide at facilities that receive this material; receipt of material contaminated with solid waste; and receipt of material that is pulverized to the point that it is impossible to determine the type of material being received.

The rate of increase in out-of-state waste is another concern due to the possibility that the remaining capacity in Ohio could be significantly reduced if out-of-state imports continue to grow.

Ohio waste exports

Ohio also exports some waste to its neighboring states. Over the last several years, Ohio has exported from 800,000 to 1 million tons of waste to neighboring states each year. In 2006, Ohio exported approximately 1.06 million tons to facilities in contiguous states. Generally, waste is exported from Ohio to neighboring states when the closest landfill to a community is located in another state.

* Interstate Shipment of Municipal Solid Waste: 2004 Update. Congressional Research Service Report for Congress. Sept. 9, 2004. James E. McCarthy