

**Summary Minutes
Solid Waste Management Advisory Council (SWAC)
November 16, 2006
Alum Creek Water Reclamation Facility
7767 Walker Wood Boulevard
Lewis Center, Ohio 43035**

The Following Members Announced Their Attendance at Roll Call:

Erv Ball, Health Departments
Brad Biggs, ODO's Director's Designee
Tim Wasserman, Joint County Solid Waste Management District
Kathy Trent, Private Solid Waste Management
Jean Byrd, Public Representative
Paul Baldrige, ODNR Director's Designee
Jack Jenson, Municipalities
Thomas Ferrell, Counties
Antoinette Starkey, Private Recycling Industry
Steve Hill, Industrial Generators

August 17, 2006 Meeting Minutes

Kathy Trent MOVED to approve the August 17, 2006 meeting minutes presented today. Antoinette Starkey SECONDED the motion. The minutes were approved on voice vote.

Andrew Booker, Update on Legislative/DSIWM Issues

Mr. Booker noted that interested party comment period for new draft rules regarding Construction and Demolition Debris, Industrial Waste, Multi-Program, and Ground Water Monitoring ended on November 1. However, comments received after that day will still be considered.

DSIWM has posted an advisory to landfill owners/operators regarding acceptance and disposal of aluminum production wastes. These wastes are chemically active and when exposed to water, can react and emit toxic, flammable, and potentially explosive gases. Due to the considerably high temperatures these wastes may generate upon contact with liquids an operator should carefully assess and minimize co-disposal with moist or wet wastes and exposure to leachate (including the practice of leachate recirculation).

It was also noted that the Supreme Court is considering the issue of flow control and violations of the interstate commerce clause. The issue is focusing on publicly owned facilities and if the commerce clause pertains to them.

2005 Detailed Waste Flow Data (Nick D'Amato, DSIWM)

The presentation showed the amount of waste that was disposed of in Ohio Landfills. Mr. D'Amato noted that 2005 marked the year that facilities changed the way that they report to Ohio EPA because of rule changes. These changes resulted in better data for the second half of the year. 2006 will mark the first full year of better reporting by facilities. He also noted that disposal amounts have been relatively consistent since 1997. There were 11,801,300 tons of residential/commercial waste and 7,601,677 tons of industrial waste disposed in 2005. Including C&DD and exempt waste results in a total of 21,693,846 tons disposed in Ohio landfills in 2005. The total C&DD disposed in Ohio landfills was down slightly from 2004, with 1,104,123 tons being disposed in 2005. 577,547 of those tons came from out-of-state.

Landfills in Ohio are estimated to have had about 60 million cubic yards of airspace left at the end of 2005. This equates to 26 years of landfill capacity in the state. Mr. D'Amato noted that approximately 100 million more cubic yards are in the process of being approved. A comparison of tipping fees was shown for each of the 5 Ohio EPA Districts. The lowest tipping fees could be seen in the Southeast District, where the average was \$26.20 per ton in 2005. The highest was in the Northwest District, where the average was \$34.00 per ton. The statewide average was \$32.20 per ton. This was compared to Ohio's neighboring states. Only Indiana (\$31) and Kentucky (\$29) had lower average tipping fees. Michigan (\$39), West Virginia (\$41), and Pennsylvania (\$59) all had significantly higher average tipping fees at their landfills.

Yolanda Walker arrived during this presentation at 10:22. Ralph Jennings arrived at 10:28.

Medina County Central Processing Facility (Steve Hambley, Medina County Commissioner, Steve Viny, Norton Environmental, and Ken Hotlz, Medina County Sanitary Engineer)

The presenters started by providing an overview of the Resource Conservation and Recovery Act of 1976 (Solid Waste Disposal Act or RCRA). They also provided details of Medina County Solid Waste District's Solid Waste Management Plan, which includes the Central Processing Facility (CPF). Because the District utilizes intra-state flow control, all MSW generated within Medina County is processed at the CPF. The facility separates recyclable materials from the waste stream and sells them as commodities. Part of the facility's process results in trommel-fines which are mixed with yard waste and bulking materials in a Class I composting operation. The product from this operation is used as alternate daily cover at a landfill.

The CPF was opened in 1993 at a cost of \$8.2 million and was financed through an Ohio Water Development Authority (OWDA) loan. In 2002, OWDA loaned another \$1.6 million to expand CPF in order to produce Process Engineered Fuel (PEF). PEF targets certain materials at the end of the CPF's processing line which could be used as fuel in existing boilers. The targeted items include small pieces of paper and light plastic, such as plastic film and wrap. These materials are shredded to facilitate fuel delivery. A

sample of the PEF material was passed around the room. The presentation included a comparison of characteristics of PEF, PEF from the Medina CPF, Refuse Derived Fuel (RDF), MSW, Hog Fuel and Coal. Those characteristics were moisture content, heating value, ash content, sulfur content and chlorine content. The Medina PEF was shown to have a heat value of 7,000-8,000 Btu/lb – only coal had a higher value. The presenters noted that the Medina PEF was not tested for chlorine content. The test burn was done at Akron Thermal which is the commercial boiler that has interest in purchasing the PEF to displace wood, coal, or natural gas as a fuel feedstock.

The presentation then provided Ohio EPA's definition of recycling, as "the process of collecting, sorting, cleansing, treating, and reconstituting solid waste that would otherwise be disposed in a solid waste disposal facility and returning the reconstituted materials to commerce as commodities for use or exchange." Details were then provided to assert that PEF met the definition of "recyclable" and how it should not be considered a solid waste. The presenter stated that PEF is a "wanted" material, and would fall into the category of a commodity.

Ohio EPA's Division of Air issued a PTI to burn PEF (less than 10% of total volume) to Akron Thermal without any additional scrubbing equipment. Ohio EPA's Division of Solid and Infectious Waste Management has taken the position that PEF is a solid waste. Therefore, the presenter stated that a transfer station permit is required at Akron Thermal to receive PEF, and the boiler would possibly have to reclassify as a solid waste combustor. The presenters noted that PEF would not be stored on the floors at Akron Thermal; it will be delivered via piping directly from a trailer. They stated that non-traditional commodities such as PEF can increase Ohio's recycling rate in a cost effective manner and asked that Ohio streamline the permit barriers for PEF by developing new policies or by introducing new legislation. They also urged SWAC to consider PEF as a recyclable material.

Mr. Booker stated that the transfer facility regulations would not apply to the Akron Thermal facility. He stated that the resource recovery (incinerator) regulations would apply. He stressed that the resource recovery regulations apply for a lot of reasons, including issues with leachate, housekeeping, litter, etc. He said that the Ohio EPA is definitely supportive of PEF as a project and that the Agency is open to the possibility for exemptions to streamline and to expedite the regulatory process. It was not made clear whether Akron Thermal ever applied for an exemption.

Mr. Viny stated that the customer, Akron Thermal, does not have interest in PEF if it is considered a solid waste. Having a solid waste combustor can be very problematic from a public standpoint. A discussion about the public perception of incineration took place and it was noted that the boiler presently burns shredded tires as well as wood. Akron Thermal maintains its combustor status because tire derived fuel is exempt, and the facility does not want to reclassify as an incinerator.

Medina/Akron Thermal Energy Recovery Proposal (Andrew Booker, DSIWM)

Mr. Booker stated that Ohio EPA supports incineration and energy recovery as viable components of the waste management hierarchy and supports Medina County and Akron Thermal's efforts to utilize material from the Medina County CPF for energy recovery. However, these activities are considered incineration/energy recovery, not recycling. These activities fit clearly into the statutory and regulatory definitions of incineration and energy recovery.

From the ORC, "'Incinerator' means any equipment, machine, device, article, contrivance, structure, or part of a structure used to burn solid and/or infectious wastes to ash." From the OAC, "'Solid waste energy recovery facility means any site location, tract of land, installation, or building where mixed solid waste or select solid waste streams, including scrap tires, is used as or intends to be used as fuel to produce energy, heat, or steam.'" Mr. Booker reiterated the phrase "or select solid waste streams." He also noted that the previous presentation made a great deal of effort to fit the activity into the definition of "recycling" when it fits very directly into existing definitions of incineration and energy recovery.

Ohio EPA believes that the Agency has a legitimate interest in regulating incineration/resource recovery activities and that reclassifying this activity would remove it and similar operations entirely from the regulatory framework. Ohio EPA's approach is consistent with other states in the region. Of nine states close to Ohio that were surveyed, eight would regulate this activity under their solid waste incineration/energy recovery regulations. Ohio EPA has informed Akron Thermal that, given what we have been told about this activity, the Agency is very open to granting exemptions to simplify and minimize the regulatory requirements of this activity. However, removing this activity from the definition of solid waste is no small issue. One implication is that if sorting out a portion of a solid waste stream removes it from the definition of solid waste, it also removes the Agency's ability to prevent or provide oversight over potentially environmentally harmful activities associated with it (i.e. open dumping and other prohibitions).

The issue of the PEF material being a "wanted" commodity was discussed. The Agency has applied a standard to generators of material, in this case the residents of Medina County. The material is household and commercial waste. An example given was the Kirby Tire site. The Kirbys "wanted" the tires because they thought they would be worth money some day (just because someone pays for it does not change the fact that it is a solid waste). It was also pointed out that the Medina Solid Waste District would get credit towards waste reduction/recycling regardless of whether the PEF material was considered a recyclable material or not. Incineration is counted toward the waste reduction/recycling goals.

Kathy Trent discussed how the Akron Thermal Facility made additions to the facility, etc., in order to burn tires which would normally go to a landfill. She repeated that everyone is encouraging the use of this PEF material to be used for its heating value, but

it appears that the facility does not want to go through the regulatory means that are already in place in order to do that.

It was reiterated that the facility did not want to be reclassified as an incinerator to accommodate a material that is less than 10% of the fuel stock. It was then stated that tires are considered solid waste, but EPA has made an exception for tire-derived fuel as long as it not recognizable as tires. It was noted that recyclables are considered solid waste. It was also stated that when paper and cardboard are separated from the waste stream they are considered a commodity and when a paper mill receives that material it is no longer considered a solid waste. It was discussed that there is no fine line that determines when a solid waste becomes a commodity. It was stated that it would most likely be the same for as a paper mill buying old newspaper; they wouldn't want it if it was a solid waste. It was mentioned that if a load did not meet the specifications for a grade of paper, then the material is sent back as trash. It was reiterated that if the PEF material was not considered solid waste, then any mechanisms to regulate the activity would be lost.

Tim Wasserman, speaking from a solid waste district's standpoint, noted that there is a lot more recycling that could potentially be targeted. If there is a new idea that could achieve this, then it needs to be explored, and SWAC should be flexible to new ideas.

It was noted that other power generators have been surveyed about the PEF product, and municipal, industrial and utility power generators have all expressed support. All would consider co-firing this material in their boilers. If PEF only comprises 5% of the fuel in a plant, it results in a large amount of PEF that is used and helps the plant with meeting sulfur emission regulations (there is no sulfur in PEF).

Senator Niehaus arrived during the discussion, approximately 11:15.

Senator Neihaus stated that this project has been discussed for years and that something needs to happen. There is a need to change the laws to help innovative technologies in order to get over the hurdles.

Ralph Jennings asked if a recommendation from this board (SWAC) was needed in order to help with regulation changes. Kathy Trent reiterated the fact that Ohio EPA has said that it is willing to make this project happen. Akron Thermal needs to make a formal proposal asking for an exemption. It was again mentioned that the users are not going to want the material if it is considered solid waste

It was stated that Arkansas currently does allow a PEF material for use in three boilers in that state, and the PEF is counted towards recycling.

Again it was mentioned that when commodities are handled there are potential environmental impacts, and all of these need to be looked at. One problem is that only one facility is being looked at, Akron Thermal. It was mentioned again that Ohio EPA has not received a request for an exemption from that facility.

Erv Ball mentioned that there is willingness on the part of Ohio EPA to work with the entities involved. He reminded everyone that there is a larger issue at hand and that is to see what the results of this change would have. From a SWAC standpoint, this is a long term issue. For example, because of recent C&DD regulations, some facilities started to look at recycling options and now up to 50% of C&DD is recycled at some facilities.

It was discussed how this could influence clean MRFs and recycling markets as well. It could have impacts on feedstock for facilities, such as paper mills. The issue of the definition of recycling and how it appears in Ohio EPA's regulations needs to be examined. There may be concern about how solid waste district fee structures would be affected as well. A statement from the National Recycling Coalition should be sought. Changes to definitions of recycling and RDF could have serious impacts on recycling in Ohio.

Senator Neihaus stated that if SWAC supports this project then a letter stating that the issue should be looked at further is needed. He also said that a deadline should be set, preferably before the next heating season begins.

Senator Niehaus provided a MOTION to request that SWAC send a letter of support to Ohio EPA indicating their support for the concept of engineered fuels and that the EPA will report back to SWAC at the February meeting on their progress toward a resolution. He also said that he hoped that this resolution would be determined no later than the May meeting of SWAC. Ralph Jennings seconded the motion.

A vote was held and ten members voted for the motion, two voted against, and one member abstained.

Mahoning County SWMD/Carbon Limestone Host Agreement (Jim Petuch, Mahoning County SWMD, Anthony Trafficanti, Mahoning County Commissioner, Jim Scharville, Poland Township, and Mike Heher, Carbon Limestone Landfill)

The presenters started by relating that there have been conversations about the negative impacts from waste that is imported into Ohio. The intention was to tell a story of one landfill, currently receiving 30% of Ohio's imported waste, that has resolved a lot of these negative issues.

An overview of the Carbon Limestone Landfill was provided. The landfill has existed since 1963 on the Pennsylvania/Ohio border. It began receiving waste from the East coast in 1983, but was unprepared for it. In 1988 the landfill's license was denied by the Mahoning County Board of Health, and its PTI was denied by the Ohio EPA. HB 592 was passed around this time and part of the statute that resulted from HB 592 authorized county commissioners to spearhead host agreements. A host agreement was signed in March of 1991 by the Mahoning County Solid Waste Policy Committee, the Mahoning County Commissioners, Mahoning Board of Health, Poland Township Trustees and

Browning Ferris Industries (now called Allied Waste). The agreement has been updated four times since then, with the most recent update happening in 2005.

In addition to the issues raised by the large volume of waste coming from the East coast, such as increased truck traffic, was well water problems. The Village of Lowell, located nearby, was under federal orders to build a wastewater plant. Carbon Limestone needed a place to treat the leachate coming from the landfill. A joint venture provided Poland Township with more benefits for its citizens. The agreement also included stipulations for maximum daily disposal amounts as well as limitations for how much was taken from more than 175 miles away.

The next part of the presentation focused on the benefits to Mahoning County in regards to recycling. First, a curbside recycling program was established that was paid for by the out-of-state waste volumes. Over the years, the area of curbside collection has expanded as well as the types of materials collected. Also, multi-family housing was added. In addition, a communication program was established between the County and Allied Waste. Furthermore, a recycling audit program was created to measure participation rates for the recycling programs and education programs were established. The normal fees collected by the Mahoning Solid Waste District are used to pay for the drop-off recycling programs in the rural areas.

Specifics of the host community agreement were then discussed. The agreement was put in place to provide a comfort level to the citizens. First, they developed an inspection program that exceeds the State requirements for frequency. Second, the agreement provides funding for the Board of Health from the Solid Waste District. The agreement also provided for a "nuisance abatement fund" to abate any landfill related problems that may arise throughout the county. It also established funding for a water testing laboratory. Other provisions were the landfill may not accept any regulated hazardous waste or any untreated infectious waste.

The next part of the presentation dealt with Mahoning County specifically. One provision of the agreement was that it defined "long haul waste" as coming from over 175 miles away. The County receives an extra 30 cents for every ton that comes from beyond that limit, and the County can use that money for any purpose. The agreement also guarantees disposal volume for the county's waste.

The last portion pertained to the Poland Township, where the landfill is located. The first cooperative project between the Township and Carbon Limestone was "the waterline project," which began with one township trustee and two citizens meeting with BFI. The project involved installing fire hydrants every 300 feet, reducing insurance rates for home owners, and extending Lowellville sewer lines to township residents. Over the years and several amendments to the Agreement, the project was expanded to almost every road in the township at a cost of about \$3,000,000. In addition, \$15,000 is received by the Poland Township's police and road department as well as another \$15,000 that goes to the western fire district. Also, the residents that live closest to the landfill receive weekly trash service for free, and the closest township in Pennsylvania receives \$15,000 annually for capital expenditures. There was also a community fund established for the Township

that has been utilized by many community organizations, and an 87-acre township park was created as well.

In summary, the host agreement has provided a comfort level to the citizens and confidence in the government officials. It was commented that it is great to see a host agreement that works so well for everyone involved.

Agenda Items for the February 15, 2007 meeting at Ohio EPA Central Office

- Update on the Medina/Akron Thermal situation
- Update on the State Plan
- It was suggested to have an update on any administrative changes that are a result of having a new Governor

Tim Wasserman MOVED to adjourn the meeting.
Erv Ball SECONDED the motion.

Respectfully submitted: _____

Erv Ball, Vice Chair

Minutes approved on: _____

Certified by: _____

Kathy Trent, Secretary