2012 Conference

OHIO SOLID WASTE MANAGEMENT SYSTEM LEGISLATIVE REVIEW

November 2, 2012

Solid Waste Law Review Process

- Where Did This Come From?
  - H.B. 592 Passed in 1988
  - It's been on Ohio EPA's long-term "to-do" list for several years
  - Numerous "rumblings" regarding solid waste legislation
  - Timing seemed right to take a holistic look, rather than react to piecemeal initiatives

Solid Waste Law Review

- General Principles Articulated to All Interested Parties
  - 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

Solid Waste Law Review

- Four Phase Process
- Process will take 18 months
  - Phase One: Information Gathering
  - Phase Two: Discussion and Consensus-building
  - Phase Three: Formal Proposal
  - Phase Four: Legislative Initiative

Solid Waste Law Review

- Phase One
  - Began Process late 2011
  - Numerous Introductory Presentations, Webinar
  - Web Page http://www.epa.ohio.gov/hb592.aspx
  - Email List

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. For more information, refer to Ohio EPA's House Bill 592 (GD# 0196) fact sheet. 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.

Questions or Comments? Email Christopher Germain or call (614) 728-5317

Current Status | Issue List | Review Process | Get Involved | Vision 2035 | Related Documents

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There are numerous ways you can get involved and provide input:

1. **Schedule a meeting with representatives of Ohio EPA.** If you are interested in meeting with Ohio EPA, please send a meeting request to Christopher Germain or call (614) 728-5317.
2. **Submit comments to Ohio EPA.** Ohio EPA will accept public comments throughout the entire review process. Once a formal proposal is finalized, there will be a final, formal comment period. At any time during the process, interested parties are encouraged to submit their ideas and comments to Christopher Germain (.doc and .pdf attachments are acceptable). Hard copy comments can be submitted to:

   Ohio EPA, DMWM
   ATTN: Christopher Germain
   P.O. Box 1049
   Columbus, OH, 43216-1049

3. **Participate in a meeting.** During Phase II, Ohio EPA will schedule public meetings to explore and discuss some of the issues and ideas.
4. **Respond to the formal proposal.** During Phase III, Ohio EPA will issue a formal proposal for public comment.

Internet

Current Status | Review Process | Get Involved | Related Documents

- Frequently Asked Questions (March 8, 2012)
- House Bill 592 (1988, 117th GA) *Please note the review process also covers topics not addressed in this bill. Please see the FAQ for potential additional topics.
- House Bill 592 Summary (1988, 117th GA)
- House Bill 592 Report (1993, 120th GA)

HB 592 and General Solid Waste Management Information

- House Bill 592 (GD# 0196)
- Maps of Landfills in Ohio (2009)
- Landfill Permitting Process
- State Solid Waste Management Plan (GD# 659)
- Current State Solid Waste Management Plan
- After it Leaves the Curb – County Commissioner Training Materials on HB 592 and solid waste management in Ohio
- Solid Waste Management Advisory Council (SWAC) (GD# 0658)
- Ohio EPA Division of Materials and Waste Management

Solid Waste Management Districts and Local Planning

- Solid Waste Management Districts (SWMDs) (GD# 1005)
- Local Solid Waste Management Plans (GD# 1004)
- Local Solid Waste Management Planning Process (GD# 633)
- Ratification of SWMD Disposal Fees - Draft (GD# 594)
- Ratification of SWMD Solid Waste Management Plans (GD# 655)
- SWMD Rule Guidance (GD# 1006)
- Map of Solid Waste Management Districts

Disposal, Recycling and Diversion Information

- Solid Waste Reduction and Recycling in Ohio: 2005 2009
- 2010 Facility Data Report Tables
- Volume-based Waste Collection PAYT (Pay-As-You-Throw)
- U.S. EPA Reduce, Reuse, Recycle
- Ohio Department of Natural Resources – Recycling
- Product Stewardship
- Conversion Technologies

Solid Waste Law Review

- Four Phase Process
- Process will take 18 months
  - Phase One: Information Gathering
  - Phase Two: Discussion and Consensus-building
  - Phase Three: Formal Proposal
  - Phase Four: Legislative Initiative

Solid Waste Law Review

- Process
  - **Phase One:** *Information Gathering*
  - Began in December, 2011 through July, 2012
  - Informal Sit-down Meetings
    - Ohio EPA invitation
    - All the obvious interested parties
    - Information gathering focus
    - Open invitation to others and individual members

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 Submitted (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

Solid Waste Law Review

- Process
  - **Phase Two**: *Discussion and Consensus-building*
  - July – December
  - Phase Two Kick-off meetings in Elyria, Kettering, and Columbus (webinar)
  - Facilitated Group Discussions with professional facilitators
    - Groups of Interested Parties
    - Facilitating Dialog Between IPs
    - Seeking Consensus
    - May be some "issue specific" meetings

Solid Waste Law Review

- Process
  - **Phase Three**: *Formal Proposal*
    - Develop and issue draft recommendations
    - Seek input from SWAC prior to finalizing
    - Issue Draft Recommendations for IP Comment
    - Possibly conduct more outreach based on responses
    - Finalize Proposal
    - Early 2013

Solid Waste Law Review

- Process
  - **Phase Four**: *Legislative Recommendations*
    - Goal to be able to pursue a legislative proposal jointly with other interested parties
    - We are seeking consensus, but we also want to keep the process moving
  - We may take "two bites" at the issues
    - First put forward consensus items
    - Take more time to work on controversial issues

Solid Waste Law Review

- Principles articulated throughout process
  - Waste management must be protective of human health and the environment
  - Continue to reduce reliance on landfills for solid waste management
- We enter this process with very few pre-conceived notions

Phase II Solutions Framework

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

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Vision 2035

Several participants of our July meetings mentioned the value of having a context to work within and an end-goal to collectively work toward; we hope this proves helpful in that regard. We ask that you take the time to read the vision below and share your thoughts, ideas or questions with us; this is only a draft and we know your input will make it a stronger tool for the rest of the process.

Please submit your comments by Monday, November 5, 2012 at 5:00 p.m. <Deadline Extended>

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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HB 592 Review Issue List

Issues for continued discussion in the HB 592 Review Process

10/9/2012
Ohio EPA, DMWM

ioEPA

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Technical and Programmatic Issues
Old Landfill Redevelopment (Rule 27-13) • Process must be paid for at all levels
Beneficial Reuse • Rules should be finalized, implemented, and codified
Background Check Requirements • Further reduction of who undergoes and how/what is collected (beyond SB 302)
Various Regulatory/Technical Issues • ORC 6111 - Consistency needed between various division rules and code sections • 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
Siting Criteria: Local Impacts • 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
Public Meeting: Hold only if requested
Post Closure Care • Currently 30 years, but we are reaching that point for some. What do we do? Perpetual care?
Inspections: Increased Frequency
Increased Methane Capture • Require collection from initial construction
Operator Certification Training • Eliminate or serve as a Tester, not trainer
Waste-To-Energy (WTE) Framework
Registration of Material Recovery Facilities (MRFs) and CD&D Recycling Facilities
License, Registration or Regulation of Haulers
Roll ORC 343 into ORCs 3734 & 3736
SB 290 Issues and Concepts • SWMD's role: Services vs. Education

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10/9/2012
Ohio EPA, DMWM

Collection Services: Require curbside with garbage collection
'Certified E-Waste' Recyclers Program • Ohio EPA should work to support certified recyclers
Planning Process
Planning Period: Reduction
Contents of Plan • Overall simplification • Reduction of statutorily required sections • De-emphasis on capacity demonstration
Draft Review: Expansion of Ohio EPA Non-Binding Advisory Opinion (NBA) window
Ratification: Largest Municipality Veto (Eliminate) • Or establish threshold
Ratification: Abstaining localities do not count in total
Ratification: Clarification of Public Notice requirements
Final Approval: Reduction of Ohio EPA window
Final Approval: Ohio EPA first, then ratification
Final Approval: Allow extension 'for cause'
Post-Veto: Extra step between veto of Plan and Ohio written plan
Data Acquisition and Management
Centralized Ohio EPA collection and dissemination
Required Reporting: Large Generators
Required Reporting: MRFs/Recyclers
Required Reporting: Haulers
ADR Surveys: Require response
Data Deadline: All data due on March 1st
SWAC, State Plan and Format
SWAC: Alter Membership
RAC
State Plan: Update every 5 years (minimum)
State Plan: Allow modular Updates

WHERE DO ORGANICS FIT IN?

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Roles of Various Entities • SWMDs: Services vs. Education • Ohio EPA: Data collection vs. Networking vs. Reporting • Local Entities • Local Health Departments • Local Law Enforcement
Regulation of C&DD under Solid Waste Program
Regulation of Exempt Waste under Solid Waste Program
Scrap Tire Program Revisions/Next-Generation
Orphan Landfills
Public Notice Requirements for Solid Waste Permits/Licenses
Recycling and Reduction Concepts and Ideas
Specialized Waste Streams to Focus on: • Organics • Glass • Aluminum • Electronics • Paint • Pharmaceuticals • Household Hazardous Waste (HHW)
Extended Producer Responsibility (EPR)
Pay-As-You-Throw (PAYT)
Population Density trigger for Curbside program
Bar, Restaurant, Casino and Venue Recycling
Landfill Bans • Plastic Bags • Yard Waste • E-Waste • Recyclables • Appliances • Glass • Aluminum • Organics
Collection Services: Required for all Ohioans

HB 592 Review Issue List

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10/9/2012
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State Plan: Include Format as Appendix
State Goal: Zero Waste
State Goals: Other • 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
Goals – Measurement: CO_2
Goals – Measurement: Per capita waste disposal
SWMD Structure
Number of Districts: Consolidation
Number of Districts: Population Threshold
Policy Committee 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 (Eliminate/Alter/Promote)
Leadership should be directly elected
Name Change
Facilities: SWMDs should not own disposal facilities
Services: More Recycling
Services: More consistency across the State
Services: Tailored to local needs, no mandates
Services: Focus on education
Services: Household Hazardous Waste focus
Services: Establish Consortiums
Services: "Maximum Utilization" of private sector
SWMD Rules and Authorities
Designation/Flow Control • Keep it as it is

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QUESTIONS & DISCUSSION

Questions?

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(614) 728-5317
Christopher.germain@epa.state.oh.us

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