Summary Minutes
Solid Waste Management Advisory Council (SWAC)
August 17, 2006
Highbanks Metro Park
9466 Columbus Pike
Lewis Center, OH 43035

The Following Members Announced Their Attendance at Roll Call:

Erv Ball, Health Departments
Brad Biggs, ODOD's Director's Designee
Tim Wasserman, Joint County Solid Waste Management District
Kathy Trent, Private Solid Waste Management
Karl Graham, Municipalities
Jean Byrd, Public Representative
Dan Harris, EPA's Director's Designee
Yolanda Walker, Single County SWMDs
Paul Baldridge, ODNR Director's Designee
Jack Jenson, Municipalities
Sean Logan, Counties

February 16,2006 and May 17, 2006 Meeting Minutes

Sean Logan MOVED to approve the February 16, 2006 and May 17, 2006 meeting minutes presented today, Erv Ball SECONDED the motion. The minutes were approved on voice vote.

Dan Harris, Update on Legislative/DSIWM Issues

Mr. Harris noted that there was little to report legislatively for DSIWM. The two rule packages, industrial and C&DD rules, would be covered in a presentation later in the meeting. He also noted that the extension for the comment period for those rules was currently being considered. Mr Harris also provided an update on the Kirby Tire site, where all tires have been removed and the fire residuals were currently being removed.

A letter from the Medina County Commissioners was sent to all of the members of SWAC prior to the meeting. The letter discussed changing the definition of Solid Waste in the ORC for the purpose of energy recovery. The Medina County Central processing facility, a dirty MRF, would generate the material that would be used as an "Engineered Fuel." The material consists of a mixture of scrap paper and film plastic and would be mixed with coal and has been burned successfully to produce energy.

A presentation was also included that was submitted to Ohio EPA on August 8, 2006. Mr Harris noted that the presentation does not reflect Ohio EPA's opinion. The facility would have to get a permit for an incinerator or a waste-to-energy facility. It was

discussed that the facility wanted to be exempt and the Medina County Solid Waste Management District is proposing to market it as a fuel source. Akron Thermal is the facility they will be working with. There were questions asked about the material, such as if there had been test burns for the material and if there was available emission data. It was confirmed that such data would be available in the near future. It was discussed that one focus is on how the materials are being recovered and if there should there be a change in the definition of solid waste or not. Mr Harris stated that this topic is appropriate for SWAC, and would propose to schedule it as a topic for the next meeting. Medina County will be invited so everyone could learn about the issues. Mr Ball stated, from a public health standpoint, this topic is an issue of how to advance the recovery efforts in Ohio and that it was good to see that Ohio EPA was being receptive to the idea. Mr. Harris noted that there would be a federal component to the issue as well and that the discussion is certainly not going to be quick and easy. There will be a lot of perspectives to take into account, public opinion, recycling, etc. It was noted that if the facility's operations are considered incineration, or energy recovery, then there is already credit given towards waste reduction. The debate is whether it should be considered recycling or energy recovery. There was also some discussion on how other states would consider the operation. On the East coast, such an operation would be considered a solid waste facility. It was agreed that Medina County should be invited to the next SWAC meeting.

C&DD Rule Update (Melissa Musko, DSIWM)

Ms. Musko started by informing the audience that the draft version of the rule packages were available on the internet and that this presentation's purpose was to provide a broad picture of what will be seen in those packages. The approach was to take a look at the whole picture and to make the rules shorter and easier to find, so one could find out what is applicable to a certain facility. New facilities and expansions of facilities that go past their current property boundary need to follow the new rules. For existing facilities, only certain aspects of the new rules would apply.

Ohio EPA intends to develop permitting standards and procedures similar to those for other Ohio disposal facilities and that would only be required for new facilities or expansions. Owners and operators of all other facilities would continue to operate under their current C&DD licenses and would only have to make minor changes to update their facility design plans. Changes include new siting criteria, liner requirements, ground water monitoring requirements, and operational requirements which apply to existing facilities as well. New operational requirements include daily inspections, contingency plans, operational reports and leachate sampling requirements. Other requirements include compliance disclosures (for the site manager and lead operator) and post closure care (PCC). It was asked whether the PCC would apply to existing facilities and if it would limit what could be done with the property afterwards. Yes, it applies to existing facilities and after the PCC period is over there is no legal requirements on what the property can be used for.

It was discussed whether or not the odor problems some facilities have been experiencing was considered in the rule package. It was confirmed that facilities must monitor the site daily and that this was an operational rule, so it would apply to both new and existing facilities. The proposed rules would require them to put a contingency plan in their next permit application, such as gas extraction technology. The operational rules would require them to do other things immediately to stop the odor problems, such as ceasing leachate re-circulation and providing more cover. It was mentioned how it was difficult to understand what exactly would apply to existing facilities compared to new ones. Additional guidance documents for the rules will be available in the future.

Industrial Waste Rules Update (Annette DeHavilland, DSIWM)

Ms. DeHavilland started by explaining that the design of the industrial landfills and lagoons is dependent on siting and waste characteristics. She explained that this only refers to disposal lagoons, not treatment lagoons and that the new rules will be science based. Under the current rules, an existing industrial waste landfill only has one type of design. The new rules will include three tiers of waste, four tiers of siting, and two types of facilities. The new rules include liner design as a large component, with more stringent requirements for the more toxic waste. The waste characteristics (contamination levels, total dissolved solids, etc.) would determine which tier the waste would be categorized under. The siting requirements will look at the distance to the uppermost aquifer, the area's geology, as well as the distance to certain areas such as parks and sole source aquifers. As with the C&DD rules, the new rules would be applicable for new or expanding facilities. It was mentioned that the rules could promote more industries to utilize the services of Ohio EPA's Office of Compliance Assistance and Pollution Prevention. With that assistance, the toxicity of the waste could be reduced and the facility's waste may be categorized as a lower tier of waste.

Potential Bylaws of SWAC (Andrew Booker, DSIWM)

A discussion of potential by-laws for SWAC was recommended during the previous SWAC meeting. The impetus was the lack of quorum at that meeting and it was asked if SWAC members could potentially vote (on a resolution) outside of a scheduled meeting (proxy voting). A list of the current requirements specified in ORC 3734.52 included at least four regularly quarterly meetings per year, assigns the director of environmental protection as the chairman of the advisory council, and requires that a majority vote of the members of the advisory council is necessary to take action on any matter.

Other requirements were presented, which were taken largely from the State Emergency Response Commission Rules (OAC 3750-10-01 through 09). Those included opening the meetings to the public, assigning Ohio EPA to take minutes, dissemination of the council's proceedings, and requirements for a quorum. It was discussed how most councils do not have any by-laws and it recommended that any decisions SWAC was to make should be held in a public meeting, where a quorum would be necessary to make those decisions.

Revisit proposed Mercury Legislation (Andrew Booker, DSIWM)

A background on Mercury was provided at the beginning of this presentation. Mercury is a naturally occurring metal that is bio-cumulative. It is found in air, water, and soil and is a threat to human health as well as wildlife. Health and environmental issues associated with mercury include nationwide and statewide fish consumption advisories and spills in schools and homes. The U.S. EPA issued a clean air mercury rule on March 15, 2005. It was noted that Ohio is the only great lakes state not to have this type of legislation. The mercury legislation was proposed on May 9, 2006 by Senator Spada in the Ohio State Senate and by Representative Peterson in the Ohio State House of Representatives.

The proposed legislation has four components: a school ban, a novelty item ban, a thermometer ban, and a thermostat ban. The school ban prohibits schools from purchasing elemental mercury, mercury compounds, and mercury-added measuring devices for classroom use. The novelty item ban prohibits the sale or distribution of mercury-added novelties (excluding fluorescent light bulbs) and would begin six months after passage of the legislation. The thermometer ban would prohibit the sale and distribution of mercury containing thermometers, with exceptions for those with button-cell batteries that contain mercury and for those authorized by a prescription. The thermostat ban would prohibit the sale or installation of residential or commercial thermostats that contain mercury, with a one-year phase out from the date of passage of the legislation.

Ohio EPA, as well as numerous other organizations, strongly support passage of this legislation. A draft resolution was presented for review and it was noted that transmittal letters could be drafted and signed by the appropriate SWAC member (the vice-chair). Sean Logan MOVED to accept the resolution and Erv Ball SECONDED the motion. A vote was held to accept the resolution. Dan Harris and Brad Biggs abstained. The vote resulted in the resolution being accepted (nine members of SWAC voted to accept) and the resolution was signed by those members.

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

Because of time restraints, this agenda item was postponed until the next SWAC meeting.

Management of Solid Waste In The Event of a Biological Catastrophe Such as a Pandemic Flu Outbreak (Mitsy Cine, Franklin County Health Department and Allison Shockley, DSIWM)

The presentation started by defining "pandemic," which means a global outbreak. A pandemic flu outbreak would be a new strain of influenza, which humans have little or no immunity to, that spreads easily from person to person. Past pandemics have led to high levels of illness, deaths, social disruption and economic loss. It is not a question of if there will be another, but when.

Avian influenza (bird flu) viruses occur naturally among birds, They can potentially be very contagious and can result in the deaths of domesticated birds. Outbreaks, starting in 1997, have occurred in Asia, Africa, Europe and the near east. Most cases of bird flu infections in humans have occurred from direct contact with infected poultry. It should be noted that eating properly handled and cooked poultry is safe, that any poultry imported into the US has to meet all safety standards and that no poultry from countries with confirmed bird flu can be imported.

The impacts of a pandemic outbreak was then discussed. Health care facilities would be overwhelmed and there would likely be limited to no assistance from state and federal authorities due to nationwide impact. A vaccine would likely not be available at the onset of the outbreak, and the need for it would most likely outstrip the need for supply. The county and city boards of health are currently preparing for a possible pandemic outbreak by participating in region-wide exercises and providing education. Individuals can do some simple precautions such as staying home, covering their cough and washing their hands regularly.

Some details were discussed after the formal presentation was completed. It was asked whether the virus could stay active on such items as tissues. The virus could live for about a week, and up to 30 days in water. The possibility of garbage collection being suspended if such an outbreak occurred was discussed as well as the possibility of the virus living inside of a landfill. Such a study has not been conducted as of yet, but other options have been identified, such as using the national guard. It was asked if there would be thousands of dead birds to dispose of. The Department of Agriculture is helping to develop a disposal plan for animal disease incidents where there would be large numbers of animals. If there was a discovery of a highly pathogenic strain then entire farms would likely be euthanized, as well as neighboring farms. That could mean the possibility of millions of birds. The Department of Agriculture does not want to see those birds go to a landfill. Mucus and feces carry it as well, so containing those would be necessary. On site burial or composting are the first options. All poultry farms have their bio-security plans, that is why it is hard to get into those facilities. What are state agencies doing? Each state agency is planning on continuity in the workplace. Essential personnel are being identified (about 40% of the workforce) and the major agencies that would be involved have been identified as well. The group was reminded that, although this scenario may sound frightening, just because animals may be affected it does not mean that humans will as well.

Agenda items for the November 16, 2006 meeting at The Delaware County Water Reclamation Center

The Medina “Engineered Fuel” proposal will be a large part of the next SWAC meeting. The Waste Flow Data was postponed for the next meeting as well. A third agenda item should be a presentation explaining the host agreement between the Carbon Limestone Landfill and the Mahoning County Solid Waste Management District.

Meeting Adjournment

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