

**Summary Minutes
Solid Waste Management Advisory Council (SWAC)
March 21, 2013
Verne Riffe Center for Government and the Arts
50 W. Town Street
Columbus, OH 43215**

The Following Members Announced Their Attendance at Roll Call:

Erv Ball, Health Departments
Jean Byrd, Public
Terrie TerMeer, Ohio EPA
John Bayliss, Counties
Anne Fiehrer-Flaig, Single County SWMDs
Joe Denen, Municipalities
Senator Troy Balderson
Gary Simms, Private Recycling Industry
Timothy Lynch, Townships

Welcome and Introductions (Terrie TerMeer, Ohio EPA)

Ms. TerMeer introduced Senator Troy Balderson, the new Senate appointee to SWAC.

Review of the August 16, 2012 and November 15, 2012 meeting minutes

John Bayliss indicated the narrative in the August 16th minutes relating to the Senator and Representative should be clearer to indicate their absence at meetings, and MOVED to approve the minutes with said changes. Motion was SECONDED by Timothy Lynch and the August 16, 2012 minutes were approved on voice vote.

Gary Sims MOVED to approve the November 15, 2012 meeting minutes. Jean Byrd SECONDED the motion and the minutes were approved on voice vote.

DMWM General and Legislative update (Terrie Termeer, OEPA-DMWM)

Ms. Termeer related to a recent Environmental Law Enforcement training. Information included a presentation on the new requirements for scrap yards. It was also related that the new infectious waste rules became effective on March 1, 2013. Additionally, early stakeholder outreach (per the common sense initiative) is underway for rules pertaining to beneficial use of industrial byproducts.

SWAC Member Updates

A summary of SWAC was provided as well as a list of potential changes and additional functions for the advisory council. Currently, SWAC is an advisory body that serves three functions:

- Assists Ohio EPA with preparing the state solid waste management plan;
- Approves or disapproves the draft plan; and
- Annually reviews implementation of the state plan.

SWAC's 18 members represent various parties that are involved in or have an interest in solid waste management in Ohio. The Director of Ohio EPA serves as the chair of SWAC.

These proposed changes to SWAC were presented, related to its membership:

- Reduce to one member where there are two members representing counties, municipal corporations and townships;
- Add a member representing the organics industry;
- Add a member representing the business industry related to the use of recyclables and/or products made with recyclables;
- Add the ability for the Director of Ohio EPA to appoint on a temporary basis a member with knowledge of or experience with solid waste management or materials management or a related field;
- Add the chair of the Recycling & Litter Prevention Advisory Council; and
- Eliminate the House and Senate members.

Other proposed changes related to additional functions:

- Advise the Director in carrying out the duties of Section 3736.02, which states the Director "shall establish and implement statewide source reduction, recycling, recycling market development, and litter prevention programs that are consistent with the state solid waste management plan adopted under section 3734.50 of the Revised Code."

Ms. TerMeer related to the former Division of Recycling and Litter Prevention (DRLP), which moved to Ohio EPA from ODNR last year. The corresponding advisory board for DRLP's program, the Recycling and Litter Prevention Advisory Council (RLPAC), acted in more of an advisory capacity and set the direction for DRLP's programs. RLPAC was not chaired by ODNR and allowed the necessary networking to work with industry and manufacturers.

It was noted that SWAC has not been strategically involved in the legislative review currently underway. Further, the discussion focused on how SWAC could provide more of an advisory role, including the possibility of combining RLPAC and SWAC. This would require a legislative change and is within the reach of the legislative review process.

SWAC's role in developing the State Solid Waste Management Plan (State Plan) was brought up. In general, SWAC could be more involved in the process of developing and implementing the plan. Potentially, SWAC could even be involved in the review process for SWMD plans as they are updated. There was a discussion of DRLP's involvement

in the development of the State Plan. DRLP was engaged in all the stages when the State Plan was being developed. The market development portion of the State Plan relied heavily on the experience and input from DRLP.

There was some discussion on the recommendation to eliminate the senator and representative seats. Previous discussions at SWAC focused on how to get them to attend meetings. Senator Balderson indicated he will at least have an aide come to future meetings if he cannot make it, but understands it is up to SWAC to make the decision to eliminate seats.

Support was provided for the recommendation to add more private sector representatives, noting that there are always more waste streams being identified as having value - this is viable economics for Ohio. The change could add weight and knowledge to the group. Relating to the change for Ohio EPA's director to appoint additional members on a temporary basis, it would be prudent to give SWAC an active role. For example, the language could read, "Under advisement of SWAC, the director would have the ability to add or remove members".

Other discussion topics included the advantage of having diversity on SWAC. For example, having two seats allows for one large sized and one smaller municipality represented. Having a representative from the agricultural sector was suggested as well as potentially using regional approaches to address specific materials/issues since some are regional in nature. The advantage of having a smaller group was brought up, but SWAC typically has trouble getting everyone to attend so the larger number might be necessary. Other ideas included having a system like a SWMD's policy committee, where 3 members appoint the other four, or a two-board approach like most SWMDs (i.e. policy committee and a board of directors). In general, there was consensus that there is a need to develop a board that can advise and Ohio and DMWM as decisions are made to advance solid waste management in Ohio.

Food-grade products from recycled PET plastic (Lori Carson, Director of Commercial Operations for Phoenix Technologies)

Ms. Carson started by providing an overview of recycling and recycling processes. The reasons why people recycle can be for environmental reasons, legislative requirements and for financial incentives. Specific to PET bottle recycling, data was presented showing a timeline of PET bottles produced vs. bottles recycled. The amount of bottles recycle has increased slightly while the number of bottles produced annually has increased dramatically. The current recycling rate for PET bottles is almost 30 percent, increasing from a low of under 20 percent in 2003. This recent increase can be attributed to more education/public awareness, more venue recycling opportunities, more incentive based recycling, more states with deposits covering more bottles, and less total resin in packaging (more bottles, less weight). 1,557 million pounds of post-consumer recycled PET bottles are recycled annually, with 776 million pounds being purchased by domestic plastics reclaimers and 781 million pounds purchased by export markets (50.2 percent of all collections -most to China).

To increase the amount of PET bottles recycled, the following recommendations were presented:

- Increase the importance of recycling to the general public through education (recycling codes less confusing, etc.);
- Increase availability of curbside collection;
- Increase availability of out of home collection;
- Legislative methods (banning containers to landfills, deposit laws, etc); and
- Establish programs that offer monetary incentives for recycling (Recycle Bank, deposit systems, etc.)

The collection systems typically recycle only PET (#1) and HDPE (#2), but a growing number are now accept other plastics (Numbers 3-7). The reclaimers take the baled plastics and sort, grind, wash and process the material into a flake material. Converters then purchase this clean flake to use it directly in their processes or to extrude and pelletize it.

Basic markets served include fiber, strapping, sheet extrusion and bottle-to-bottle. Flake quality requirements increase as you transition from fiber through bottle to bottle applications. The focus is on PVC, low melt and hard contaminant (glass, rock and metal) removal. Sort, grind and wash operations are optimized to meet intended markets. Output from these operations is the in-feed to the pellet manufacturer and the converter.

Specific to Phoenix Technologies, the Bowling Green based company was established in 1992 and processes 85 million pounds of plastic a year. The company's services include pelletizing, crystallizing, solid stating, pulverization, compaction, and decontamination. Products include Recycled PET for NLP™ non-food grade and LNO™ food grade applications. Using recycled PET for food applications requires process approval by the FDA, which requires a lot of testing and investment. As more demand for recycled content in more products increases it could be difficult to keep the supply and cost at a competitive level to fill demand.

Update on the Ohio Solid Waste Management Review (Andrew Booker and Christopher Germain, OEPA-DMWM)

Mr. Germain indicated that the review process is currently progressing though phase two, discussion and consensus building. A review of phase one, information gathering, was provided including a summary of the interested parties that were included. Ohio EPA maintains a commitment to the original principles of House Bill 592, which states that waste management must be protective of human health and the environment and aim to reduce reliance on landfills for solid waste management. The process continues with very few pre-conceived notions about how to maintain that commitment. Significant resources are being directed to research and benchmarking. Various methods of stakeholder engagement are being utilized depending on the issue,

including facilitated discussions. Ohio EPA is also encouraging discussion among the various interested parties and is ultimately seeking consensus-based solutions.

The final version of the vision statement for the legislative review process was released March 4, 2013:

“Ohio continues to reduce waste generation. Waste materials that are generated are recognized as important resources that often have significant economic value. These materials are managed in ways that maximize that value and prevent the negative impacts associated with improper management. Ohio will manage waste materials via a competitive and innovative portfolio of best management practices that include recycling, composting, and other beneficial approaches, with disposal as a last resort. These practices are developed and operated by public, private and non-profit stakeholders at all stages of the product life cycle. Landfilling is practiced at an ever decreasing rate, while Ohio strives toward zero landfilling.”

Over 15 phase two meetings have been held thus far on various issues. These include SWMD planning issues, SWMD authorities (including designation/flow control), SWMD consolidation, Ohio’s scrap tire program, electronics recycling, and facility oversight.

Proposals on several issues are in the drafting stages, including post-closure care, abandoned “orphan” landfills, landfill redevelopment, and local involvement and responsibility. Other issues remain in the queue ready to be addressed when resources allow. All draft proposals will be issued in a consistent format and are slated to be released between March and June. Currently between 20 and 24 different proposals are anticipated. Each proposal will be posted to Ohio EPA’s website for public comment prior to the proposal being finalized.

The details of the SWMD planning revisions were presented as well as some details of the SWMD consolidation proposal, which is still in draft form and is undergoing final review. The main ideas from the consolidation proposal include regional planning, removal of current barriers to shared services, and limited SWMD consolidation. A regional planning pilot is planned and will include one or two regions. Ohio EPA will help facilitate development of a regional strategic plan.

The goal of SWMD consolidation is breaking down barriers and building up connections to promote additional shared services. Examples include establishing statewide contracts for common goods and services, such as recycling containers, household hazardous waste services, and educational services. Limited consolidation will be based on a population threshold of 100,000 (19 SWMDs fall below this currently). A three-tiered process is proposed to facilitate consolidation, including Ohio EPA directed mergers as the final option. A waiver is also possible based on past performance, stable funding, continued improvement and commitment to cooperative activities.

Proposals are being currently developed dealing with the State Plan and SWAC. Membership and the role of SWAC are up for discussion and in particular any combination/interaction with RLPAC. Several changes to the State Plan are possible, including requiring an update every five years, allowing modular updates, and requiring the new Format for local plans within 12 months following finalization of the State Plan.

A summary was provided for work being done on the proposals for the SWMD rules and authorities, flow control, facility oversight, the scrap tire program, post-closure care, abandoned landfills, and old landfill redevelopment. Currently the review is in the conceptual stages on the proposal concerning local involvement and planning. Several possible issues for consideration include elimination of the largest municipality veto, changes to township franchising process, and including density trigger for requiring curbside recycling services.

Other issues that remain on the proposal to-do list include electronics, registration requirements, plan contents, venue recycling, organics, SWMD structure, beneficial reuse, construction and demolition debris, funding (fees), and landfill permitting.

A formal proposal is expected summer 2013. After developing and issuing draft recommendations for public comment and discussing final proposals with SWAC, a comprehensive proposal will be issued. Then, after engaging in extensive stakeholder outreach and engagement, a final comprehensive proposal will be published.

The ensuing legislative initiative will take place in the late summer of 2013. The goal is to pursue legislative action jointly with other interested parties. Consensus will be sought on the issues, but changes will be pursued without it if necessary.

Agenda items for the June 20, 2013 meeting at Ohio EPA Central Office

It was noted that there will be more updates for the Legislative Review. It was suggested to provide more information on the proposed fee structure.

The meeting was adjourned.

Respectfully submitted: _____
Vice Chair

Minutes approved on: _____

Certified by: _____
Secretary