OHIO SOLID WASTE MANAGEMENT REVIEW

GENERAL UPDATE

November 6, 2013

Solid Waste Management Review: The Basics

Where Did This Come From?

H.B. 592 Passed in 1988

It's been on Ohio EPA's long-term "to-do" list for several years

Timing seemed right to take a holistic look, rather than react to piecemeal initiatives

Key Process Principles

Looking comprehensively at the entire system to make it more efficient and effective

Open, transparent process based on consensus-building

Not afraid to think big

Maintaining Fundamental Principles of 592

Ohio EPA maintains our commitment to original HB 592 principles:

Waste management must be protective of human health and the environment

Continue to reduce reliance on landfills for solid waste management

But, we entered this process with very few pre-conceived notions about how to maintain that commitment

Solid Waste Management Review: Process

4 Phase Process (Approximately 18 months)

Phase I: *Information Gathering*

Phase II: *Discussion and Consensus Building*

Phase III: *Formal Proposal*

Phase IV: *Legislative Initiative*

Solid Waste Management Review: Process

Phase I: *Information Gathering*

March 2012 – June 2012

Informal sit down meetings

- Ohio EPA invitation
- All the obvious interested parties
- Information gathering focus
- Open invitation to others and individual members

Solid Waste Management Districts

County Commissioners

Health Departments

Environmental Groups

Recycling Organizations

Ohio Municipal League

Ohio Township Association

Ohio Chamber

Ohio Manufacturers

Solid Waste Consultants

NSWMA / SWANA

Individual Businesses

Individual Citizens

Planning Organizations

Solid Waste Management Review: Process

Phase I: Results

Engaged with over 300 participants through a variety of channels

Scheduled nearly 40 meetings between in April – June

- *32 External and 7 Internal*

Compiled a significant written record

- *Over 130 pages of hand-written notes*
- *17 formal documents*
- *Over a dozen substantive emails*

Solid Waste Management Review: Process

Phase 2: *Discussion and Consensus Building*

July 2012 – End of 2013

Significant resources being directed to research and benchmarking

Various methods of stakeholder engagement depending on issue

Facilitated discussions on certain issues

- Contracting with professional facilitators to ensure neutrality
- Ohio EPA is also encouraging discussion among IPs

Ultimately seeking consensus-based solutions

Solid Waste Management Review : Solutions Framework

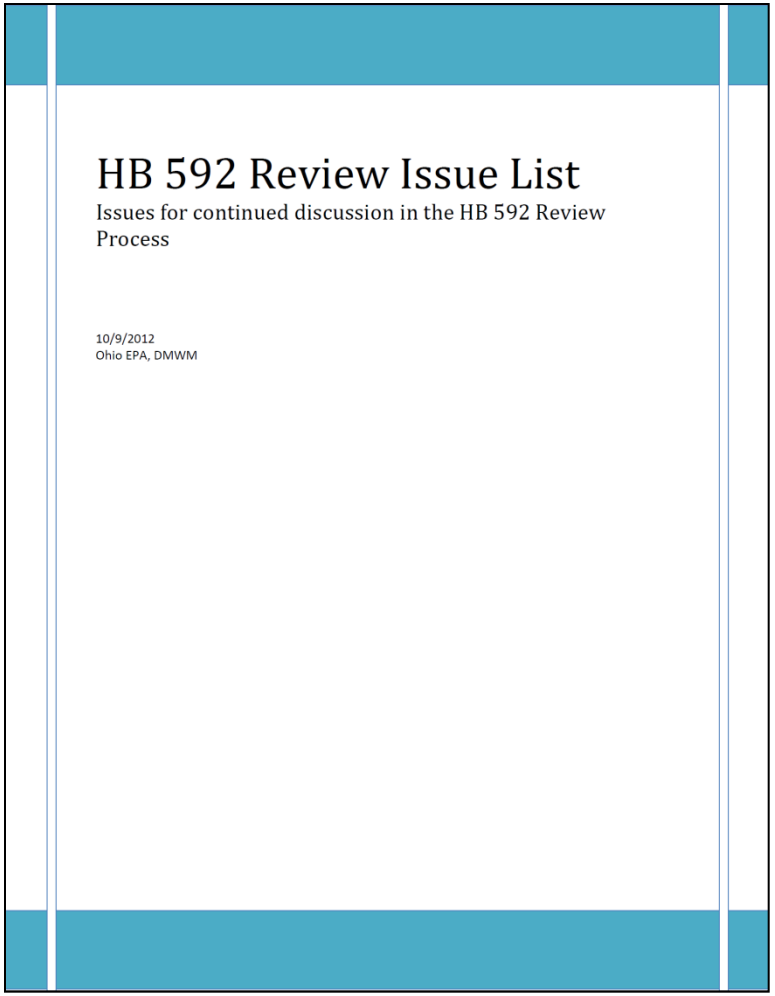
Statutory Changes	Regulatory Changes	Partnerships & Initiatives	Shared Visions and Goals	'Parking Lot' Issue Identification
	Guidance, Policies & BMPs			

Solid Waste Management Review: Vision 2035

Final Version (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."

Solid Waste Management Review: Issue List



HB 592 Review Issue List

Issues for continued discussion in the HB 592 Review Process

10/9/2012
Ohio EPA, DMWM

Nearly 100 issues – all raised from Phase I

As of Fall 2012, Ohio EPA was willing to commit resources to research and discuss these issues

Fewer than 20 issues were removed between Phase II kick-off meetings and the release of this list

Solid Waste Management Review: Active Issues

External Discussions:

- Solid Waste Management District Planning Issues
- Solid Waste District Shared Services/Consolidation
- Facility Oversight
- Solid Waste Fees
- C&DD
- SWAC/RLPAC

Internal research/technical issues:

- Post-Closure Care
- Abandoned “Orphan” Landfills
- Landfill Redevelopment (27-13 program)
- Conditionally Exempt Small Quantity Generators (CESQGs)
- Beneficial Use
- Others

Update: SWAC/RLPAC

6 proposed changes:

- Combine SWAC and RLPAC into a single council
- Name the new council the Ohio Materials Management Advisory Council (OMMAC)
- Revise the purpose and responsibilities
- Modify membership
- Allow the election of a Chair
- Develop bylaws

OMMAC Membership

~~Director of the Ohio EPA;~~
Director of the Ohio ~~Department of Development~~ **Development Services Agency**;
Member of the Ohio Senate;
Member of the Ohio House of Representatives;
Representative from a health district (involved in the enforcement of solid waste regulations);
~~Two~~ **One** member~~s~~ representing counties;
~~Two~~ **One** member~~s~~ representing municipal corporations;
~~Two~~ **One** member~~s~~ representing townships;
~~Member representing single county solid waste management districts;~~
~~Member representing joint solid waste management district;~~
One member representing solid waste management districts;
~~Member representing industrial generators of solid waste;~~
~~Member representing the private recycling industry;~~
~~Member representing the private solid waste management industry;~~
Seven members providing a broad based representation of private industry, including manufacturing, retail, wholesalers, labor, raw materials, recycling and solid waste;
Member representing statewide environmental advocacy organizations; and
Member representing the public.

OMMAC Responsibilities

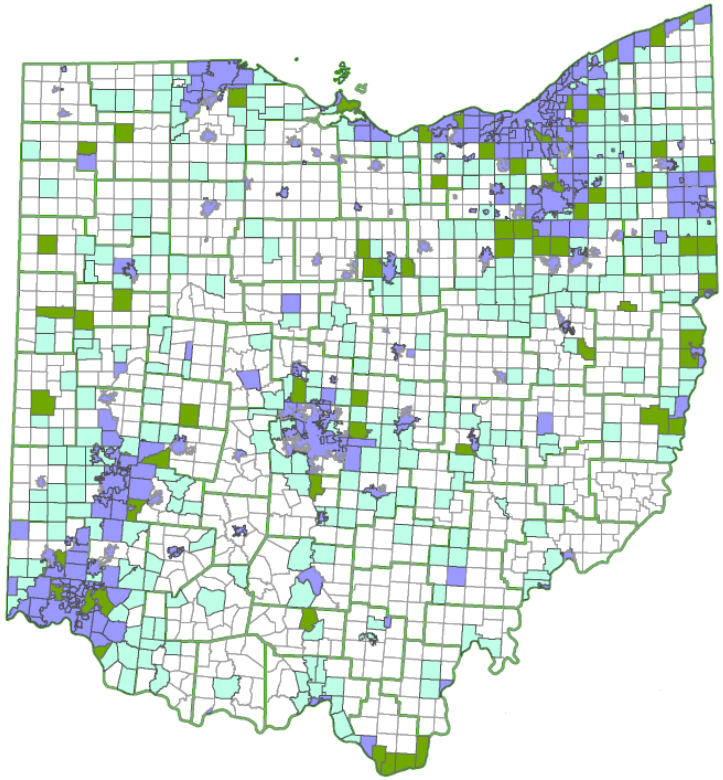
- Guide the development of the State Materials Management Plan
- Approve the State plan
- Annually review implementation of the State Plan
- Prepare, approve and submit a periodic report to the Ohio General Assembly on Ohio's materials management framework, progress and future efforts – also make legislative recommendations
- Provide general guidance to Ohio EPA to advance recycling, litter prevention and other materials management issues
- Research and discuss questions posed by Ohio EPA
- Develop relationships to advance recycling and litter prevention efforts in Ohio
- Advise the Ohio EPA Director in carrying out grant programs

Update: Local Involvement and Responsibility

Engaged with Ohio Municipal League (OML) and Ohio Township Association (OTA) on how to improve local communities' involvement in recycling

Draft proposal (not yet finalized) focuses on 3 ideas:

- Elimination of the Largest Municipality Veto
- Establishment of formal partnerships with OML/OTA
- Aspirational goals for expanding curbside access



Update: Facility Oversight

Started out as a discussion about LHDs involvement – Ohio EPA chose to expand the scope to the entire system

Data-intensive project aimed at building the most effective system and funding it properly

Outreach has primarily been focused on LHDs, but solid waste industry also invited to the December 2012 meetings

Update: Facility Oversight

Timeline:

- October - December 2012: Initial data collection (funding & facility inventory)
- December 17, 2012: Initial internal meetings
- January – April 2013: Internal discussions and data analysis
- April 2013: Ohio EPA visits AOHC regional meetings
- May – June 2013: Internal and External data collection on time
- July 2013: Review of data (internal & external)
- August 2013: Internal discussions
- September 2013: Additional meetings scheduled

Update: Facility Oversight

Questions/Analysis:

- What accounts for the difference between Ohio EPA times and LHD times?
- What does it cost to run the system overall?
- Are inspection frequencies sufficient/correct?
- Does the system meet or address the common goals/concerns found in the December 2012 meetings?
  - *Complexity, Consistency, Expertise, Funding, Frequency*
- How, if at all, should we change the system?

Update: Shared Services/Consolidation

Sub-Committee met in Jan/Feb 2013

Three main parts:

1. Implement a regional planning pilot project
2. Coordinated efforts to promote shared services
3. Population threshold of 100,000 with a transition period and waiver process

Update: Planning Revisions

First officially released draft proposal (March 4, 2013)

Nine key points:

- All SWMDs on 10-year planning periods
- Elimination of statutory start date
- Clarification of public notice requirements
- Revised approval timeline
  - Increased NBAO time, reduced final approval time
  - Swap Ohio EPA approval and local ratification
  - All plans on 5.5 cycles
- Allow “for cause” extension
- ‘Midway Adjustment’ process

Update: Planning Revisions, 'Midway Update' Process

Purpose of the midway update:

- Provide a **tool** for updating a plan to keep it relevant without going through a full update
- To provide **flexibility** to SWMDs to react to changing conditions while maintaining the validity of the original plan
- To provide **public input** in those decisions

Several concerns and points of clarification raised with current update proposal:

- Clarification of how to handle responses to emergencies
- Monetary guidelines seem too strict
- Timeline/window isn't flexible enough

Additional ideas were provided to Ohio EPA via email following the discussion and are under consideration

Update: Solid Waste Fees

3 meetings held so far (June 6, June 13 and July 25)

Two goals in mind as we enter these discussions:

- Solid waste fee structure is complicated and needs simplification
- SWMDs need sufficient resources to carry out their functions

Based on the first two meetings and Phase I comments, Ohio EPA provided quantitative analysis on 3 possible scenarios:

- Flat statewide disposal fee administered by Ohio EPA
- Flat generation fee directly to SWMDs
- Flat disposal fee combined with locally set generation fee direct to SWMDs

Initial results provided to SWMD sub-committee and discussed on July 25

Update: Flow Control

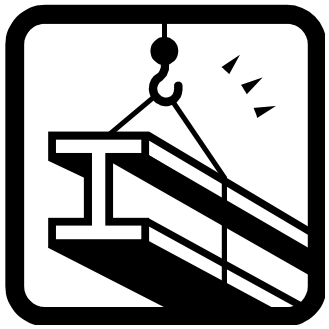
Ohio EPA, working off the memo provided to participants for the April 30th meeting, is crafting a framework for the proposal which will then be shared with interested parties

As of now, the direction we expect the proposal may take includes:

- Flow Control continues to serve a legitimate public purpose
- Flow control should not be static and the implementation of any flow control measures should include an extensive analysis prior to enactment, including the economic impact on the district, community, industry, and more.
- We believe many districts are already doing this, but aim to ensure consistent and complete analysis across the board

Update: C&DD

5 meetings (May 14, June 4, June 24 and July 15, August 13)



Attended by SW Industry, C&DD Industry, Recyclers, SWMD, LHDs, Ohio EPA, Contractors and others

Ohio EPA developing framework for proposal

Main focus: Recycling and Transfer Stations

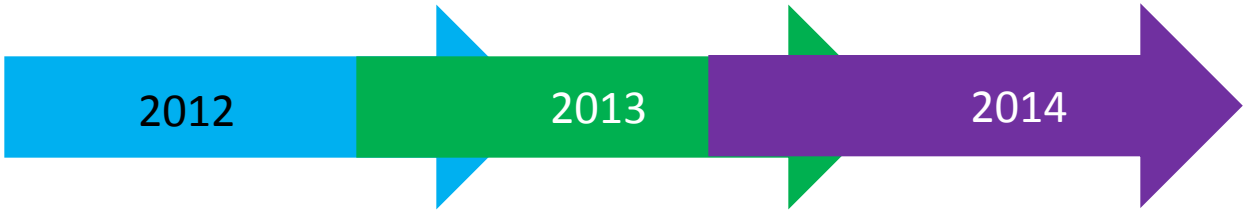
Next meeting September 24

What's Next?

After a busy Spring and Summer, things are mostly quiet on the external front right now.

Ohio EPA has been working to craft a strategy for moving forward with changes in the coming months.

Our goal continues to be a 2013 release of at least initial results.



Ohio Solid Waste Management Review

House Bill 592 (HB 592), passed by the Ohio legislature in 1988, created the structure for the modern-day management of solid waste (garbage) in Ohio. The law did a variety of things, including requiring Ohio EPA to adopt regulations to ensure that landfills are safe and protective of human health and the environment; creating local solid waste management districts that are responsible for developing and implementing local solid waste management plans; and creating the State Solid Waste Advisory Council (SWAC), which is responsible for developing State recycling goals (among other things).

In short, the way that solid waste is regulated and managed in Ohio today is in large part a reflection of what was included in HB 592. Since HB 592 was passed in 1988, there have been many changes within the solid waste industry, and changes with technology and solid waste management and disposal practices. As a result, Ohio EPA has initiated a comprehensive review of HB 592. The review will consider Ohio EPA's experience implementing the law, along with the experience gained from all interested parties including the solid waste industry, health departments, solid waste management districts, citizens and businesses. This information and experience will be the basis for proposing the changes necessary to improve the overall solid waste management system in Ohio.

UPCOMING MEETINGS

- **Solid Waste Fees**
  July 25, 10:30 a.m. - 12:30 p.m.
  Invitations extended through OSWDO
- **Solid Waste Management District Workgroup**
  August 1, 10 a.m. - 1 p.m.

MORE INFORMATION

If you have questions or would like more information, please email Christopher Germain or call (614) 728-5317.

Subscribe for Updates

Review Process | Vision 2035 | Get Involved | Proposals | Meetings | Issue List | Data | Related Documents

There are numerous ways you can get involved and provide input:

- **Schedule a meeting with representatives of Ohio EPA**. If you are interested in meeting with Ohio EPA, please send a meeting request to Christopher Germain or call (614) 728-5317.
- **Submit comments to Ohio EPA**. Ohio EPA will accept public comments throughout the entire review process. Once a formal proposal is finalized, there will be a final, formal comment period. At any time during the process, interested parties are encouraged to submit their ideas and comments to Christopher Germain (.doc and .pdf attachments are acceptable). Hard copy comments can be submitted to:

  Ohio EPA, DMWM
  ATTN: Christopher Germain

Questions

Ohio Solid Waste Management Review Process

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