

**Summary Minutes
Solid Waste Management Advisory Council (SWAC)
February 26, 2004
High Banks Metro Park
9466 Columbus Pike
Lewis Center, OH 43035**

Members in Attendance:

Erv Ball, Health Departments
Brad Biggs, ODO's Director's Designee
James Gilliland, Counties
Karl Graham, Municipalities
Dan Harris, EPA's Director's Designee
Mike Long, Single County SWMDs
Richard Mavis, Municipalities
Kathy Trent, Private Solid Waste Management
Tim Wasserman, Joint County SWMDs

November 20, Meeting Minutes

With the absence of a quorum, approval of the November 20, 2003 meeting minutes was postponed.

Update on Legislative/DSIWM Issues

Mr. Harris stated that there hasn't been much activity regarding pending or new federal legislation addressing out-of-state waste.

In regard to Ohio legislative efforts for areas of interest to SWAC, Mr. Harris reported that Ohio EPA does not anticipate hearings will be scheduled for two construction and demolition debris bills introduced by members of the Ohio House and Senate, House Bill 259 and Senate Bill 119, respectively.

At the November 20, 2003 SWAC meeting, Mr. Harris mentioned that it is Ohio EPA's understanding that Representative Latta has intentions to introduce legislation that would affect the placement of local health districts on and off of the Director's list of approved health districts for the C&DD and solid waste programs. To date, this legislation has not been introduced.

Legislation was introduced last week by Senator Schuring for the purpose of assisting boards of health and Ohio EPA in administering and enforcing the C&DD rules. The proposed legislation is Senate Bill 201. Ohio EPA anticipates that Representative Webster will introduce companion legislation on this topic in the Ohio House. According to Mr. Harris, Ohio EPA is reviewing SB 201. In general, Ohio EPA is supportive of legislative efforts to fund the C&DD program. It is anticipated that this legislation will attract amendments due to the broad interest for C&DD by many different parties.

Mr. Ball asked if the Agency has looked into how provisions of S.B. 201 would affect Ohio EPA's fiscal setting since funding for Ohio EPA is also included. Mr. Harris explained that since the program is currently funded through a flat licenser fee, versus

the proposal in the bill to enact a per ton fee for C&DD disposal, we are not sure what impact this will have. Ohio EPA's preference is that the fees enacted by the new legislation will at least be consistent with existing funding.

Mr. Harris informed SWAC that DSIWM will be seeking Director's approval for an original filing of a proposed rules package with JCARR. The package includes rules that currently contain references to Chapter 31. These references must now be changed to reference Rule 3745-27-02 of the Ohio Administrative Code (OAC). OAC Rule 3745-27-02 became effective October 17, 2003. Chapter 31 contained a rule covering permit-to-install (PTI) requirements that was referenced by several different Divisions of Ohio EPA. Now each Division has its own PTI rule. DSIWM's PTI rule is OAC Rule 3745-27-02. Only limited additional changes have been made to these proposed rules in order to accomplish this update quickly and with a minimum of controversy.

Mr. Biggs asked if the PTI rule change will make it easier to get a solid waste permit through the system. In reply, Mr. Harris noted that the "stand alone" PTI rule for solid waste facilities (OAC Rule 3745-27-02) clarifies the specific requirements that must be demonstrated in order to process a solid waste permit. It is felt that the process may be accomplished faster due to the narrower focus of OAC Rule 3745-27-02.

Mr. Harris advised SWAC that the fee rules and the licensing rules will soon be sent for interested party review. This is the second round for both of these rule packages because more than a year has passed since the original public hearings and public comment periods were held. JCARR recommends that all of the initial steps of the rulemaking process be repeated when this much time has elapsed.

Mr. Ball asked if there were any particular reasons that the rule packages did not move further along in the process. Mr. Harris identified specific reasons for each of these two packages. The fee rules involved a statutory reading legal debate between attorneys at JCARR and Ohio EPA attorneys. The Agency sought to clarify this debate by including specific information in a budget bill. Regarding the licensing package, Mr. Harris explained that a list of noteworthy issues were brought forward during the public comment period. DSIWM wanted to address all of the issues expeditiously, however, the resulting delay related to available staffing requirements.

Mr. Harris indicated that the infectious waste rules package was recently sent for public comment. A major change included with this rule package addresses the transportation of infectious wastes. The recently proposed rules are set up to recognize the U.S. Dept. of Transportation's preemption over the transport of medical wastes. According to Mr. Harris, the federal preemption will prevent states from regulating the transportation of infectious wastes.

Mr. Biggs asked how are other states reacting to the federal preemption for transportation of infectious wastes. Mr. Harris explained that one private company providing service as a transporter of infectious waste to a large clientele first raised the issue in an eastern state. Ohio is only the second state where the issue has been raised.

Mr. Harris distributed copies of Ohio's Scrap Tire Management Report.

Matthew Hittle, Environmental Specialist, DSIWM - Construction and Demolition Debris in Ohio

This agenda topic was introduced by Mr. Booker, Environmental Supervisor, DSIWM. According to Mr. Booker, Ohio EPA has historically struggled to understand the scale and scope of the construction and demolition debris (C&DD) market in Ohio. The informational resources available for tracking solid waste disposal are not available for C&DD waste. Statutory requirements are not in place to require reporting of C&DD disposal. Nevertheless, DSIWM has initiated an effort to capture amounts for C&DD disposal through voluntary reporting.

Mr. Hittle introduced the agenda topic by reiterating that the data included in this presentation is preliminary information and that DSIWM will continue to evaluate some of the figures. The information presented should be considered a “sneak preview.” SWAC will be presented with more definite figures at a later date.

According to the preliminary information obtained from extrapolation, 12 million cubic yards of C&DD waste is disposed in Ohio in one year. This is estimated to be between 3,986,338 and 5,979,507 tons. Approximately half of this total is attributed to C&DD waste generated in Ohio. The data presented only includes information on C&DD waste disposed at licensed C&DD facilities. Therefore, the amount does not include any totals of C&DD waste disposed at solid waste disposal facilities. DSIWM will attempt to also identify these amounts.

Mr. Biggs and Mr. Graham presented questions of similar nature that dealt with the issue of how other states regulate C&DD waste versus how Ohio regulates this material. In response, Mr. Harris explained that Connecticut has only five staff available at a statewide level to implement regulatory programs for solid waste and C&DD waste. However, there is a disincentive for C&DD waste generators to send this waste for disposal in states like Connecticut since tipping fees for this material ranges from \$70.00-\$80.00 per ton. In Ohio the cost typically falls below \$10.00 per ton.

Mr. Harris also focused on how other states have taken steps to implement greater regulatory authority as a result of problems encountered with hydrogen sulfide production at C&DD disposal sites. (Hydrogen sulfide production often results from the decomposition of dry wall material (wall board).) Specifically, these states have taken steps to address the public health hazards associated with hydrogen sulfide contamination in the air. Ohio EPA is particularly interested in this since hydrogen sulfide has been detected at a C&DD disposal site in Portage County.

Mr. Long suggested that SWAC should make a point to consider this topic a “high priority” item for all of the foreseeable future. According to Mr. Long, the aspect of C&DD waste being disposed at solid waste landfills and taking up significant amounts of space, along with other related concerns, is enough to merit SWAC’s full attention.

Mr. Ball added that the C&DD market appears to be growing at a rapid pace in Ohio and it is important for Ohio legislators to understand this. Local health districts in Ohio are facing real economic challenges in providing regulatory oversight for C&DD in light of this growth.

Mr. Harris explained that it is Ohio EPA's intent to keep SWAC informed of all the issues related to C&DD disposal. Ohio EPA agrees that these are important issues to keep before SWAC, even if only considered from the perspective of future *State Plan* updates.

Mr. Graham suggested that it is important for Ohio EPA to make a concerted effort to relay all of the important messages to all of the appropriate entities regarding C&DD disposal. Mr. Biggs added to this by suggesting that many benefactors should unite to communicate these messages so as to quell any perception of a slanted approach by Ohio EPA. Mr. Harris assured SWAC that Ohio EPA continues to strongly support improving the statutory obligations for C&DD facilities. Mr. Harris also recognized that it is of upmost importance for the Director to take on the issues and move forward on a number of different fronts.

Andrew Booker, Environmental Supervisor, DSIWM - Ethics Policy—Adoption by SWAC

The Governor is placing a renewed emphasis on the topic of ethical conduct in light of recent events of inappropriate actions by some state board/council representatives. As a result, all state boards/councils are being directed to adopt an ethics policy and all persons appointed by the Governor who sit on these boards/councils are also being directed to attend an ethics training course presented by the Ohio Ethics Commission.

Mr. Booker discussed the model ethics policy that had been distributed to each SWAC member prior to today's meeting. SWAC member Mr. Hill has raised a number of different questions about the model policy and DSIWM is in the process of working with the Ethics Commission to obtain additional information. Therefore, Mr. Booker proposed that SWAC postpone adoption of the ethics policy. SWAC members were also encouraged to use this as an opportunity to raise any other questions/concerns regarding the model ethics policy so that we may also bring these issues before the Ethics Commission.

Dan Harris, Chief, DSIWM - Industrial Beneficial Reuse

Mr. Harris updated SWAC on information he obtained through two US EPA conferences DSIWM has participated in called the Industrial Byproducts Beneficial Use Summit. The focus of these conferences dealt with obstacles experienced by industries in the market place when practicing beneficial reuse and restraints resulting from regulatory requirements.

Mr. Harris identified a few examples where Ohio's waste statutes and rules have been considered for potential change in the context of industrial beneficial reuse. The goal is to end up with a regulatory program that serves to protect human health and the environment and also one that allows flexibility for industrial beneficial reuse when practical. Although Ohio EPA is not ready to propose specific changes, the Agency is moving forward with the concept and will continue to work with the electric utility industry, the foundry industry, and other groups of industrial waste generators.

Karl Graham, City of Cincinnati, Department of Public Services

Mr. Graham reported that although Cincinnati has faced a budget deficit of \$35 million in 2003 and will face a projected budget deficit of \$20 million in 2004, City officials have decided to fully fund the curbside recycling program without making changes to the program to lesson program costs. Mr. Graham attributes the decision to the outcry of Cincinnati's constituency, as well as, persuasions from outside the constituency received from all across the nation.

Mr. Graham said that the ideas presented by the Hamilton County Solid Waste Management District to lesson the curbside program costs are not being disregarded. However, at this time Cincinnati has decided to not put these changes in full swing. The ideas presented by the Hamilton County Solid Waste Management District (SWMD) were identified as very valuable to City officials. Mr. Booker also gave recognition to the ideas presented by the Hamilton County SWMD by stating that the work put into the effort by the SWMD also has statewide value. DSIWM feels that the ideas presented by the Hamilton County SWMD would serve as a statewide model for other communities finding themselves in a similar situation.

Jeff Aluotto, Program Manager - Hamilton County SWMD - Recycling Programs of the Hamilton County Solid Waste Management District

Mr. Aluotto provided an overview of the Hamilton County SWMD that included summary information about Hamilton County, the District's solid waste management infrastructure, recycling programs, and other services.

Hamilton County has 845,000 residents. Cincinnati is home to 330,000 of these residents. There are 587 manufacturing companies in Hamilton County having over 20 employees. Over 1 million tons of waste were landfilled in the County in 2003. Hamilton County is home to Rumpke Sanitary Landfill and Rumpke Material Recovery Facility.

The Hamilton County SWMD is funded through a \$1/\$2/\$1 disposal fee. Rumpke Sanitary Landfill is the only operating in-district landfill. The SWMD receives approximately \$2.5 million annually from the disposal fees.

Mr. Aluotto communicated the SWMD's philosophy as "the District exists to encourage recycling and to offer direct programming where gaps exists." However, the philosophy also includes that where private sector infrastructure exists to handle recycling and is operating efficiently, the SWMD should not interfere.

District programs include services for education and service to residential, commercial, and industrial entities.

The District offers residential recycling incentive grants amounting to 1 million dollars each year. This is used to subsidize 15-20 percent of recycling contract costs in the SWMD. Reduction assistance grants are also provided by the SWMD to communities. These grants are used to provide incentive for new and innovative programming. Other residential programs include: composting opportunities, household hazardous waste collection, a campaign to promote recycling, and many other initiatives.

Industry and commercial entities are offered a variety of programs through the SWMD.

These programs include: a waste exchange, computer recycling, and waste assessments, market development grants, and several other initiatives.

The SWMD is also extensively involved with educational outreach for solid waste management. This includes school presentations, teacher workshops, field trips, and other educational activities.

The SWMD also provides approximately \$450,000 annually to two local health districts, Hamilton County and the City of Cincinnati.

Potential Future Agenda Topics

- Updates for C&DD data
- Final analysis of the ODNR waste characterization study
- Presentation of an industrial beneficial use concept
- Preliminary data for out-of-state waste
- Preliminary analysis of the drop-off study

The next meeting is scheduled for May 27, 2004 to be held at Highbanks Metro Park from 10:00 a.m. to 1:00 p.m.

Respectfully submitted: _____
Erv Ball, Vice Chair

Minutes approved on: _____

Certified by: _____
Kathy Trent, Secretary