

**Summary Minutes
Solid Waste Management Advisory Council (SWAC)
August 19, 2004
High Banks Metro Park
9466 Columbus Pike
Lewis Center, OH 43035**

Members in Attendance:

Erv Ball, Health Departments
Brad Couch, Statewide Environmental Advocacy Org.
James Gilliland, Counties
Karl Graham, Municipalities
Dan Harris, EPA's Director's Designee
Steve Hill, Industrial Generators
Ron Kolbash, ODNR Director's Designee
Sean Logan, Counties
Mike Long, Single County SWMDs
Tim Wasserman, Joint County SWMDs
Richard Williams, Townships

Agenda Update

Mr. Harris indicated that one of the agenda items originally scheduled for today's meeting will be postponed and held as a topic for discussion at a future meeting of SWAC. This agenda item being postponed is "Tipping Fees in Surrounding States." DSIWM representatives will provide a brief update on the status of the Ohio EPA solid waste management plan writing activities in place of the scheduled agenda item.

May 27, 2004 Meeting Minutes Approved

The first order of business was to review and approve meeting minutes from May 27, 2004. Richard Williams MOVED to approve the November 20, 2003 minutes, Erv Ball SECONDED the motion. The minutes were approved on voice vote.

Update on Legislative/DSIWM Issues

Mr. Harris indicated that he is not aware of any legislative actions or activities that have taken place since SWAC last met in May, 2004.

Mr. Long mentioned that Congressman Gilmore has introduced federal legislation that addresses interstate waste flow issues. This legislation, the Municipal Solid Waste Responsibility Act of 2004 (HR 4940), seems to be receiving bipartisan support. SWACO is fairly confident that the HR 4940 may pass through the House Committee on Energy and Commerce as early as September.

Mr. Harris stated that DSIWM has now completed the interested party draft phase for the licensing rules applying to solid, infectious, and construction/demolition debris facilities. These rules also include elements dealing with requirements for local health districts.

DSIWM expects to formally propose this rule package at some point over the next few months.

Mr. Logan noted that health districts often do not receive copies of changes made to permits, meaning any Ohio EPA issued permit, when the previously issued permits undergo modification. He asked if this rule package could be used to address this problem by requiring Ohio EPA to send copies of the permit modification request when received by the Director. Mr. Harris responded that Ohio EPA has not used the approach of improving internal processing procedures for permits through rule promulgation. However, Ohio EPA is always working to improve the procedures for processing permits. Currently, Ohio EPA is working on improvements in this area through the coordination of all the divisions within the agency involved with the permitting process. Whenever another Ohio EPA division issues a permit the local health district should be informed.

Mr. Harris updated SWAC on DSIWM's recent scrap tire abatement efforts. It is a requirement of Ohio EPA to issue orders against violators of the scrap tire rules a minimum of 120 days prior to Ohio EPA asserting the responsibility for scrap tire clean-up. Ohio EPA has now issued orders to ten illegal scrap tire disposal sites with the intent to initiate clean-up activities at each of these ten sites. It is anticipated that clean-up activities for these sites will be initiated in state fiscal year (SFY) 2005. For SFY 2006, Ohio EPA is looking at a greater number of sites to target for clean-up.

Ohio EPA has reached the point where the illegal scrap tire disposal sites are smaller and smaller, in the context of the number of tires to be processed. Ohio EPA is investigating a way to look at a regional approach for using contractors to clean-up these smaller sites. Ohio EPA is also looking into ways to link with local entities, such as solid waste management districts, in order to improve efficiency and ensure success for the clean-up of these smaller scrap tire disposal sites.

Ohio EPA recently met with representatives from ODNR-DRLP to discuss the scrap tire amnesty grants that were awarded to 44 solid waste management districts. Information is still being processed to evaluate the success of this one-time grant opportunity.

Mr. Graham inquired if there has been any renewed plans for scrap tire enforcement activities to help prevent future problems. Mr. Harris responded that Ohio EPA's focus toward scrap tire enforcement has not been equal to the amount of attention given to scrap tire abatement. Mr. Harris explained that enforcement actions for smaller tire piles are most effective at the local level (local departments of health). Ohio EPA's focus may include strategies to bolster the enforcement capabilities of local boards of health to assist in the prevention of illegal disposal of scrap tires. Likewise, Mr. Harris emphasized the important role that zoning boards can play at the local level for imposing restrictions that help control the illegal disposal of scrap tires.

Mr. Harris responded to Mr. William's request for clarification on whether or not Ohio EPA would make financial resources available to local health districts to assist in scrap tire abatement activities. Mr. Harris indicated that Ohio EPA is not opposed to exploring the concept. Mr. Harris mentioned that Ohio EPA is still dealing with some large stockpiles of illegally disposed scrap tires. As progress is made, the question of how to best utilize the

available funding becomes the center of Ohio EPA's attention.

Mr. Harris mentioned that due to changing federal emission requirements, more electric generating facilities currently without scrubber technology will be required to modify their operating systems. As a result, the amounts for disposal of flue gas desulfurization (FGD) waste are expected to greatly increase. With these substantial increases, it is expected that the quantity of FGD material being generated will far exceed the demand for FGD beneficial use applications. The need for more FGD disposal facilities will most likely emerge around the 2008-2009 time frame.

Mr. Harris updated SWAC regarding a letter received at DSIWM's Central Office from government officials in Michigan. The letter informed DSIWM that Michigan recently passed legislation establishing a system intended to ensure that materials prohibited for landfill disposal in that state stay out of Michigan landfills. The system involves a requirement to demonstrate, by one of three means, that waste shipments at all Michigan landfills do not contain restricted materials for disposal, as identified by that state. This includes wastes generated outside Michigan that are sent to the State for disposal (i.e. Ohio-generated waste sent for disposal in Michigan). One option for demonstrating the requirements involves the presentation of a certified statement that the waste does not contain the restricted materials.

Mr. Harris indicated that Ohio also has restrictions on most of the materials identified in Michigan law as restricted materials for disposal. However, DSIWM has determined that it is inappropriate to provide a blanket statement to the Michigan authorities that would serve as a "certification of equivalency (COE)." A COE would be accepted by the Michigan authorities as a demonstration for meeting their new legislative requirements if the COE indicates that Ohio-generated waste sent for disposal also does not contain the specific materials prohibited for landfill disposal in Michigan.

DSIWM does not intend to act in any specific capacity regarding the new Michigan requirements. It is DSIWM's position that the waste industries using Michigan landfills will need to address Michigan's new requirements. Nevertheless, DSIWM plans to alert all the solid waste management districts in northwestern Ohio of Michigan's legislative actions referenced in the letter DSIWM received.

Mr. Logan expressed support for Ohio EPA's decision to refrain from sending a "blanket" COE. An initial MOTION was offered by Mr. Logan to voice support for DSIWM's decision while remaining neutral toward the merits of the new Michigan requirements covered in the letter addressed to Ohio EPA. The motion was SECONDED by Mr. Hill. The motion did not carry.

Mr. Logan MOVED to substitute the previous motion with the following: SWAC supports the DSIWM position to not fill the Application for Certification of Equivalent Landfill Disposal Prohibitions without statement of the legality of the Michigan law. The motion was SECONDED by Mr. Hill. The motion passed with the favor of nine members and two members abstaining.

Charles Ramer, Coordinator, Portage County SWMD -Commercial Corrugated

Cardboard Recycling Initiatives

Mr. Ramer informed SWAC of the existing activities at the Portage County Solid Waste Management District for promotion of business and industry recycling efforts. The Portage County SWMD offers a publically owned and operated recycling center in Kent, Ohio. Currently this center processes 12,500 tons of recyclables per year using a staff of 44 people. Employees of the SWMD are responsible for operating the recycling center, providing curbside recycling, collecting materials at District-owned recycling drop-off sites, and managing routes for collection of recyclables from business and industry. The business and industry routes collect a variety of recyclables. The majority of material collected on these routes is corrugated cardboard.

Portage County business and industry establishments may choose from services provided by the SWMD ranging from curbside collection for smaller establishments to large container service for medium to large establishments. Small companies taking advantage of the curbside services are able to receive weekly curbside collection at a cost ranging from \$1.90-\$3.00 per month. Collection services available to medium/large business/industry establishments through large container collections is offered at no charge. The only cost is for rental of the containers. This charge ranges from \$5.50 per month for a 90 gallon toter to \$19.50 per month for a eight cubic yard container. The SWMD services the containers on a weekly basis.

Mr. Ramer also explained how business and industry in the City of Kent are required to participate in some type of recycling program. In 2001, the City of Kent enacted an ordinance installing this requirement. Companies must not only participate, they must also practice compliance reporting. Fines are administered to entities that do not participate or provide compliance reporting. Kent has contracted with the SWMD to provide low cost recycling for these entities. However, businesses and industries may also use an independent provider for recycling services. If SWMD services are not used, the companies are still billed \$3.00 per month as an administrative charge for the SWMD to process the required compliance paperwork imposed by the ordinance.

Mr. Wasserman asked who is responsible for monitoring compliance with Kent's ordinance. According to Mr. Ramer, this responsibility falls to the SWMD. The SWMD must identify businesses and industries that must be fined.

Mr. Long questioned if any case studies had been conducted to perhaps show where businesses have saved money. Mr. Ramer replied that the SWMD has only one year of implementation for this program under its belt. There have been no studies to date.

Mr. Williams was curious to understand if any other cities or villages in Portage County have considered adopting a similar ordinance. Mr. Ramer indicated that Ravenna is currently considering the matter.

The question was also asked by members of SWAC if there has been any opposition from private sector haulers against what the SWMD is doing for local business and industry. Mr. Ramer explained that the SWMD only became involved when it was clear that entities from the private sector had no interest in providing the services. Therefore, there has been

no significant opposition.

Mike Long, Executive Director, Solid Waste Authority of Central Ohio (SWACO) - Commercial Corrugated Cardboard Recycling Initiatives

Mr. Long also provided details for new initiatives planned to encourage recycling of corrugated cardboard in Franklin County. In the near future, SWACO plans to orchestrate a new system into play that will encourage the diversion of waste loads containing a high percentage of cardboard from being landfilled.

The plan entails the availability of financial incentives that will discourage disposal of loads with a high content of corrugated cardboard. The key for implementing the plan involves the closed trash burning power plant. The closed plant will serve as a location where waste loads can be sorted to pull out recyclables, particularly corrugated cardboard. With this option, haulers will have incentives to divert loads traditionally sent to the Franklin County Landfill to the trash burning power plant through less transportation costs and lower tipping fee charges.

Mr. Long provided several details that have been studied by SWACO to ensure the success for this new system. He looks forward to providing an update to SWAC after the system is in place and statistics have been gathered.

Patrick Holland, Director, Cuyahoga County SWMD -Cuyahoga County SWMD Scrap Tire Round-Up

Mr. Holland provided some background for scrap tire collection activities in Cuyahoga County. In September, 2002, the Cuyahoga County Solid Waste Management District convened a Scrap Tire Task Force to help reduce the spread of the West Nile Virus by eliminating scrap tire piles. As a result, a scrap tire sweep was planned for the spring of 2003 with the purpose of cleaning up hundreds of tire dumps located in Cleveland and suburbs. The Task Force would also work to address the problem of illegal tire dumping by increasing enforcement of Ohio's scrap tire laws.

The Task Force consisted of representatives from the following organizations: Cuyahoga County SWMD, Cleveland Dept. of Public Health, Cleveland Dept. of Public Service, Court Community Service, Inc., Cuyahoga County Prosecutor's Office, Cuyahoga County Board of Health, Cleveland Dept. of Public Safety, Cleveland Law Dept., and the Cleveland Dept. of Community Development.

To identify the location of illegally dumped tires, the Cleveland Dept. of Public Health established a hotline for residents to call to report tire dumps. A total of 916 calls were made to the hotline to report 744 dump sites in Cleveland and 172 dump sites in other cities. Site verification took place after collecting this information from the public.

The main tire clean up took place from April 1 to May 22 during which time 324 sites were cleaned. After this first phase was completed, tire removal efforts focused on three large dump sites. The removal of 58,052 scrap tires from these final three sites took place from June through September. In all, 107,323 tires from 268 sites in Cleveland and 59 sites in other cities were collected.

Several of the dump sites have proved to be recurrent problems despite all of these efforts. The Task Force sees the key to stopping and preventing illegal dumping of scrap tires in the future will be aggressive enforcement and education. Additional steps have been identified by the Task Force. These steps will be implemented over the next six months.

In closing, Mr. Holland recommended that SWAC convince Ohio EPA's Director to make it a felony for scrap tire generators to allow tires to be transported by an unlicensed waste tire hauler. It is already a felony for illegal transportation of scrap tires for those meeting the requirements to be a licensed transporter. A felony may also enter the picture for those who dispose of scrap tires improperly. However, Mr. Holland believes the key to cutting down on illegal disposal of scrap tires is to make scrap tire generators more responsible.

Matthew Hittle, Environmental Specialist, DSIWM - Drop-off Study Update

At the May 27, 2004 Council meeting members of SWAC were given a brief update by Mr. Booker, Environmental Supervisor. At this time Mr. Booker spoke about DSIWM's involvement with the drop-off study in the context of a commitment that was made in the *2001 State Solid Waste Management Plan*. This commitment dealt with reevaluating the access credit determinations that are used by solid waste management districts to demonstrate meeting the requirements of the Access Goal. This study helps fulfill this commitment.

When SWAC last heard from DSIWM on this topic in May, surveying at 13 of 17 drop-off sites had been completed with a total of 517 completed surveys obtained. As of the end of June the surveying activities for all the sites were completed. The 17 drop-off sites were located in 13 different counties of Ohio. Attempts were made to obtain 40 interviews at each location. Most sites required two 5-hour visits. In total, 602 surveys were gathered.

A key component of the survey included a question to determine the resident's home address or nearest cross-street. The survey respondent addresses were plotted in relation to the drop-off site address. Survey results and census population estimates were used to establish "functional usage areas." Mr. Hittle shared several maps from different areas of the state depicting the distances traveled by 51 percent and 75 percent of the survey participants. The average distance traveled by survey participants for full-service rural, full-service urban, part-time rural, and part-time urban recycling drop-offs was determined to be 3.4 miles, 2.3 miles, 2.1 miles, and 2.3 miles, respectively. The average amount of material brought for recycling by survey participants for full-service rural, full-service urban, part-time rural, and part-time urban recycling drop-offs was determined to be 17.3 pounds, 20.6 pounds, 34.5 pounds, and 19.5 pounds, respectively.

DSIWM will continue to compile the data and share any conclusions and recommendations with SWAC at a future date.

Kevin Shoemaker, Environmental Specialist, DSIWM - Ohio EPA Plan Writing Activities

Mr. Shoemaker provided a brief update regarding the Planning Unit's recent activities for writing solid waste management plans for SWMDs failing to meet the plan update requirements of the statute. SWAC is aware that the Planning Unit has been working with a backlog of SWMDs that are late in submitting and/or obtaining approval of their solid waste management plans. This list consists of 6-12 SWMDs that are several years late in submitting their plans. The majority of these SWMDs are five years late or greater.

In the last four years Ohio EPA has been active in dealing with the backlog in a number of ways: meetings with the commissioners of the SWMDs, communications with the District Coordinators, sending Notices of Violation, etc. In addition, Ohio EPA issued solid waste management plans prepared by Ohio EPA to two SWMDs this year. After completing these plans, the Planning Unit assessed the status of those remaining on the list with a renewed determination to eliminate the backlog entirely over the next year, if possible. To this end, DSIWM has initiated plan writing efforts for four additional SWMDs. Request for proposals (RFPs) were issued on June 1, 2004 and contracts were signed in August. These recent steps have not been popular with the four SWMDs.

Ohio EPA's message has always been that we do not like to become involved with writing solid waste management plans. Ohio EPA has always held out the hope that these SWMDs would work through the hurdles and write their plan at the local level. Ohio EPA is firmly convinced that keeping the planning process moving at the local level is the best way to effectively manage solid waste planning issues. However, at some point the situation must be resolved.

Ohio EPA plans to take additional steps to never allow this type of backlog situation to ever exist in the future.

Mr. Logan commended Mr. Harris and his staff for the recent steps taken toward eliminating the backlog, even in the midst of strong opposition.

Potential Future Agenda Topics

- Topics covering the State Plan—implementation and 2004 review
- Tipping fees in surrounding states
- Updated disposal figures
- Topic relating to the New York's self-declared "impending solid waste crisis"

The next meeting is scheduled for November 18, 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