

# HB 592 REVIEW

Revisiting Ohio's Comprehensive Solid Waste Law

Ohio EPA-SWMD Workgroup

November 1, 2012



Environmental  
Protection Agency

# Discussion Agenda

- Vision Statement
- Issues Document
- Review of Items from Last Meeting
- Possible Plan Cycle Changes
  - ▣ Moving Ohio EPA Review to Before Ratification
  - ▣ Adjusting Timeframes
- SWMD Rulemaking

# Vision

## **Solid Waste Management in Ohio: Vision for 2035 and Beyond**

Waste materials generated in Ohio are recognized as important resources that have significant economic value, and are managed in ways that maximize that value. It is also recognized that improper management of these materials has negative environmental, societal, human health and economic impacts. It is the norm for Ohio's citizens, businesses and institutions to use best management practices for waste materials. Landfilling of waste is practiced rarely, and only for materials where viable alternative management options do not exist. We strive toward zero landfilling.

To achieve this vision, Ohio will engage in a multi-faceted approach to materials management. We will:

- encourage reduced waste generation;
- recognize that all materials proceed through a life cycle, from design to disposal, and every participant in the life-cycle chain shares responsibility for the products we use and their end-of-life management;
- utilize the private sector to the maximum degree possible to manage these materials;
- recognize the important role that the public sector plays in monitoring, educating, and ensuring that all Ohioans are able to manage materials with the best methods possible while protecting human health and the environment;
- engage in private-public partnerships to implement innovative and successful solutions;
- promote the use of recycled and recyclable products;
- recognize waste-to-energy as a viable management option; and
- consider landfill disposal as a last resort.

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# Phase II Solutions Framework

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

# HB 592 Review Issue List

Issues for continued discussion in the HB 592 Review  
Process

10/9/2012  
Ohio EPA, DMWM

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Technical and Programmatic Issues
<b>Old Landfill Redevelopment (Rule 27-13)</b> <ul style="list-style-type: none"> <li>Process must be paid for at all levels</li> </ul>
<b>Beneficial Reuse</b> <ul style="list-style-type: none"> <li>Rules should be finalized, implemented, and codified</li> </ul>
<b>Background Check Requirements</b> <ul style="list-style-type: none"> <li>Further reduction of who undergoes and how/what is collected (beyond SB 302)</li> </ul>
<b>Various Regulatory/Technical Issues</b> <ul style="list-style-type: none"> <li>ORC 6111 - Consistency needed between various division rules and code sections</li> <li>Regulation of high-volume, low-toxicity industrial waste</li> <li>Definitions including "exempt waste", "storage", "earthen materials", etc...</li> <li>Clarification regarding regulation of lime sludge and other wastes</li> </ul>
<b>Siting Criteria: Local Impacts</b> <ul style="list-style-type: none"> <li>Additional water, air and radiation monitoring/protection?</li> <li>No specifics provided, but general increase desired</li> <li>Larger setbacks?</li> <li>Include more "green space"</li> <li>Additional criteria such as traffic? Need? Noise?</li> </ul>
<b>Bioreactor Landfills</b>
<b>Public Meeting: Hold only if requested</b>
<b>Post Closure Care</b> <ul style="list-style-type: none"> <li>Currently 30 years, but we are reaching that point for some. What do we do? Perpetual care?</li> </ul>
<b>Inspections: Increased Frequency</b>
<b>Increased Methane Capture</b> <ul style="list-style-type: none"> <li>Require collection from initial construction</li> </ul>
<b>Operator Certification Training</b> <ul style="list-style-type: none"> <li>Eliminate or serve as a Tester, not trainer</li> </ul>
<b>Waste-To-Energy (WTE) Framework</b>
<b>Registration of Material Recovery Facilities (MRFs) and CD&amp;D Recycling Facilities</b>
<b>License, Registration or Regulation of Haulers</b>
<b>Roll ORC 343 into ORCs 3734 &amp; 3736</b>
<b>SB 290 Issues and Concepts</b> <ul style="list-style-type: none"> <li>SWMD's role: Services vs. Education</li> </ul>

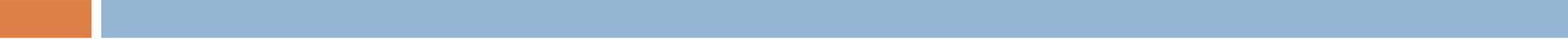
# HB 592 Review Issue List

Issues for continued discussion in the HB 592 Review Process

10/9/2012  
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<b>Collection Services: Require curbside with garbage collection</b>
<b>'Certified E-Waste' Recyclers Program</b>
<ul style="list-style-type: none"> <li>Ohio EPA should work to support certified recyclers</li> </ul>
<b>Planning Process</b>
<b>Planning Period: Reduction</b>
<b>Contents of Plan</b>
<ul style="list-style-type: none"> <li>Overall simplification</li> <li>Reduction of statutorily required sections</li> <li>De-emphasis on capacity demonstration</li> </ul>
<b>Draft Review: Expansion of Ohio EPA Non-Binding Advisory Opinion (NBA) window</b>
<b>Ratification: Largest Municipality Veto (Eliminate)</b>
<ul style="list-style-type: none"> <li>Or establish threshold</li> </ul>
<b>Ratification: Abstaining localities do not count in total</b>
<b>Ratification: Clarification of Public Notice requirements</b>
<b>Final Approval: Reduction of Ohio EPA window</b>
<b>Final Approval: Ohio EPA first, then ratification</b>
<b>Final Approval: Allow extension 'for cause'</b>
<b>Post-Veto: Extra step between veto of Plan and Ohio written plan</b>
<b>Data Acquisition and Management</b>
<b>Centralized Ohio EPA collection and dissemination</b>
<b>Required Reporting: Large Generators</b>
<b>Required Reporting: MRFs/Recyclers</b>
<b>Required Reporting: Haulers</b>
<b>ADR Surveys: Require response</b>
<b>Data Deadline: All data due on March 1st</b>
<b>SWAC, State Plan and Format</b>
<b>SWAC: Alter Membership</b>
<b>RAC</b>
<b>State Plan: Update every 5 years (minimum)</b>
<b>State Plan: Allow modular Updates</b>

# Issues List



- ▣ Living Document
- ▣ Will Remove & Add Issues as We Move Through the Process
- ▣ Intended to Communicate What Issues are Still Under Review
- ▣ Would Expect it to Get much More Focused in the Future

# Previous Workgroup Meeting Results

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- ▣ Please see Workgroup document for details
  
- ▣ Several possible consensus items
  - Planning Process changes
  - Plan Contents
  - Name Change
  - Policy Committee Structure
  - Fee Reports and Remittance

# Possible Plan Cycle Changes

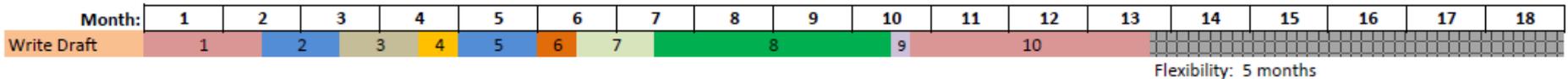
- Elimination of Statutory Start Date
- Draft due 14 months before due date (instead of 18)
- Expansion of NBAO to 60 days (from 45)
- Contingent Ohio EPA approval before ratification
- Reduce final Ohio EPA Plan Review time to 60 days (from 90)
- Possible 'for cause' extension of final deadline – up to 60 days

# Possible Plan Cycle Changes

## CURRENT PROCESS

Required start: 15 months before draft due

Draft Due: 18 months before final approval deadline

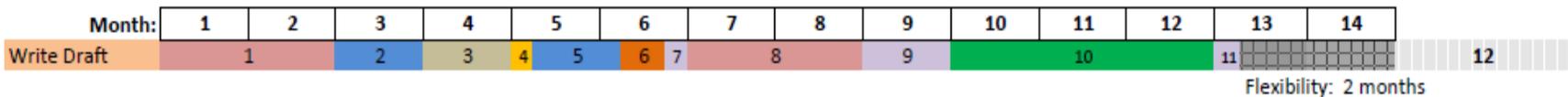


- |   |   |
|---|---|
| 1: Non-Binding Advisory Opinion (45 days)   | 6: Policy Committee approves final version (15 days)                  |
| 2: Policy Committee makes changes (30 days) | 7: Final distributed to communities (30 days)                         |
| 3: Public Comment Period (30 days)          | 8: Ratification (90 days)   |
| 4: Public Meeting (15 days)                 | 9: Certification by Policy Committee/Transmittal to Ohio EPA (7 days) |
| 5: Policy Committee makes changes (30 days) | 10: Ohio EPA Approval (90 days)                                       |

## NEW PROCESS

Required Start: None

Draft due 14 months before final deadline



- |  |   |
|--|---|
| 1: Non-Binding Advisory Opinion (60 days)            | 7: Transmittal to Ohio EPA (7 days)                             |
| 2: Policy Committee makes changes (30 days)          | 8: Ohio EPA Approval (60 days)                                  |
| 3: Public Comment Period (30 days)                   | 9: Transmittal to local communities (30 days)                   |
| 4: Public Meeting (7 days)                           | 10: Local Ratification (90 days)                                |
| 5: Policy Committee makes changes (30 days)          | 11: Certification by Policy Committee, Inform Ohio EPA (7 days) |
| 6: Policy Committee approves final version (15 days) | 12: Possible 60-day extension                                   |

# Possible Plan Cycle Changes - Discussion

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- ▣ Are there proposed changes that you have concerns about?
- ▣ Are there changes to the process that you believe would be beneficial?
- ▣ Focusing on the contingent approval, how would this impact your ratification process?

# Rules and Authorities

- Several specific SWMD powers were mentioned during Phase I, including siting criteria and flow control.
  
- Let's focus on the 4 authorities from ORC 343.01(G):
  - Limiting Out-of-District Waste
  - Governing maintenance, protection and use of facilities
  - Developing Out-of-State waste inspection programs
  - Exemption from township zoning requirements

# Rules and Authorities - Discussion



- ▣ Why did you choose to adopt the current rules you have? What problem were you trying to address?
- ▣ How have these rules helped you achieve your objectives?
- ▣ Do you have any recommendations for how the current statutory authority for rules could be modified?

# Plan Submission Cycle

- Currently, most SWMDs on a 5 yr plan cycle
  - Potentially don't have a new approved plan until 6.5 years after last plan approval
  
- Plans begin to lose relevance related to details after about 3 years
  - Especially true of budgets

# Possible mid-Plan “Tune-up”

- ▣ Process would allow for “non-substantive” changes to the plans programs and budget
  - No Ratification or Ohio EPA Approval
  - Designation of ‘non-substantive’ a significant issue with this idea
  - Would have to have parameters in place

# Possible mid-Plan Revision Process

- ▣ *Examples of possible changes:*
  - Addition or reduction of line items in budget by 10%? 20% & “not to exceed”?
  - Addition, deletion or alteration of line items in budget totaling no more than 10% of budget
  - Updating of infrastructure/programs in line with budget changes

# Possible mid-Plan Revision Process

- ▣ *Examples of possible changes:*
  - Elimination of non-core programs
  - Addition of new programs that compliment other plan programs
  - [Others]

# Possible mid-Plan Revision Process



- ▣ Public Comment Period
- ▣ Process for Local Entities to Challenge changes as ‘substantive’, or appeal to Ohio EPA
- ▣ Process for Ohio EPA to challenge changes as ‘substantive’

# Possible mid-Plan Revision Process - Discussion

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- ▣ Reaction? Thoughts? Suggestions?

# Remaining Timeline

- ▣ Phase II: July 2012 – Winter 2013
  - Issue Facilitation and Consensus Building
  
- ▣ Phase III: Spring 2013
  - Formal Proposals released by Ohio EPA
  - Series of meetings for public input and feedback
  - Revisions
  - Final Proposals
  
- ▣ Phase IV: After Phase III
  - 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
  - [Christopher.germain@epa.state.oh.us](mailto:Christopher.germain@epa.state.oh.us)
  - 614/728-5317
  - Mail: Ohio EPA, Division of Materials and Waste Management, Attn: Christopher Germain, PO Box 1049, Columbus OH 43216-1049



## **Ohio Solid Waste Management Review Process**

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