

Materials Management Advisory Council

Report to the General Assembly for Calendar Year 2018

Introduction

The Ohio Materials Management Advisory Council (MMAC or Council) was established in 2015 through Ohio HB 64. The new law combined the functions of two former councils – the Solid Waste Management Advisory Council and the Recycling and Litter Prevention Advisory Council – into MMAC. The primary purpose of MMAC is to provide advice and guidance to the director of Ohio EPA on solid waste issues, including updates to the state solid waste management plan and Ohio EPA’s recycling and litter prevention grant programs. MMAC is also tasked with facilitating partnerships that expand markets for recycled commodities.

This document presents MMAC’s annual report to the Ohio General Assembly that the council is required to submit by Ohio law. This report provides members of the general assembly with updates on MMAC’s activities and accomplishments in 2018.

Executive Summary

MMAC focused on two topics in 2018 – the goals of the *2009 State Solid Waste Management Plan* (2009 State Plan) and contaminants in recyclables collected from residents.

Goals of the 2009 State Plan - The state solid waste management plan establishes waste reduction and recycling goals that Ohio’s Solid Waste Management Districts (SWMDs) must strive to meet. To do that, SWMDs include strategies in their solid waste management plans and must demonstrate that implementing those strategies will achieve the goals. By implementing their strategies, SWMDs represent the “boots on the ground” for achieving Ohio’s goals. Further, the results of those strategies become metrics for assessing the effectiveness of the goals.

While reviewing the 2009 State Plan, the current version of the state plan, MMAC identified issues with the goals for providing access to recycling opportunities (Goal 1) and achieving recycling and waste reduction rates (Goal 2). These issues negatively affect the SWMDs’ abilities to achieve the goals. Consequently, MMAC focused on adjusting the goals to provide flexibility and allow SWMDs to allocate resources in ways that have the greatest impacts on recycling.

MMAC tasked the Organization of Solid Waste Districts of Ohio (OSWDO) with proposing changes to the goals. OSWDO initially presented the proposed changes to MMAC in 2017. OSWDO, the waste industry, MMAC, and Ohio EPA subsequently discussed the changes during

multiple meetings. In 2018, all parties agreed upon new language, and MMAC unanimously voted to present the language to Director Butler to be included in a revised state plan.

Contamination in Recyclables - The prevalence of contaminants in material recovered through residential recycling programs, such as curbside services and drop-offs, has caused the costs of providing those services to increase significantly. The rising costs combined with declining prices of commodities are impacting communities' abilities to finance their recycling programs. The high contamination rate of residential recyclables is likely not new. It previously was not an issue due to strong international markets. Processors' abilities to market the contaminated recyclables is the largest hurdle to overcome. This is chiefly due to stringent quality restrictions China placed on the recyclables that it will import. To improve the value of the recyclables, processors need to produce a cleaner product which increases the costs of providing that product.

In September, Ohio EPA issued a grant to the Recycling Partnership to conduct a contamination-reduction project in Ohio. The Recycling Partnership is a national non-profit organization that assists communities with recycling initiatives. The Recycling Partnership leverages contributions from corporations and trade associations to support community recycling services with funding and technical assistance. Reducing contamination could decrease the cost of processing collected material and increase the value of the recycled commodities.

The contamination reduction project will involve physically inspecting residential recycling containers, leaving "oops tags" on contaminated containers to inform homeowners of the contaminants, and rejecting contaminated containers (i.e. not empty them until the contaminants are removed). These interventions will occur in four communities, one in each of Ohio's major material recovery facility sheds. The Recycling Partnership has performed these interventions in multiple communities nationwide, and the interventions are proven to decrease contamination in residential recyclables.

MMAC discussed the merits and possible logistics of the project during several meetings. While Ohio EPA will keep MMAC apprised of the progress, Ohio EPA will work with the Recycling Partnership on the details of how the contamination reduction project will be carried out.

MMAC unanimously agreed to have the chair of the Council send a letter of support for the project to the director of Ohio EPA, Craig Butler.

Membership

MMAC is comprised of thirteen members appointed by the Governor to serve terms of three years. The composition of MMAC is designed to include key stakeholders in Ohio's comprehensive solid waste management system. Seven members represent interests of the public sector and six members represent interests of the private sector. The table below presents the current members of MMAC:

Table 3: Current Membership of the Materials Management Advisory Council

Seat	Name	Organization
Health District (public sector)	Chuck DeJonckheere	Hamilton County Health Department
County (public sector)	John F. Bayliss	Logan County Commissioners
Municipality (public sector)	Jennifer Fenderbosch	City of Avon Lake
Township (public sector)	Paul F. Wise	Genoa Township
Solid Waste Management District (public sector)	Jenna Hicks	Delaware, Knox, Marion, Morrow Joint SWMD
Environmental Advocacy (public sector)	Frank Szollosi	National Wildlife Federation
General Public (public sector)	Kelly Bensman	Hull & Associates, Inc.
Private Sector	Kimberly McConville	Ohio Soft Drink Association
Private Sector	Michael Dinneen	AggRok
Private Sector	Kathy Trent	Waste Management, Inc.
Private Sector	Alex Boehnke	Ohio Council of Retail Merchants
Private Sector	Brian W. Winter	Scotts Miracle-Gro Company
Private Sector	Beth Mowrey	The Shelly Company

2018 Meetings

MMAC is required to meet twice a year. MMAC can meet more often if the chairperson or a majority of members deem it necessary. Currently, by agreement, MMAC meets every other month.

In 2018, MMAC met, in person, five times. A summary of each meeting is provided below under the heading for the respective meeting date:

February 15, 2018

Topics discussed at this meeting included:

- Director Craig Butler and Vlad Cica, the newly appointed chief to the Division of Materials and Waste Management, provided their perspectives on MMAC's role as an advisor to Ohio EPA.
- Ohio EPA's Recycling and Litter Prevention Grants – this discussion focused on what MMAC's role is in administering the grants program.

- Multi-Family Housing Recycling – Jennifer Fenderbosch of the city of Avon Lake provided MMAC with an overview of her research on providing recycling services to multi-family housing units. Providing recycling services to multi-family housing units is complicated, but the potential for diversion is significant. Ms. Fenderbosch's presentation focused on best practices for overcoming challenges and case studies of successful recycling programs.

April 18, 2018

Topics discussed at this meeting included:

- Ohio EPA's Recycling and Litter Prevention Grants – Chet Chaney of Ohio EPA's Division of Environmental and Financial Assistance provided an overview of the history and current structure of the grant program. Mr. Chaney also provided an overview of the process the Agency uses to review grant applications.

In 2018, Ohio EPA issued \$3.9 million in grants to 60 of the 117 applicants. 2018 was the first year that applicants submitted their applications on-line. Chet also explained that grant funds were used to help clean up two C&DD sites in 2017 and 2018.

- Goals of the 2009 State Plan. After the February meeting, members of OSWDO, Ohio EPA, and the waste industry met to discuss the language OSWDO proposed at the August 16, 2017 meeting. The waste industry expressed concerns about the language and couldn't support OSWDO's recommendation as written. The waste industry committed to discussing the language a second time and developing a counter-proposal.
- Discussion of Potential Education to Combat Contamination – because of China's new quality restrictions on recyclable materials, there is a large surplus of available material in the United States. Consequently, end users now are selecting the highest quality materials which translates into a low-tolerance for contaminants.

One option discussed was developing a media package to help combat the highly contaminated material mix many residential recycling programs are generating. Developing such a package could be accomplished in cooperation with the Recycling Partnership and funded by a grant from Ohio EPA.

June 20, 2018

Topics discussed at this meeting included:

- Contamination Reduction Project - representatives of the Recycling Partnership, via conference call, discussed strategies to combat contamination in residential recyclables. The Recycling Partnership recommends a combination of inspecting recycling carts, tagging contaminated carts with "oops tags", and rejecting the full carts rather than emptying them. Based on past projects, this strategy is proven for reducing contamination. MMAC discussed the details that would need to be hammered out to

make such an effort successful. MMAC directed the Chair and Vice-Chair to jointly send a letter of support to Director Butler for issuing a grant to the Recycling Partnership.

- Goals of the 2009 State Plan - as a follow-up to the discussion from the April 18 meeting, Kathy Trent of Waste Management presented the waste industry's position on the changes to the goals proposed by OSWDO. The waste industry did not support all the changes as proposed. However, if specific provisions are removed, the industry could agree with OSWDO's recommendations in concept. Ms. Trent agreed to share OSWDO's proposed language with other members of the waste industry for review and comment.

August 15, 2018

Topics discussed at this meeting included:

- Contamination Reduction Project - Ohio EPA informed the Council that Craig Butler, Director of Ohio EPA, approved the Division of Environmental and Financial Assistance to award the Recycling Partnership a grant to conduct a contamination reduction project in Ohio. The project will likely occur in the southwestern and northeastern portions of Ohio to involve the four major material recovery facilities. MMAC unanimously voted for a motion for the chair and vice-chair to send a letter of support regarding the project to Director Butler.
- Goals of the 2009 State Plan - MMAC voted to accept and recommend the following changes to the goals of the 2009 State Plan:
 - Reduce the standard for achieving Goal 1 (providing, access to recycling opportunities to residents) from 90 percent of the residential population to 80 percent of the population, and
 - Replace the industrial recycling/minimization goal with a requirement that SWMDs provide industrial generators with a minimum number of outreach, education, technical assistance, and other types of support programs.
- Process to update the state solid waste management plan - MMAC reviewed the process Ohio law established for updating the state plan. This process is as follows:
 - Ohio EPA completes draft
 - Ohio EPA holds public hearings in 5 locations in Ohio
 - Ohio EPA revises based on comments
 - MMAC approves revised version
 - Director adopts as final
 - Within one year of adopting state plan, Ohio EPA must adopt rules.

October 17, 2018

Topics discussed at this meeting included:

- Ohio EPA Recycling and Litter Prevention Grants – Representatives from the Division of Environmental and Financial Assistance provided MMAC with an overview of projects funded through the 2017 round of recycling and litter prevention grants. They also discussed changes to the grant guidelines and requirements that were implemented for the 2019 grant round. These changes include an updated, on-line application system and changes in matching requirements.
- Contamination Reduction Project – Representatives from the Division of Environmental and Financial Assistance provided an update regarding the status of this project. Ohio EPA and the Recycling Partnership intend to release a request for proposals to solicit communities to participate in the contamination reduction effort. Ohio EPA will select the communities where the Recycling Partnership will conduct interventions in from applications submitted. Ohio EPA and the Recycling Partnership intend to announce which communities are selected by February 15, 2019.
- MMAC's Annual Report to Ohio's General Assembly – MMAC, reviewed, discussed, and approved the draft version of the Council's 2018 report to the Ohio's General Assembly. MMAC directed Ohio EPA to add a summary of the topics discussed at the October 17 meeting. MMAC further directed Ohio EPA to forward the complete draft report to the chair and vice-chair who will approve the additions. Once the chair and vice-chair approve a final version, Ohio EPA will submit the report to the Ohio's General Assembly.

Actions taken by MMAC to date

Letter to Ohio EPA Director Craig Butler supporting a contamination education project

At the August 15, 2018 meeting, MMAC members unanimously voted to support Ohio EPA awarding the Recycling Partnership with a grant to conduct a contamination education project for Ohio. The council directed the chair and vice chair to jointly send a letter on behalf of MMAC to Ohio EPA Director Butler.

Revised language regarding Goals 1 and 2 of the 2009 State Plan

At the August 15, 2018 meeting, MMAC members unanimously voted to accept and recommend the new language for changes to the goals of the 2009 State Plan as agreed upon during the meeting.

Election of Officers

At the October 17, 2018 meeting, council members re-elected Kathy Trent of Waste Management, Inc. (representing the private sector) as vice chairperson and Jennifer Fenderbosch of the City of Avon Lake (representing municipalities) as Secretary

Approval of the 2018 MMAC report to Ohio's General Assembly

At the October 17, 2018 meeting MMAC unanimously approved the draft report to the General Assembly with additions summarizing the October 17 meeting to be approved by the Chair and Vice Chair prior to submitting the report to the General Assembly.

State Solid Waste Management Plan

Ohio law requires Ohio EPA, working with MMAC, to prepare and adopt a state solid waste management plan. Ohio law further prescribes the contents of the state solid waste management plan. Thus, the state plan must:

- Reduce reliance on the use of landfills for management of solid wastes;
- Establish objectives for solid waste reduction, recycling, reuse, and minimization and a schedule for implementing those objectives;
- Establish restrictions on the types of solid wastes disposed of by landfilling for which alternative management methods are available, such as yard wastes, and a schedule for implementing those restrictions.
- Establish revised general criteria for the location of solid waste facilities;
- Examine alternative methods for disposal of fly ash and bottom ash resulting from the burning of mixed municipal solid wastes;
- Establish a statewide strategy for managing scrap tires.
- Establish a strategy to promote markets for products containing recycled materials and to promote state government using products containing recycled materials;
- Establish a program for the proper separation and disposal of hazardous waste generated by households.

In 2017 and 2018, MMAC devoted significant time to reviewing the 2009 State Plan and deciding upon necessary changes. As stated earlier in this report, MMAC adopted changes to the goals of the 2009 State Plan in August. These changes are intended to provide Ohio's SWMDs with additional flexibility when developing local recycling and minimization strategies. These changes will be incorporated into Chapter 3 of the revised state solid waste management plan.

In 1988, the Ohio General Assembly adopted legislation that created the requirement to have a state solid waste management plan. At that time, Ohio faced several significant solid waste management issues, such as: diminishing landfill capacity; poorly sited, constructed, and operated landfills; and increasing imports of waste. These issues were due, in part, to the lack

of a comprehensive regulatory structure for overseeing solid waste disposal facilities and partly due to the lack of planning for how to manage Ohio's solid waste.

Ohio now has a comprehensive solid waste regulatory program and is operating under its fourth state solid waste management plan. Many of the requirements the state plan must fulfill have either been resolved or are now addressed through other means. An example is the scrap tire program. The statute still requires the state plan to establish a statewide strategy for managing scrap tires. Ohio now has a strong, law-based scrap tire program that is continually updated through Ohio EPA's 5-year rule update process. That process allows Ohio EPA to be more responsive to needed changes than can be achieved through the state plan. Thus, it isn't necessary for the state plan to duplicate that effort.

MMAC is interested in changing the solid waste planning process to streamline the process and remove unnecessary and burdensome requirements. MMAC believes that an overhaul of the requirements for the state plan is necessary to make the state plan current. Doing so will require revising the solid waste planning laws. Without changes to those laws, the state plan must still address all the things required by law.

MMAC directed Ohio EPA make complete revisions to portions of the 2009 State Plan and provide one to two-page summaries for portions that are no longer essential elements. The next page of this report-presents a strategy for updating the 2009 State Plan that shows the chapters and how Ohio EPA will address each (i.e. either full update or a one- to-two-page summary).

Strategy for Updating the Chapters of the 2009 State Solid Waste Management Plan

Executive Summary

Full Update

Chapter 1 - (Introduction)

Full Update

Chapter 2 - (Implementing the 2009 State Solid Waste Management Plan)

Full Update

Chapter 3 - (Goals for Solid Waste Reduction, Recycling, Reuse, and Minimization)

Full Update

Chapter 4 – Restrictions on the Types of Solid Waste Disposed in Landfills and Burned in Incinerators)

1 to 2-page summary

Chapter 5 – (Revised General Criteria for the Location of Solid Waste Facilities)

1 to 2-page summary

Chapter 6 – (Management of Ash Resulting from the Burning of Mixed Municipal Solid Waste)

1 to 2-page summary

Chapter 7 – (A Statewide Strategy for Managing Scrap Tires)

1 to 2-page summary

Chapter 8 – (A Program for Managing Household Hazardous Waste)

1 to 2-page summary

Chapter 9 – (Recycling Market Development)

1 to 2-page summary

Chapter 10 – Not Required (Waste-to-Energy)

Either remove and replace with a state strategy in Chapter 3 or a 1 to 2-page summary