

Presented to:
**Ohio Solid Waste Advisory Council
(SWAC)**

OHIO SOLID WASTE MANAGEMENT SYSTEM REVIEW: SWAC UPDATE

March 21, 2013

Solid Waste Management Review: Process

4 Phase Process (Approximately 18 months)

Phase I: *Information Gathering*



Phase II: Discussion and Consensus Building

Phase III: *Formal Proposal*

Phase IV: *Legislative Initiative*

Solid Waste Management Review: The Basics

Ohio EPA maintains our commitment to original HB 592 principles:

Waste management must be protective of human health and the environment

Continue to reduce reliance on landfills for solid waste management

But, we continue this process with very few pre-conceived notions about how to maintain that commitment

Solid Waste Management Review: Process

Phase I: *Information Gathering*

March 2012 – June 2012

Informal sit down meetings

- Ohio EPA invitation
- All the obvious interested parties
- Information gathering focus
- Open invitation to others and individual members



Solid Waste Management Districts

County Commissioners

Health Departments

Environmental Groups

Recycling Organizations

Ohio Municipal League

Ohio Township Association

Ohio Chamber

Ohio Manufacturers

Solid Waste Consultants

NSWMA / SWANA

Individual Businesses

Individual Citizens

Planning Organizations

Solid Waste Management Review: Process

Phase 2: *Discussion and Consensus Building*

July 2012 – Spring 2013

Significant resources being directed to research and benchmarking

Various methods of stakeholder engagement depending on issue

Facilitated discussions on certain issues

- Contracting with professional facilitators
- Ohio EPA is also encouraging discussion among IPs

Ultimately seeking consensus-based solutions

Solid Waste Law Review: Solutions Framework

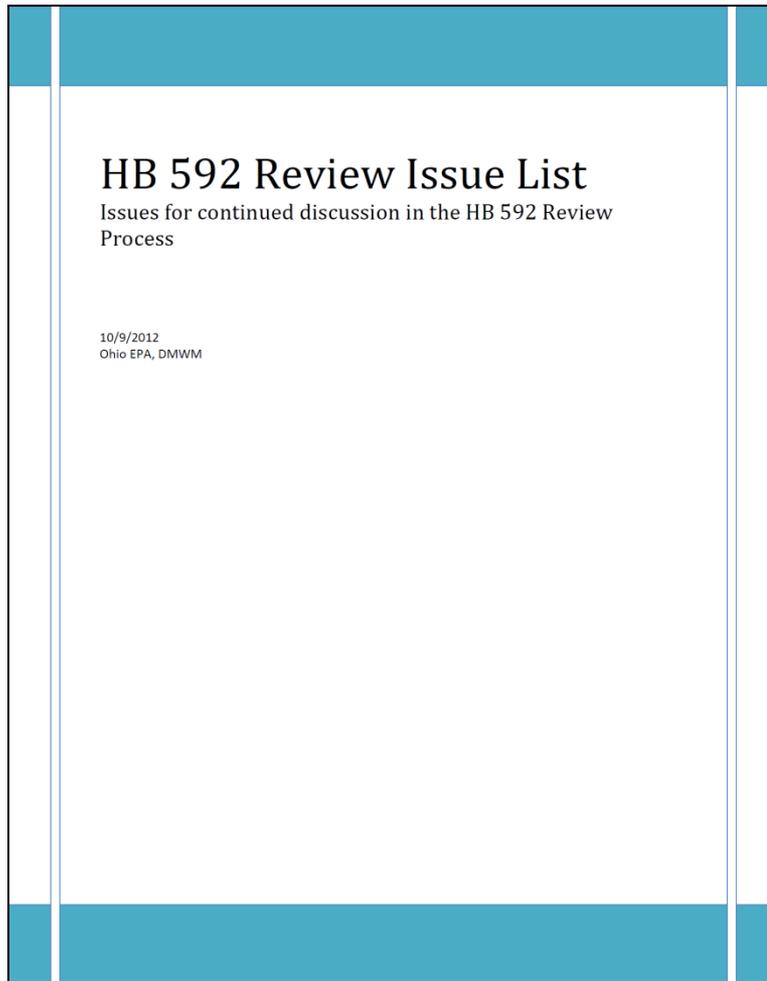
Statutory Changes	Regulatory Changes	Partnerships & Initiatives	Shared Visions and Goals	'Parking Lot' Issue Identification
	Guidance, Policies & BMPs			

Solid Waste Law Review Process: Vision 2035

Final Version (Released March 4, 2013):

“Ohio continues to reduce waste generation. Waste materials that are generated are recognized as important resources that often have significant economic value. These materials are managed in ways that maximize that value and prevent the negative impacts associated with improper management. Ohio will manage waste materials via a competitive and innovative portfolio of best management practices that include recycling, composting, and other beneficial approaches, with disposal as a last resort. These practices are developed and operated by public, private and non-profit stakeholders at all stages of the product life cycle. Landfilling is practiced at an ever decreasing rate, while Ohio strives toward zero landfilling.”

Solid Waste Management Review: Issue List



Nearly 100 issues – all raised from Phase I

As of 10/9/2012, Ohio EPA was willing to commit resources to these issues

Less than 20 issues were removed between Phase II kick-off meetings and the issuance of this list

New update currently in the works.

Solid Waste Management Review: Process

Phase 2: Current Status

Over 15 Phase II meetings have been held thus far on various issues:

- Solid Waste Management District Planning Issues
- SWMD Authorities (including Designation/Flow Control)
- SWMD Consolidation
- Ohio's Scrap Tire Program
- Electronics Recycling
- Facility Oversight

Proposals on several issues are in the drafting stages, including:

- Post-Closure Care
- Abandoned "Orphan" Landfills
- Landfill Redevelopment
- Local Involvement and Responsibility

Other issues remain in the queue ready to be addressed when resources allow

Solid Waste Management Review: Research

Phase 2: Current Status

Examples of Phase II research and other materials:

[Scrap Tire Program Background](#)

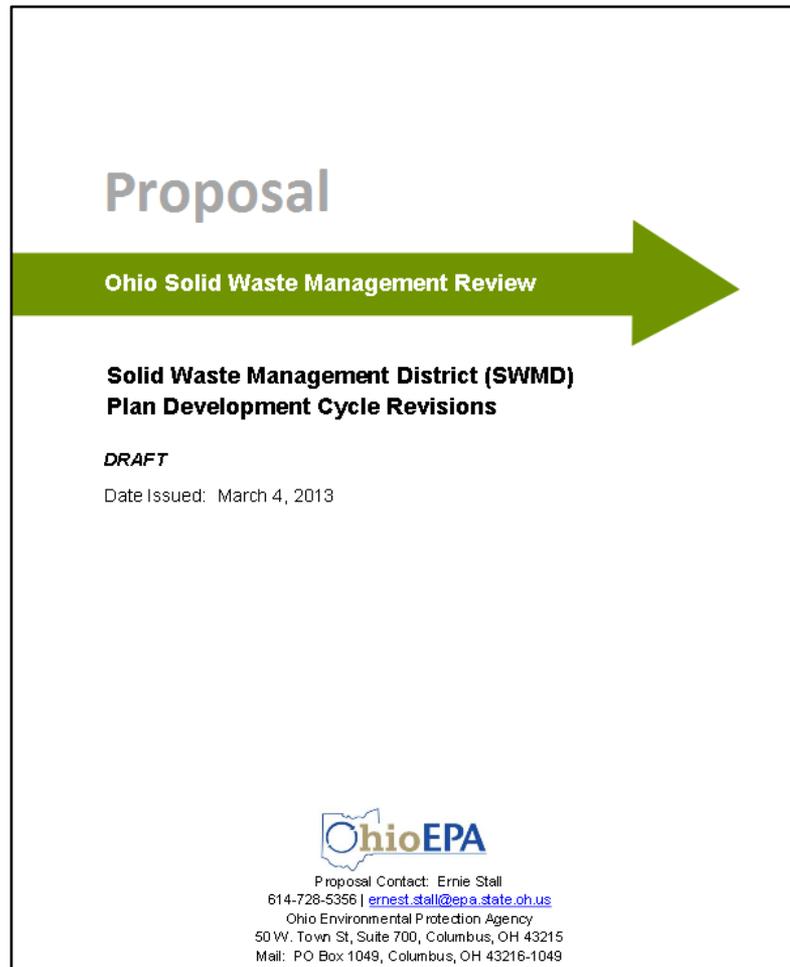
[SWMD Planning/Authorities Discussion Material](#)

[Health Department Funding Spreadsheet](#)

[SWMD Populations Spreadsheet](#)

[SWMD Population Map](#)

Solid Waste Management Review: Proposals



All draft proposals will be issued in a consistent format

Draft Proposals are slated to be released between March and June

Currently anticipate between 20 and 24

Posted to website for public comment prior to final proposal

Solid Waste Management Review: Active Issues

SWMD Planning Revisions ([Doc](#))

Draft Proposal released March 4, 2013 (Public Comment due April 1)

9 proposed changes to the planning process:

- Elimination of statutory start date
- All SMWDs plan for 10 year cycles
- All Plans on 5.5 year update schedules
- Expansion of NBAO period
- Clarification of public hearing requirements
- Reduction in plan development timeframe (from draft to final)
- Ohio EPA contingent approval before ratification
- Allow 'for cause' extension
- 3rd year non-substantive changes opportunity

Solid Waste Management Review: Active Issues

SWMD Consolidation

In draft form and currently undergoing final review

Ohio EPA hosted January 10 meeting at CCAO on the issue

Ohio EPA collaborated with an 11-member committee comprised of SWMDs and CCAO/Counties

- Met 4 times, including an in-person meeting
- Participation on committee does not signify agreement with consolidation

Discussions have raised 3 key ideas:

- Regional Planning
- Removal of current barriers to shared services
- Limited consolidation

Solid Waste Management Review: Active Issues

SWMD Consolidation: Regional Planning Pilot

Regional Planning pilot will include one or two regions

Ohio EPA Planner will help facilitate development of Regional Strategic Plan (RSP), which may include:

- District profiles
- Regional data including generation, recycling, disposal, etc...
- Regional trends, advantages and disadvantages
- Regional facility/infrastructure inventory
- Regional capacity demonstration
- Regional goals
- Regional collaboration and shared services

RSP should be strategic in nature and non-binding

Solid Waste Management Review: Active Issues

SWMD Consolidation: Promoting Shared Services

Breaking down barriers and building up connections to promote additional shared services:

- Establishing statewide contracts for common goods and services, such as recycling containers, household hazardous waste services, educational services, and more.
- Developing additional guidance and case studies to increase the use of best practices in cooperative contracting and shared services.
- Developing a list of active shared services and opportunities to serve as examples to other SWMDs.
- Increasing use of networking opportunities, such as the Ohio EPA/SWMD Workgroup and OSWDO regional groups.

Solid Waste Management Review: Active Issues

SWMD Consolidation: Limited Consolidation

Limited consolidation will be based on a population threshold of 100,000 (19 SWMDs fall below this currently – [map](#))

3-tiered process for consolidation

- Voluntary discussions and agreements
- Ohio EPA facilitated discussions and agreements
- Ohio EPA directed mergers

After agreements in place, additional time allowed to work out various issues including assets, personnel, rules, etc...

A **waiver** based on past performance, stable funding, continued improvement and commitment to cooperative activities may be granted

Solid Waste Management Review: Active Issues

SWMD Rules and Authorities / Flow Control

Issues in Discussion and Research Phase

Will most likely be two proposals: Authorities | Flow Control

Have met with each side: December 20 (SWMDs) and January 14 (Industry) to discuss the issues

February 8 meeting originally scheduled, but postponed due to facilitation issues; rescheduled to April 11 (small group invitation).

- Now working with Terry Wheeler, from Capital University Center for Dispute Resolution for facilitation services

Solid Waste Management Review: Active Issues

Facility Oversight

Proposal in research and conceptual stage

Initial webinars (Dec. 10) and meetings (Dec. 17) in 2012

Internal group of Ohio EPA staff working on ideas and concepts based on comments from earlier meetings

Currently focused on extensive data gathering

- Health Department funding and activities
- Internal activities
- Inspection standard times and costs

Focused engagement efforts with ODH and Local HDs

Solid Waste Management Review: Active Issues

Facility Oversight

Key goals of any change in this regard include:

- Greater consistency
- Great efficiency
- Expertise
- Cost effectiveness
- Funding stability

Most participants in meetings believe HDs should remain part of the oversight framework

Solid Waste Management Review: Active Issues

Scrap Tire Program

Currently in drafting phase

Two initial meetings with enforcement, industry focus

Working closely with internal program operators and enforcement

Key ideas which continue to be explored/discussed:

- More complete manifest system
- Incentives to keep tires in system
- More clear understanding of responsibilities for all parties
- Bring re-sellers into the system
- Stronger collaboration in education and enforcement

Solid Waste Management Review: Active Issues

Post Closure Care

Currently in drafting phase

Ohio's Post Closure Care system is modeled after federal framework, with a few differences

Ohio has hundreds of landfills in post-closure care, with some approaching the 30-year mark

Criteria for release is being discussed nationwide at this time

Ohio EPA is currently working on the issue – we don't expect the proposal to offer any significant changes, just commitment to further research and future recommendations

Solid Waste Management Review: Active Issues

Abandoned “Orphan” Landfills

Currently in drafting phase

Several internal meetings have taken place to discuss current challenges

Number of truly “orphaned” landfills in Ohio remains unknown

Ohio EPA currently operates CLOSR Program, but has significant limitations

- Proposal may seek some clarification in statutory authority to ensure we have the tools to take care of issues
- Funding is an issue

Cooperation with Division of Emergency Response and Revitalization

Solid Waste Management Review: Active Issues

Old Landfill Redevelopment (Rule 13 Program)

Currently in drafting phase

Working with internal Rule 13 workgroup

Proposal may address two key issues:

- Authorize the development of a cost recovery mechanism
- Clarify authority to address long-term maintenance and protection requirements

Rule 13 Rule Workgroup will also release an “Early Stakeholder Outreach” document at same time as draft proposal.

- The group is currently entering the mandatory 5-year rule review period

Solid Waste Management Review: Active Issues

State Plan and SWAC

Currently in conceptual stages

Membership and role of SWAC up for discussion

- In particular any combination/interaction with RLPAC

Several possible changes to the State Plan

- Require update every 5 years
- Allow modular updates
- Require new Format for local plans within 12 months

Solid Waste Management Review: Active Issues

Local Involvement and Responsibility

Currently in conceptual stages

Met with Ohio Municipal League (OML) in February & presented to Ohio Townships Association in late January

Several possible issues for consideration

- Elimination of the largest municipality veto
- Changes to township franchising process?
- Curbside density trigger?
- Other ways to promote local involvement and responsibility

Have reached out to wider OML membership on Veto issue

Solid Waste Management Review: Active Issues

Electronic Waste

Currently in conceptual stages

Met with a stakeholder group in January

Using SB 253 (2012) as a base for developing new proposal

- Ohio EPA would like to see a few changes to the last version of the bill

May also look into ways to help promote best practices across the state for this specific waste stream

Solid Waste Management Review: Active Issues

Other Proposals Remaining on the Review to-do list

- Registration Requirements
- Plan Contents
- Venue Recycling
- Organics
- SWMD Structure/Misc
- Beneficial Reuse
- C&DD
- Funding (Fees)
- Landfill Permitting
- Misc.

Solid Waste Management Review: Process

Phase 3: *Formal Proposal*

Summer 2013

Develop and issue draft recommendations for public comment

Discuss final proposals with SWAC

Issue comprehensive proposal

- Engage in extensive stakeholder outreach and engagement

Finalize and publish final comprehensive proposal

Solid Waste Management Review: Process

Phase 4: *Legislative Initiative*

Late Summer 2013 - ?

Goal is to pursue legislative action jointly with other interested parties

Consensus is the goal, but we will pursue changes without it if necessary

We may take two “bites” at the issues:

- First put forward consensus-based items
- Continue work on contentious items and return for a 2nd round

Ohio Solid Waste Management Review



House Bill 592 (HB 592), passed by the Ohio legislature in 1988, created the structure for the modern-day management of solid waste (garbage) in Ohio.

The law did a variety of things, including requiring Ohio EPA to adopt regulations to ensure that landfills are safe and protective of human health and the environment; creating local solid waste management districts that are responsible for developing and implementing local solid waste management plans; and creating the State Solid Waste Advisory Council (SWAC), which is responsible for developing State recycling goals (among other things). In short, the way that solid waste is regulated and managed in Ohio today is in large part a reflection of what was included in HB 592.

Since HB 592 was passed in 1988, there have been many changes within the solid waste industry, and changes with technology and solid waste management and disposal practices. As a result, Ohio EPA has initiated a comprehensive review of HB 592.

The review will consider Ohio EPA's experience implementing the law, along with the experience gained from all interested parties including the solid waste industry, health departments, solid waste management districts, citizens and businesses. This information and experience will be the basis for proposing the changes necessary to improve the overall solid waste management system in Ohio.

MOST RECENT WEBSITE UPDATES

▶ **Released: Draft Proposal for Planning Revisions**
Comments Due April 1, 2013

▶ **Released: Revised Vision 2035 Statement**

Posted new SWMD documents:

- ▶ Populations Map (50, 100 and 120k)
- ▶ Populations Map (Complete)
- ▶ Populations (2010 Census)

UPCOMING MEETINGS

- ▶ SWMD-Industry
Rules/Authorities and Flow Control
April 11, 2013 10 a.m. – 1 p.m.

➔ **Questions or Comments?**
[Email Christopher Germain](#)
or call (614) 728-5317

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[Proposals](#)

[Meetings](#)

[Issue List](#)

[Data](#)

[Related Documents](#)

During Spring 2013, Ohio EPA will release draft proposals for public review and comment. Draft proposals and comment deadlines will be posted here as they are released. The contact person may be different depending on the issue, so be sure to read the information included in each proposal for specific instructions about providing comments. Any general questions may be directed to [Christopher Germain](#).

Draft Proposal: [SWMD Planning Process Revisions](#)

Date Released: March 4, 2013

Comments Due: April 1, 2013

Questions

Ohio Solid Waste Management Review Process

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