

Summary Minutes
Solid Waste Management Advisory Council (SWAC)
June 27th, 2001
High Banks Metro Park
9466 Columbus Pike (US Rt 23 N)
Lewis center, OH 43035

Members in Attendance:

Brad Biggs, ODOD Director's Designee
Mike Canfield, ODNR Director's Designee
Arthur Haddad, Counties
Dan Harris, EPA Director's Designee
Steve Hill, Industrial Generators
Mike Long, Single County SWMDs
Phil Palumbo, Joint County SWMDs
Eddie Paul, Private Recycling Industry
John Rininger, Jr., Municipalities
Kathy Trent, Private Solid Waste Industry
Richard Williams, Townships

June 12th, 2001 Meeting Minutes Approved

The first order of business was to review and approve the May 14th, 2001 meeting minutes. Art Haddad MOVED to approve the minutes, Phil Palumbo SECONDED the motion. The minutes were approved on a voice vote.

DSIWM Update

Dan Harris explained that the landfill rules which cover municipal, industrial, residual, and scrap tire monofill facilities had been filed with JCARR. The rules are available on the Ohio EPA webpage (<http://www.epa.state.oh.us/dsiwm/pages/drafrule.html>). A public hearing will be held on July 27 at 10 a.m. in the Lazarus Government Building on the 6th floor (Ohio EPA Central Office). Everyone is invited to review the rules and attend the hearing.

Mr. Harris also gave an update on the C&DD proposed rules. A public hearing was recently held, and six entities submitted comments regarding issues for clarification. The recommendation to the Director is to file an "intent to re-file" letter with JCARR in order to gain additional time to incorporate the suggested changes.

John Rininger asked about the attendance of the legislative representatives for SWAC. Mr. Harris said that he would see what he could do and that the agendas and correspondence were sent to Senator Carnes; however there currently isn't a representative from the House of Representatives. Mr. Booker added that more legislators attended meetings when they were held at the Riffe Center.

Mike Long asked about HB 177 legislation which involves the siting for facilities within a certain distance of a political subdivision. Mr. Harris wasn't able to offer much insight on this issue, but he stated that he would look further into the issue and provide information at a future meeting.

Logistics

Mr. Booker passed out the promotional booklet and video produced by ODNR for the Market Development Grant. Brad Biggs added that ODOD had already distributed the materials to many interested parties across the state.

Mr. Booker continued to explain the process for the upcoming months to finish the finalization of the draft *2001 State Solid Waste Management Plan (2001 State Plan)*. The last *State Plan* was approved in 1995 with a update review in 1998. The statute requires that five public hearings be held after a public comment period. The five public hearings will be held in the EPA's district offices and central office, and they are currently scheduled for August 14th through August 17th. Mr. Booker requested that at least one SWAC member attend each hearing if possible. Mr. Rininger asked whether the executive summary will be finished for the public hearings. Mr. Booker said that the executive summary should be completed on time.

The next meeting will be held on August 30, and members will vote on the final *2001 State Plan*. Most members indicated that they will be able to attend; however Steve Hill and Mike Canfield had possible conflicts and may not be able to attend. A location has not been confirmed, but members will be notified as soon as possible. Mr. Canfield suggested that the ODNR facility at Alum Creek may be a possible meeting location. Mr. Booker also checked if members would be available for another meeting on November 14, and Mr. Rininger was the only member with a possible conflict. More information about both meetings will be distributed in the future.

Mr. Booker said that one possible agenda item for the upcoming meetings will most likely be the Franklin County Pilot Project. Mr. Long said the first phase of the project was completed and they are now in the second phase. Data has been collected and compiled for the first phase.

Discussion and Concurrence on Draft 2001 State Solid Waste Management Plan

CHAPTER I: Introduction

Mr. Booker presented the first chapter and gave a brief summary of any changes or new sections which were added. The floor was opened to comments, questions, and suggestions. Mr. Canfield asked whether a hard-copy of the presentation slides could be sent to him.

Ms. Trent pointed out an error on page I-6 and Ernie Stall agreed that the sentence would be moved to the previous paragraph. Ms. Trent asked whether a sentence should be added to clarify the difference between "constructed" and "permitted" in the second paragraph on page I-8. Ms. Trent also would like to make suggestions regarding out-of-state waste from New York and the impact of the closure of the Fresh Kills facility. She would like to emphasize that Ohio is not a repository for New York's waste and no direct increase has been shown as a result. Ms. Trent will email suggestions for page I-9 to Mr. Stall. Mr. Palumbo pointed out that most out-of-state waste does come from New York. Members agreed that the word "likely" could be changed to "possibly" in order to avoid any confusion on this issue.

Mr. Rininger asked if a sentence could be added regarding the discussion of exports. Mr. Stall agreed that he would make the appropriate change.

CHAPTER II: Implementing the 1995 State Solid Waste Management Plan

Mr. Booker presented a summary of the second chapter, which was all new information based on the progress since the adoption of the *1995 State Plan*, including information from the 1998 Progress Report. He opened the floor to comments, questions, and suggestions.

Ms. Trent asked about the issue of service area brought to the attention of SWAC by a letter from Keith Bailey who is the coordinator for Delaware-Knox-Marion-Morrow SWMD. Mr. Booker asked her to hold her thought until Chapter III when this would be discussed in further detail.

CHAPTER III: Goals for Solid Waste Reduction, Recycling, and Reuse

Mr. Booker presented a summary of the third chapter and emphasized any additions or changes made. He opened the floor to comments, questions, and suggestions.

Mr. Canfield suggested that the GIS project ODNR was working on may be applied using the radius concept for the drop-offs. Mr. Rininger added that this may help to identify out-of-service areas that qualify for credit, including districts that use another district's opportunities or other problem areas. Mr. Booker explained that the service areas are more elastic now. Ms. Trent wanted to know where this idea is discussed in writing in the Plan. Mr. Booker clarified that the concept is included in the goal; however the details would be in the *Format* and the rule.

Mr. Palumbo asked if buy-backs sponsored by the district would qualify for access credit. Mr. Booker explained that the district may receive credit as a drop-off if the buy-back collects all of the designated materials. Alternative demonstrations may increase the amount of access credit received. Mr. Booker added that no other states use a goal similar to access.

Mr. Booker emphasized what the intent and purpose of the access goal were meant to be. In addition, he added that the methodologies to measure access should be reasonable; for example, using a 30-mile radius does not seem to be reasonable, nor does one drop-off opportunity for the entire county. Mr. Booker explained that these seem to be theoretical extremes rather than reasonable measures. The access goal was intentionally designed so as not to neglect any one county. Mr. Booker also explained that Ohio EPA is not necessarily interested in lowering the bar just to make everyone happy; rather, Ohio EPA's intent is to establish goals that are realistic but challenging.

Mr. Long asked about page 3-2 which discusses the county service area and stated that he would like to extend this to an entire district. Mr. Long also added that the problems encountered in multiple county districts also occur in single county districts with municipalities and townships. Mr. Long explained that this goal requirement may force the District to spend money on opportunities that they don't think are cost effective. Mr. Harris responded that the access goal is optional and districts can choose to comply with the "original" approach of the percentage goal instead.

Mr. Palumbo responded to Mr. Harris and commented that the districts are dependant upon tonnage numbers from recyclers which is not enforced by Ohio EPA. As a result, the district must rely on the access goal. Mr. Palumbo explained that his district is in the

process of plan-writing and has chosen to use the access goal. He believes that he would be able to qualify for the percentage goal if he was able to get the correct numbers; however EPA has not given SWMDs the tools to accomplish this due to the lack of mandatory reporting requirements.

Mr. Canfield offered insight on the possible disincentive for municipalities to offer and pay for curbside recycling programs when the SWMDs are required to provide access opportunities for residents. Mr. Rininger added that his city would be providing curbside service in the future because the SWMD was unable to meet access otherwise. Mr. Booker reminded SWAC that the coordinators have difficult jobs to balance all of the components but their obligation is to meet the goals.

Charlie Ramer, a representative of OSWDO, recognized Ohio EPA's effort in working with the members of his organization to reach a compromise by providing alternate methodologies besides the default values and by allowing the population for an opportunity to be split between county lines. Mr. Ramer continued to explain the support from OSWDO for the draft *2001 State Plan* with the exception of Mr. Bailey; to the best of his knowledge all districts but one feel that the changes incorporated into the draft *2001 State Plan* is a fair compromise.

Ms. Trent added that it would be helpful if the language would be included to explain the compromise or perhaps added as an appendix. Mr. Ramer offered to write a letter to summarize the concepts. Mr. Harris also said that EPA could send a letter to SWAC to outline the ideas. Mr. Ramer suggested that the *State Plan* is probably not the appropriate vehicle to try to explain all of the details related to the methods of demonstrating compliance with the percentage and access goals. Mr. Long insisted that language should be drafted and included in the draft *State Plan* now, rather than later, regardless of additional time and effort that it may require. Mr. Booker hesitantly agreed that a paragraph would be added in the chapter as a compromise.

Mr. Rininger had a question about the flow of information and made a suggestion for the formatting on pages III-7 and III-8. Mr. Stall said that he would look at it and make any changes he could.

Several additional questions and concerns were discussed regarding the goals, specifically for the residential/commercial and industrial sector goals. Many suggestions were made and Ohio EPA agreed to make the following changes:

- paragraph added to page III-5 to clarify alternate demonstrations for access
- paragraph added on page III-10 regarding a district that can demonstrate 25% residential/commercial WRRR, but can not meet industrial goal

Mr. Long asked whether the part about rebates to citizens in the second paragraph could be removed. Mr. Rininger agreed and said that this may be creating false hope. Mr. Booker agreed to remove this reference. Mr. Long also said that he would offer more narrative for strategy #10 on page III-17.

CHAPTER IV: Restrictions on the Types of Waste Disposed in Landfills and Burned in Incinerators

Mr. Booker presented a brief summary of the chapter and any changes or additions that were made. He opened the floor to comments, questions, and suggestions.

Mr. Canfield offered a suggestion regarding the restriction on the disposal of scrap tires in landfills and felt that this should be changed due to the fact that tire chips are used for drainage layer of the leachate collection in landfills. In addition, Mr. Biggs asked whether it may be possible that they'll be used for daily cover material. Mr. Harris responded that there are too many concerns at this time and very few states have approved scrap tires for this purpose. Mr. Canfield suggested adding the statement "or for approved construction use." Mr. Canfield expressed his concern that the language in the Plan may cause confusion if someone is aware that tires are being taken to landfills to be used in construction when the Plan indicates that there is a ban from landfills. Mr. Canfield also suggested a change on page IV-4 regarding the use for backfill in Clark and Geauga Counties. Mr. Biggs added that there are many other beneficial uses and Mr. Harris suggested that the sentence be modified to say: "or beneficial uses authorized under rule." Mr. Canfield agreed that this was appropriate.

CHAPTER V: Revised General Criteria for the Location of Solid Waste Facilities

Mr. Booker presented a brief summary of the chapter and emphasized any changes or additions that had been made. A hand-out for page V-11 was presented to SWAC members which showed a change in the language regarding SWMD rulemaking authority. He opened the floor to comments, questions, and suggestions.

CHAPTER VI: Ash Management

Mr. Booker presented a brief summary of the chapter and emphasized any changes or additions. He opened the floor to comments, questions, and suggestions.

Mr. Rininger made a comment that this may be more of an issue in the future due to the fact that some people would like to see incinerators put back into use in the future.

CHAPTER VII: A Statewide Strategy for Managing Scrap Tires

Mr. Booker presented a brief summary of the chapter and recognized any changes or additions made, such as the update on the finalized fee increase. He opened the floor to comments, questions, or suggestions.

Mr. Hill asked about the precision of the data on page VII-3. Mr. Stall said that he would change it to reflect the suggestion. Mr. Hill also asked about the potential for EPA to revoke a license as stated on page VII-5 in the fourth paragraph. An agreement was reached to change the language to "may result" instead of "will result." Mr. Hill also inquired about the cost recovery of the Kirby site and whether this should be added.

Mr. Williams pointed out that the reference on page VII-10 should be to page VII-16. Mr. Palumbo asked if all money resulting from the increased tire fee would be allocated for clean up or if there would be some for technology and research. Mr. Harris stated that none of the additional money will go towards technology and research. He stated that the same amount of money will be allocated for market development as before, and that all additional fee money will go towards clean up and enforcement.

CHAPTER VIII: A Program for Managing Household Hazardous Waste

Mr. Booker presented a brief summary of the chapter and emphasized any changes or additions made. He opened the floor to comments, questions, and suggestions.

Ms. Trent requested clarification on the \$65 - \$125 reference to cost and whether this is per household. Mr. Biggs asked where the money is coming from that is referred to on page VIII-5. Mr. Stall responded that the DKMM SWMD has a program where the district and resident pay for the curbside HHW service.

CHAPTER IX: Recycling Market Development

Mr. Booker presented a brief summary of the chapter and emphasized any changes or additions made. He opened the floor to comments, questions, and suggestions.

Mr. Canfield asked about the statement on page IX-4 regarding the Chicago Board of Trade and whether it has active status. Mr. Booker said that it is no longer active which is described in the narrative.

APPENDICES

Mr. Hill said that there should be no decimal points in the tables to remain consistent with previous sections of the Plan.

Mr. Biggs stated that the financial assistance amounts should be changed on page B-3. The correction should be one million per year with a range between 25,000-150,000.

Mr. Rininger asked if an explanation could be provided regarding the drop in the incineration rate in Montgomery County on page A-1.

Ms. Trent asked if the executive summary would be available before public comment period. Mr. Booker said that every effort is being made but there is a time constraint. Mr. Rininger inquired who was informed through the public comment. Mr. Booker responded that it would be posted on the website and published the Weekly Review. In addition, memos will be sent to consultants and other interested parties.

Issuance of the Draft 2001 State Solid Waste Management Plan for Public Comment

Mr. Rininger MOVED to issue the draft document for public comment on the basis that the changes discussed would be made prior to issuance. Mr. Canfield SECONDED the motion. The issuance of the Draft *2001 State Solid Waste Management Plan* document was approved on a voice vote.

Mr. Williams asked about the reappointment process. Mr. Booker said that the statute allows sixty days for the current members to serve once their term expires. Mr. Booker recognized Jane Goodman, Arthur Haddad, and Eddie Paul, who would not be returning and thanked them for their efforts and contributions while serving on SWAC.

Agenda Items for August 30th, 2001 Meeting

Potential agenda items discussed:

1. Draft *State Plan*
2. Public comment and public hearings
3. Final *State Plan*

Respectfully submitted: _____
Erv Ball, Vice Chair

Minutes approved on: _____

Certified by: _____
Kathy Trent, Secretary