

Legislative Platform and Ohio Solid Waste Law Priorities CCAO/OSWDO June 2012

Introduction

The County Commissioners Association of Ohio (CCAO) and the Organization of Solid Waste Districts of Ohio (OSWDO) developed the following legislative platform and list of solid waste legislative priorities in response to a request from Ohio EPA. Ohio EPA is undertaking a comprehensive review of the solid waste law and is reaching out to various stakeholders including CCAO/OSWDO to learn from each stakeholder the elements of the solid waste law they wish to change or retain.

In response to this request CCAO/OSWDO developed a request for proposals and hired a consultant to facilitate four biweekly sessions which were held in February, March and April. CCAO/OSWDO selected approximately 22 individuals to serve on a committee to develop legislative priorities for both organizations.

The CCAO/OSWDO committee developed a legislative platform and has identified a list of legislative priorities in this report to guide discussions with Ohio EPA, the Ohio General Assembly, and other stakeholders interested in improving Ohio solid waste law.

CCAO/OSWDO Legislative Platform

The CCAO/OSWDO committee developed a new legislative platform to be included in any revision to Ohio's solid waste law. This platform was developed with the intention to guide Ohio solid waste districts for the next twenty years into the future.

A reassessment of the fundamental mission of solid waste management districts/authorities was performed, as the mission has not been redefined since the inception of HB 592 in 1988. At that time, the catalyst for establishing solid waste management districts/authorities was the uncertainty of long term (10 year +) disposal capacity in Ohio, and consequently, the necessity to reduce reliance on landfill disposal. While disposal capacity is no longer an imminent concern, Ohio's current solid waste management laws and the associated regulations to implement them may actually limit the ability of solid waste/authorities to reduce reliance on landfill disposal. The committee developed and supports the following legislative platform:

“Maximizing the use of waste as a resource through the development of adaptive, effective and financially sustainable programs, facilities, policies and/or public-private partnerships that promote the health, safety, and welfare of Ohio communities.”

Legislative Issue Prioritization

An initial Solid Waste Report ranking 32 legislative priorities was presented to the CCAO Board of Directors on April 20. At that meeting commissioners on the board asked to have time to review the recommendations contained in the Solid Waste Report and to offer comments and possible revisions to the Report. CCAO sent copies of the Report to the CCAO/OSWDO membership and encouraged members of both organizations to comment back to CCAO with any suggested revisions to the Report.

Based on comments received by CCAO, staff compiled a list of suggested changes to the SW Report and this list was shared with the members of the CCAO Jobs, Economic Development, and Infrastructure Committee (JEDI) which has jurisdiction over solid waste policy. The CCAO JEDI Committee held a conference call on May 31 to review the proposed changes and make recommendations to the Board of Directors relative to the language contained in the report.

A report of the JEDI Committee on proposed changes to CCAO/OSWDO Legislative Platform and SW Law Priorities was prepared and shared with the CCAO Board. In addition to the report of the JEDI Committee, an amendment that was not considered by the JEDI Committee was also submitted to the CCAO Board for its consideration. At a meeting of the CCAO Board on June 7 six amendments to the original SW Report were considered by the Board and all six items were adopted and were to be incorporated into the final CCAO/OSWDO Solid Waste Report.

The CCAO/OSWDO Committee identified and ranked the following issues as priorities for solid waste law deliberations. Each member of the CCAO/OSWDO Committee was asked to rank the issues from 1 to 32, in order of importance, with 1 being the most important. Due to a decision by the JEDI Committee to delete one priority from the initial Solid Waste Report, the Report now has 31 priorities instead of 32.

The following list reflects the six amendments to the Solid Waste Report as adopted by the CCAO Board of Directors on June 7. The list is a composite of the initial recommendations of the CCAO/OSWDO Committee as well as the amendments adopted by the CCAO Board at its June 7 meeting and represents the priorities of the final CCAO/OSWDO Solid Waste Report.

Legislative Platform and Ohio Solid Waste Law Priorities
CCAO/OSWDO
June 2012

LEGISLATIVE ISSUE PRIORITIES

1. **Local authority** - State should not mandate the overall number of Districts/Authorities or state which counties should comprise a District/Authority. (Current law)
2. **Instituting fees** - Districts/Authorities should retain the ability to authorize, collect, and utilize funds from generation fees and disposal fees. (Current law)
3. **District programs** - Districts/Authorities should be able to develop programs and facilities that are most beneficial to District/Authority demographics and waste management conditions. (Change in law)
4. **Governing waste collection/facilities rules** - Districts/Authorities should have the ability to adopt rules that govern the maintenance, protection and use of all solid waste collection and facilities. (Current law)
5. **Economic viability** - Allow Districts/Authorities to discontinue service where the costs for providing service exceed the economic value without "re-ratifying" plan. (Change in law)
6. **Planning period requirements** - Each District/Authority will prepare a plan every 10 years. The policy committee will be required to conduct a review of the plan and implementation schedule and if necessary, modify or update the plan implementation schedule 5 years after the plan has been approved by OEPA. At this time, if a district/authority cannot or does not have a system implemented to meet its goals, then it will be required to update the plan. (Change in law)
7. **Plan components** - Increase plan writing flexibility. The format shall be general and serve as a guidance document; the format shall not be prescriptive or attempt to be a "one size fits all" template. (Change in law)
8. **Designation rules** - Districts/Authorities should be able to direct waste to existing public solid waste facilities with outstanding debt. (Current law)
9. **Plan ratification process** - Political subdivisions that fail to vote will not be included in calculation needed for approval. (Change in law)
10. **Instituting fees** - Districts/Authorities should be able to remove \$1/ton minimum on disposal fees. (Change in law)
11. **Plan components** - Remove burden of inventory data collection from Districts/Authorities and require brokers and haulers to submit data to the State. Expand the reporting requirement to all material recycling processing and material recovery facilities that receive commodities from any district regardless of the location of the processing and material recovery facilities. (Change in law)
12. **Plan ratification process** - Maintain the 60% approval for ratification and remove largest city veto. (Change in law)
13. **Instituting fees** - There should be a cap on disposal fees. (Current law)
14. **Plan components** - Continue to allow revenue to be spent on solid waste-related waterway issues & litter. (Current law) Plan sections shall be consolidated and reduced to

Legislative Platform and Ohio Solid Waste Law Priorities
CCAO/OSWDO
June 2012

two to three sections. Plan should focus on programming to achieve objectives in the legislative platform. Budget shall be simplified into general categories instead of line items. Districts/Authorities should have the option of reporting recycling and waste by sector or reporting overall tonnage. (Change in law)

15. **Limit out-of-district waste rules** - Districts/Authorities should retain ability to prohibit or limit the receipt of out-of-district waste at publicly-owned facilities regardless of disposal capacity. (Current law)
16. **Limit out-of-district waste rules** - Districts/Authorities should have the option to be involved in the permitting process that specifies the daily waste receipts. (Change in law)
17. **Designation rules** - Districts/Authorities should be able to direct waste to future public solid waste facilities if private sector does not provide service. (Current law)
18. **Local authority** - Retain ability to establish a solid waste authority rather than solid waste district. (Current law)
19. **Fee modification process** - Reducing generation and disposal fees should not require "re-ratifying" a solid waste plan. Rather, it should only require two public hearings and a resolution. (Change in law)
20. **Waste inspection rules** - Districts/Authorities should have the ability to develop and fund programs to inspect out-of-district waste. (Current law)
21. **Designation rules** - Districts/Authorities should be able to direct waste to any solid waste facility without using a competitive procurement process if it is advantageous to the District/Authority. (Change in law)
22. **Policy committees** - Retain policy committees and duties. (Current law)
23. **Use of fees** - Add 11th allowable use for achieving District/Authority goals and objectives. (Change in law)
24. **Policy committees/trustees** - Allow for reduced quorum requirements in multi-county Districts/Authorities. (Change in law)
25. **Limit out-of-district waste rules** - Districts/Authorities should not be able to prohibit or limit the receipt of out-of-district waste at privately owned facilities unless inadequate disposal capacity is demonstrated by the receiving district. (Current law)
26. **Policy committees** - Give multi-county Districts/Authorities the ability to reduce policy committee membership. (Change in law)
27. **Plan ratification process** - Require Districts/Authorities to publish only one notice publicizing public comment period and hearing. Extend public comment period [from 30] to 60 days with a public hearing held during the comment period. Ohio EPA review process shall remain 45 days for non-binding advisory opinion review and the review for the final ratified plan shall be reduced [from 90 days] to 45 days. (Change in law)

Legislative Platform and Ohio Solid Waste Law Priorities
CCAO/OSWDO
June 2012

28. **Policy committees** - Allow members in Districts/Authorities with more than two counties to participate in meetings via electronic video conferencing. (Change in law)
29. **Policy committees** - Allow board of directors to establish "non-statutory" membership composition in Districts/Authorities composed of three or more counties. Retain the first four statutory appointments to the policy committee in all districts with three or more counties and grant the board of directors discretion to determine the number of additional appointments representing one or more of the categories enumerated in the law provided the total makeup of the policy committee has an odd number of members for purposes of a tie breaker. (Change in law)
30. **Zoning exemption rules** - The siting of solid waste facilities identified in a District/Authority plan is exempt from township zoning. (Current law)
31. **Use of fees** - Allow surface water testing; eliminate training certification for landfill inspectors (allowable use #8). (Change in law)