



*Environmental
Professionals Network*
Tuesday Breakfast Club

**WASTE NOT, WANT NOT! IMPROVING MATERIALS
MANAGEMENT, AND PROGRAMS AND LAWS IN OHIO**

November 13, 2012

Solid Waste Law Review Process

- Ohio EPA has Initiated a Comprehensive Review of the Laws Governing Solid Waste Management in Ohio
 - Original Legislation - H.B. 592 – Was Passed in 1988
 - It's been on Ohio EPA's long-term "to-do" list for several years
 - Timing seemed right to take a holistic look, rather than react to piecemeal initiatives

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
 - 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
 - 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

Vision 2035

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.

HB 592 Review Issue List

Issues for continued discussion in the HB 592 Review
Process

10/9/2012
Ohio EPA, DMWM

HB 592 Review Issue List

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Technical and Programmatic Issues
Old Landfill Redevelopment (Rule 27-13) <ul style="list-style-type: none">• Process must be paid for at all levels
Beneficial Reuse <ul style="list-style-type: none">• Rules should be finalized, implemented, and codified
Background Check Requirements <ul style="list-style-type: none">• Further reduction of who undergoes and how/what is collected (beyond SB 302)
Various Regulatory/Technical Issues <ul style="list-style-type: none">• 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 <ul style="list-style-type: none">• 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 <ul style="list-style-type: none">• Currently 30 years, but we are reaching that point for some. What do we do? Perpetual care?
Inspections: Increased Frequency
Increased Methane Capture <ul style="list-style-type: none">• Require collection from initial construction
Operator Certification Training <ul style="list-style-type: none">• 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 <ul style="list-style-type: none">• SWMD’s role: Services vs. Education

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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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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

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State Plan: Include Format as Appendix
State Goal: Zero Waste
State Goals: Other <ul style="list-style-type: none">• 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 <ul style="list-style-type: none">• 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 <ul style="list-style-type: none">• Keep it as it is• Allow only for instances of public debt

QUESTIONS & DISCUSSION