Summary Minutes As Approved on 10/20/2016
Ohio Materials Management Advisory Council (MMAC)
August 18, 2016
Lazarus Government Center
50 West Town Street, Suite 700
Columbus, OH 43215

The following members were present:

Michael Dinneen, Private Sector
Jennifer Fenderbosch, Municipalities
Jenna Hicks, Solid Waste Management Districts
Kimberly McConville, Private Sector
Kathy Trent, Private Sector
Frank Szollosi, Environmental Advocacy Groups
Beth Mowrey, Private Sector

Ohio EPA Updates and Reorganization

Terrie TerMeer provided an update on some of changes happening in the Division of Materials and Waste Management (DMWM). The Division recently went through a re-organization that removed the hazardous waste program from DMWM – it is now housed in the Division of Emergency Response and Revitalization. DMWM's new table of organization has a health department/district office liaison and a business operations center. The division's units have been realigned so that subject matter expects are more easily identified, such as scrap tires, oil and gas, as well as construction and demolition debris (C&DD). Other aspects include a section to focus on emerging technologies, research and rules to help be in front of the curve with trends in the industry.

In general, there will be a lot of focus on the Agency's overall goals while the division's work-plan is developed, with support from the Director. It was asked which of the Director's goals provides focus on market development. The Agency is currently looking at all waste streams for potential beneficial use projects and market development is part of it. Asphalt shingles were a specific example that were discussed. It was suggested that the Director's priorities should be shared with the group.

National Waste Management and Recycling Trends

Chaz Miller, with the National Waste and Recycling Association, provided a presentation on the state of recycling in America. He related to the vast changes the waste industry has went through in the last five decades and specifically the changes seen in the last ten years. The three key trends discussed were the evolving ton, markets, and sustainable materials management (SMM).

The evolving ton relates to the changes in raw materials found in the things we consume. The major changes include less paper, more plastic, electronics products, and future

products that cannot be planned for. The paper reduction is a result of less printed material, although cardboard is doing fine because of online purchasing. Plastic in the waste stream has increased overall, but where it can be found in the waste stream has changed. Durable plastics have increased, while nondurables (films, plates and cups) and packaging have decreased. The amount of electronics in the waste stream has decreased significantly because we now have one phone that has replaced all of the following items: cell phone, video camera, laptop, walkie talkie, photo camera, Walkman, watch and pager. This has resulted in higher electronics recycling rates, but the tonnage is down.

Source reduction was another reason for the changing waste stream. One example was the 37 percent reduction in the weight of a plastic water bottle over a seven-year period. Aluminum cans have also been light weighted so that it takes significantly more cans to make a pound. Overall, these changes are good for the environment since the transportation costs are reduced. The challenge for material recovery facilities (MRFs) is that they are seeing an increase in the volume of material while the weight of material has gone down – leading to increased processing costs. Zero waste is also a factor on the reduction in the waste stream. The idea of turning a cost into an asset has resulted in millions of tons of industrial waste not being created through process changes and better engineered packages.

Mr. Miller indicated that we have to stop relying on solid waste plans/studies that are based on the idea that what's in the waste stream will not change and always increase at predictable rate. There is a need for more flexible planning.

Relating to the challenges in the recycling markets, it was related that recyclables are, in essence, raw materials that come from the waste stream and are sold to buyers that have a need for them. They will always be in competition with virgin materials that have more predictability in the quantity and quality that can be delivered. The reasons for the challenges with the markets include the price of oil (lowers all costs and plastics directly), strength of the U.S. Dollar (affects overseas demand), China (Green Fence), production overcapacity, and supply and demand. Mr. Miller related that recycling is no longer driven solely by markets, but instead is driven by state recycling laws and improved collection techniques.

The bottom line is that recycling costs money. In order to stem the costs, it was related that we need to contract better, we need better education on how to recycle right and we need better enforcement. The goal for enforcement would be to create a social norm for recycling, not be heavy handed (Oops tags, refusing recycling at the curb).

The idea of SMM is a paradigm shift in how we look at what we do. The concept was included in an U.S. EPA publication in 2009 and Oregon became the first state to adopt this way of thinking with 2015 legislation. "Sustainable materials management is a systemic approach to using and reusing materials more productively over their entire lifecycles. It represents a change in how our society thinks about the use of natural resources and environmental protection. By looking at a product's entire lifecycle we can

find new opportunities to reduce environmental impacts, conserve resources, and reduce costs." Flexible packaging was looked at as an example. Although the material is not recyclable, the packaging creates less overall waste since it is lightweight and has a lower environmental footprint.

Mr. Miller also discussed different methods used to measure recycling. Weight based and volume-based recycling measurement do not relate to the environmental impact of recycling a particular material. Per capita disposal was another option referenced. Greenhouse gas impact is an interesting new option. Oregon's new law requires their Department of Environmental Quality to establish "outcome-based waste-shed recovery rates." The environmental impacts of recycling different materials were shown in metric tons CO2 equivalent, based on tonnage and the environmental impact of recycling those tonnages.

The question of "how much can be recycled and how much should we try to recycle?" was asked. A study has shown that 70% of our waste stream is recyclable, 20% is impossible to recover and 10% is currently not able to be recovered. Chaz related this to the concept of setting recycling goals – are they aspirational rather than realistic? The result may essentially be aggressive reporting, which is not the intended result.

Senate Bill 333

Teri Finfrock and Janine Maney, Ohio EPA – Legal Services, provided the group with an update on recently introduced legislation, S.B. 333. The pertinent portions of the bill relate to C&DD facilities, specifically transfer facilities. The law clarifies the ability for these facilities to have recycling operations and specifies an exception for clean hard fill. It also lays out financial assurance requirements and requires a program to deliver operator certification for those facilities.

One provision of the bill allows funds from environmental penalties to be used to help clean up abandoned and closed landfill sites in Ohio. Also, the bill gives additional ability to access properties in order to perform clean-ups where there is substantial threat to human health. This can now be done when an owner of property cannot be found in order to remediate and a lien can be attached to the property – this was already done for hazardous waste.

Another provision of the bill allows for some alternative financial assurance options for C&DD facilities. An example was having soil available on site for closure activities versus having the money. A third party agreement would be another option. There was discussion regarding the ability of C&DD facilities to do this versus solid waste facilities. It was recommended to include this discussion on the next agenda.

Approval of June 16, 2016 Minutes

Council members reviewed the draft summary minutes from the June 16th 2016 meeting. Two minor revisions were identified in the text. Beth Mowrey moved to accept the minutes as revised. Kimberly McConville seconded. Motion passed unanimously.

Proposed Legislative Planning Changes

Andrew Booker, Ohio EPA-DMWM, provided a presentation focused on legislative changes that have been proposed in the recent past that would affect the solid waste management planning process. The changes ultimately were not included in any legislation. The "consensus items" were provided in order to simplify and streamline planning process. Specifically they would reduce the time to complete a plan, add flexibility for solid waste management districts (SWMDs), and would clean up unnecessary and confusing items.

The pertinent details of the current system were provided:

- Plans must cover at least 10 years, but can cover 15 years or more;
- SWMDs submit plan updates every three or five years, depending on length of plan;
- Entire process results in a 4.5 – 6.5 year cycle between approved plans;
- SWMDs submit their plans to Ohio EPA first as a draft, then as final for approval (or disapproval); and
- Failure to get approval by a certain date triggers Ohio EPA writing of their plan.

The proposed changes would result in:

- All SWMDs writing 10 year plans;
- No required start date for each plan update process;
- A 5.5 year cycle between plans;
- Standardized Ohio EPA review time to 60 days for both draft and final plans (was 45 and 90 days);
- Allow SWMDs 60-day extensions for deadlines;
- Clarified public noticing requirements; and
- Miscellaneous language clarification and clean-up.

The proposed changes may not seem significant to the common bystander. However, to those involved intimately with the planning process, the changes provide some needed clarification and flexibility to the program.

There was discussion about how the planning process provides a vehicle for discussion to occur at the local level. SWMD representatives at the meeting indicated how the plan effectively provided guardrails for them. There is flexibility within the plan. It also can be used rigidly when needed.

Andrew also referred to other items that were wanted by various entities but were not included in any legislative recommendations because of their controversial nature. The

first was to add additional requirements for SWMDs that utilized flow control of their waste. The proposal was to make more analysis occur before a SWMD could execute flow control. There was consensus on this item. The second item was to eliminate the veto rights of the largest municipality in SWMDs. There are some SWMDs where the largest municipality comprises a very small percentage of the SMWD's population and the veto powers often do not seem appropriate. This item was discussed with the Ohio Municipal League and did not move forward. The third item was the proposal to regionalize SWMDs. Ohio, as a state, generally does not like to revoke local control so this item was highly controversial and did not move forward. Another item discussed was how solid waste fees are assessed. There were a variety of creative ideas on how to change the system.

Open Discussion

The discussion shifted to the State Solid Waste Management Plan (State Plan). The SWMD plans support the State Plan. The group needs to focus on the State Plan. Oregon's implementation of SMM initiatives was brought up again and it was indicated that a better understanding of the concept was needed. One idea that should be considered in the process would be to look how programs could be further integrated with the processors of the materials because the private sector ultimately drives the programs.

Another item brought up was the concept of small quantity generators of hazardous waste. Businesses that only produce small amounts of hazardous waste do not have to follow all of the provisions of the hazardous waste laws. Some SMWDs have asked whether such entities could be allowed to used household hazardous waste facilities or drop-off events.

Next Steps and Wrap Up

Relating to the legislative proposals, the group should develop two lists. The first would be a pragmatic track and the second would be a "blue sky" track or essentially a wish-list.

The discussion of the Director's priorities and any updates relating to H.B. 333 were indicated as potential agenda topics as well.

Frank Szollosi moved to adjourn the meeting, seconded by Jennifer Fenderbosch. The motion passed unanimously.

Respectfully submitted: _____
Chair

Minutes approved on: _____

Certified by: _____
Secretary