

HB 592 Review Issue List

Issues for continued discussion in the HB 592 Review
Process

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Ohio EPA, DMWM

This document summarizes the issues that have been identified and raised during the “Phase I” portion of Ohio EPA’s solid waste legislative review process. During Phase I, Ohio EPA conducted 39 meetings, received 17 formal documents, numerous emails, and recorded over 130 pages of notes. This document includes the majority of the issues that have been identified, both internally by Ohio EPA and externally through the input of interested parties during Phase I. The comments and issues have been organized into common topic areas. Just over a dozen items that were raised during Phase I have been removed from the list: these are items that in Ohio EPA’s estimation were not sufficiently widespread or for other reasons did not warrant additional resources at this time.

This list will continue to evolve as we move through Phase II. We have identified a wide range of items that are under consideration. As we conduct further research and outreach, more of these items will likely be removed, refined, or combined. As a result, this list will be narrowed as we move through Phase II and into Phase III of the process.

If you have any questions about this document, please contact Christopher Germain at 614-728-5317 or Christopher.germain@epa.state.oh.us.

Technical and Programmatic Issues
<p>Old Landfill Redevelopment (Rule 27-13)</p> <ul style="list-style-type: none"> • Process must be paid for at all levels
<p>Beneficial Reuse</p> <ul style="list-style-type: none"> • Rules should be finalized, implemented, and codified
<p>Background Check Requirements</p> <ul style="list-style-type: none"> • Further reduction of who undergoes and how/what is collected (beyond SB 302)
<p>Various Regulatory/Technical Issues</p> <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
<p>Siting Criteria: Local Impacts</p> <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?
<p>Bioreactor Landfills</p>
<p>Public Meeting: Hold only if requested</p>
<p>Post Closure Care</p> <ul style="list-style-type: none"> • Currently 30 years, but we are reaching that point for some. What do we do? Perpetual care?
<p>Inspections: Increased Frequency</p>
<p>Increased Methane Capture</p> <ul style="list-style-type: none"> • Require collection from initial construction
<p>Operator Certification Training</p> <ul style="list-style-type: none"> • Eliminate or serve as a Tester, not trainer
<p>Waste-To-Energy (WTE) Framework</p>
<p>Registration of Material Recovery Facilities (MRFs) and CD&D Recycling Facilities</p>
<p>License, Registration or Regulation of Haulers</p>
<p>Roll ORC 343 into ORCs 3734 & 3736</p>
<p>SB 290 Issues and Concepts</p> <ul style="list-style-type: none"> • SWMD’s role: Services vs. Education

Roles of Various Entities <ul style="list-style-type: none">• 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: <ul style="list-style-type: none">• 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 <ul style="list-style-type: none">• Plastic Bags• Yard Waste• E-Waste• Recyclables• Appliances• Glass• Aluminum• Organics
Collection Services: Required for all Ohioans

Collection Services: Require curbside with garbage collection
'Certified E-Waste' Recyclers Program
<ul style="list-style-type: none"> Ohio EPA should work to support certified recyclers
Planning Process
Planning Period: Reduction
Contents of Plan
<ul style="list-style-type: none"> 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)
<ul style="list-style-type: none"> 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

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: CO₂
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

<ul style="list-style-type: none"> • Remove designation powers completely • Remove designation powers from recyclables • Reduce public notice and input process for designation
<p>343.01(G) Rules and Authorities: Review all</p> <ul style="list-style-type: none"> • Out of District Waste • Siting criteria • Out of State Inspections • Township Zoning Exemptions
<p>Eliminate SWMD Authority for Siting Criteria</p>
<p>Maintain Out-of-District Waste Rules</p> <ul style="list-style-type: none"> • Retain authority to deny at public facilities • Retain authority to regulate acceptance at private facilities only when capacity issues exist
<p>New Rule: Establish required services by haulers</p>
<p>Revenue</p>
<p>Move away from per-ton fee system</p>
<p>Centralized fund managed by Ohio EPA</p>
<p>Disposal Fee: Eliminate Tiers</p>
<p>Disposal Fee: Remove \$1.00/ton floor</p>
<p>Disposal Fee: Retain cap</p>
<p>Generation Fee: Establish cap</p> <ul style="list-style-type: none"> • \$10.00/ton (current maximum) • \$1.50/ton or \$6.00/ton if in post-closure
<p>State Fee: Reduce to \$3.50</p>
<p>State Fee: Review/alter allocation</p>
<p>Contract/Designation Fees: Clarify in statute</p> <ul style="list-style-type: none"> • Limit to "Allowable Uses"
<p>'Rates and Charges': Allow without direct services</p>
<p>Host Community Fee: Maintain or increase</p> <ul style="list-style-type: none"> • Currently \$0.25/ton
<p>Health Department Funding</p> <ul style="list-style-type: none"> • Create dedicated and independent source of funding
<p>Education Fund: Dedicated fund</p>
<p>Law Enforcement Funding: Dedicated fund</p>

Recycling Grants: Additional Funding
Expenditures
Eliminate #8: Health Department Training/Certification Funding
Allow funding for roads not in home township of facilities
Other ideas and concepts
Quarterly Fee Reports (QFRs) → Yearly
Allow for yearly remittance (instead of monthly) of generation/disposal fees for facilities taking a small amount of district waste
Establish rules regarding carryover balances