

**JEFFERSON BELMONT REGIONAL SOLID WASTE AUTHORITY
MINUTES FROM REGULAR MEETING OF DECEMBER 9, 2019**

ROLL CALL:

PRESENT: Nicole Balakos, Mike Bianconi, Chuck Dawson, Jerry Echemann, Scott Fabian, Barbara Godwin, John Goosman, Tony Kolanski, Robert Krajnyak, Joe Luckino, James Mavromatis, Mark McVey, Domenick Mucci, Rob Sproul

ABSENT: George Irvin Jr

OTHERS: Anita Petrella, Dave Hays, Natalie Lysle, Tammy Shepherd, Carla Gampolo, Kimberly Hahn, Mark Nelson

A quorum being present, Chair Scott Fabian called to order the regular meeting of the Jefferson Belmont Regional Solid Waste Authority Board at the Bellaire Public Library in Bellaire, Ohio at 5:30PM on, Monday, December 9, 2019.

MINUTES: A motion to approve the November 4, 2019 regular monthly meeting minutes was made by Mr. Mucci, seconded by Mr. Sproul. **Vote: 11 said Aye, with Mr. Kolanski, Mr. Dawson and Mrs. Balakos abstaining. Motion passed.**

A motion to approve the December 2, 2019 Executive Committee meeting minutes was made by Mrs. Balakos, seconded by Mr. Echemann. **Vote: All said Aye. Motion passed.**

CORRESPONDENCE: Scott Fabian

Thank You cards were received from Catholic Central High School and exiting Village of Yorkville Mayor Karen Vargo.

GUESTS:

Brandon Reese

Mr. Fabian stated Brandon Reese was not in attendance to speak.

Mr. Fabian explained the speakers on the Agenda will have 4 minutes to speak due to time restriction with the Library closing at 7PM and the regular business of the Board needing complete in this meeting. Mr. Fabian stated as he stated at the Executive Committee meeting there will be no motions or Resolutions passed tonight, they will stay neutral until the process comes along. If they apply for the permit then the Board may take action, but until then the Board will remain neutral.

Kimberly Hahn

Ms. Hahn stated she was representing residents in Steubenville and discussed the recent progress in the City of Steubenville with economic development, new businesses, and visitors to the nutcracker village. She stated they are adamantly against the landfill reopening and expanding, they are concerned about the owners being held accountable and do not want to see more of what has been happening with current owner. She spoke of impacts on local residents, the local University and college. She asked the Board to look at this as objectively as possible when they do apply.

Mr. McVey passed out printed copies of resource information links they obtained from the EPA to the residents present. Mr. Fabian explained this would help them know of when and how they could get involved.

Mark Nelson

Mr. Nelson, chair of the Soil and Water Conservation District, provided packets of documents to all the Board Members. He explained the packets included a statement from his Board that is eight pages long which explains the process of the company trying to move into Crossridge, and how they expect the process to take less than 12 months, and start to accept municipal solid waste within 12 months according to the EPA. The next documents are in regard to House Bill 592 (HB592), dating back to 1988, it was signed into law in order to dramatically revise Ohio's outdated Solid Waste regulatory program. The law also establishes solid waste management planning program to be implemented above the State and Local Government levels. The Bill emphasized the need to reduce Ohio's reliance on landfills for the disposal of waste by increasing solid waste reuse, recycling, and minimization efforts. The Bill is further explained in a book he presented which gave a lot of history for the Solid Waste Board. He stated the Nation was dealing with an interstate garbage problem back in 1988, and they formed HB592 to deal with the fact that NY and NJ had more stringent laws than Ohio did, because Ohio was quickly becoming the dumping ground of the Eastern United States. HB592 put the Solid Waste Authorities of Ohio in place to combat that, with recycling being only part of it. He asked the Board to review that and to strengthen its regulations for municipal solid waste facilities within its jurisdiction, as well as the siting requirement for said facilities within the Authority's jurisdiction. He asked the Board to join many local organizations and government agencies in opposing the development of the property owned by Crossridge Landfill and C&D Technologies, and to please bolster the regulations and siting rules within its Plan as well as adopting reasonable fees and mechanisms.

Mr. Nelson stated the next pages in the packet have to do with regulation changes. Regulation 1, which increased the fees, has to do with flow control, and is on page 5 of the "Ohio's Solid Waste Law:" Book he presented². Section 2 has to do with page 11, strong suggestions for regulations. The 4th and 5th pages have to do with suggestive siting, and the power of a Resolution. They suggested expansion of allowed proximities. Section 8 refers to page 26 in the Ohio EPA Biological and water Quality Study Book³, deals specifically with Cross Creek, the C&D Technologies of Crossridge and the Satralloy Plant which was dumping Chromium 6 into Cross Creek. Downstream from both of these facilities is the City of Mingo Junction, and Mingo's water wells sitting next to the creek by the baseball fields. They draw drinking water from those wells. Cross creek then dumps into the Ohio River, feeding multiple water systems down stream. Mingo Junction water is also feeding the County water.

STAFF REPORTS:

Fiscal Report:

Mr. Hays requested permission to adjust year-end item appropriations to provide necessary balances in the Salaries/Wages and related line items by \$25,350 in the General Fund. He requested a transfer of appropriation of that amount from Collection Drives line item in the General Fund to \$16,000 into the Salaries & Wages; \$2,200 into PERS and \$7,000 into the Health Care line items in the General Fund.

Mr. Mucci made a motion to approve the transfer of \$25,350 from the Collection Drive Line item to Salaries & Wages \$16,000, PERS \$2,200, and Health Care Fund \$7,000 as requested. Mrs. Balakos seconded. **VOTE: Unanimous, yea, by roll call. Motion passed.**

Mr. Hays explained the Authority annually does a minimum interfund transfer from the General

Fund to the Capital Reserve Fund for the purchase of equipment, namely trucks, at a minimum of \$200,000 per year. He recommended to the Board they do so again this year.

Mr. Mucci made a motion to approve the transfer of \$200,000 from the General Fund to the Capital Reserve Fund as advised. Ms. Godwin seconded. **VOTE: Unanimous, yea, by roll call. Motion passed.**

Mr. Hays explained the Rates & Charges Fund is annually subsidized by the General Fund. The exact amount will be unknown until the end of the year, but he is estimating a \$622,000 deficit in that fund. He requested the transfer of the exact amount of that deficit from the General Fund into the Rates & Charges Fund at year end.

A motion was made to increase the appropriations in the Transfer-Out line item of the General Fund in an amount not to exceed \$650,000, then transfer funds into the Rates & Charges Fund by the same amount by Mr. Mucci. Seconded by Mr. Echemann. **VOTE: Unanimous, yea, by roll call. Motion Passed.**

Director's Report:

Anita Petrella stated the trucks should be moved into the new Jefferson building tomorrow night, she just received the keys today. She would like to ask the Board for approval for miscellaneous items needing improvements, explaining each. After the staff is all moved in for a month or two she plans to hold a Board meeting at the new building for the Board to see. Mr. Mucci asked the Fiscal officer if the funds were available to do so, Mr. Hays said yes.

Mr. Mucci made a motion to approve the \$15,000 in building improvements as requested. Mr. Luckino seconded. **VOTE: Unanimous, Yea, by roll call. Motion passed.**

Mr. Fabian thanked the Search Committee for it's work over the last few years, Ms. Petrella thanks Mr. Luckino for his extra efforts.

EXECUTIVE COMMITTEE REPORT: Scott Fabian

They met last Monday after consulting with the Authority Attorney, at which they announced that the Authority will remain neutral and allow Due Process regarding the Crossridge Landfill. If and when an application is filed, the Authority will proceed from there.

FINANCE COMMITTEE REPORT: Rob Sproul

No report.

PERSONNEL COMMITTEE REPORT: Mark McVey

Mr. McVey stated the Committee met tonight to discuss raises and two contract employees. The Committee recommends a \$1 per hour raise, with exception of the employees on probation, starting in 2020. He reported employees went three years without an increase a few years ago and remained loyal. Funds are available in the Budget.

Mr. Mucci made a motion to give all employees, with exception of the ones on probation and with contracts, a \$1 per hour increase in pay. Mr. Echemann seconded. **VOTE: Unanimous, Yea, by roll call. Motion passed.**

Mr. McVey informed the Board two contracts needing renewed, with the Director and the Fiscal Officer. For the Director the Committee recommends a new contract for three (3) years with a 3% increase each year, 2020, 2021 and 2022.

A motion was made to approve the three (3) year contract with the Executive Director with a 3% increase each year starting with 2020 by Mr. Mr. Luckino and seconded by Mr. Echemann. **VOTE: Unanimous, Yea, by roll call. Motion passed.**

Mr. McVey stated the Fiscal Officers contract is for two (2) years with same 3% increase each year, 2020 and 2021.

Mr. Kolanski made the motion to approve the two (2) year contract for the Fiscal Officer with a 3% increase in 2020 and 2021. Mr. Mucci seconded. **VOTE: Unanimous, Yea, by roll call. Motion passed.**

PLANNING COMMITTEE REPORT: Jim Mavromatis

No report.

GRANTS/SPECIAL EVENTS COMMITTEE REPORT: Barbara Godwin

No report.

SEARCH COMMITTEE REPORT: Joe Luckino

No report.

LANDFILL REPORT: Nicole Balakos

Mrs. Balakos reviewed reports provided to the Board. November Tonnage – MSW was 89,560 tons, C&D 49,715 tons. We are on track to be a little below in MSW for the year. Odor complaints for November shown a decrease due to going online with the Montauk gas plant, the gas flaring system. She briefly discussed the flaring system, and its pros and cons. A new Odor Patrol Report was provided and discussed. She explained when citations are issued and why, adding that Sanitarian Carla Gampolo was present if any members had questions on the details.

Mr. Dawson asked about EPA reports, they do not do similar reports. The complaint line was explained. Complaint calls go to the Health Department, the EPA and the Apex landfill at the same time. Apex odor patrol goes out and logs the event, the Health department compares the log to theirs or visits the site as well.

Mrs. Balakos explained the new Focus Inspections they are now doing, how they are not all day inspections, but are random spot checks on different items.

OLD BUSINESS:

Mr. Fabian announced they have a new Agreement, which was emailed to all members, with the Harrison County Engineer's Office. The agreement was amended to allow the geogrid to hold the stone in place on County Rd 51.

Mr. Dawson made a motion to accept the Agreement, Mr. Krajnyak seconded. **VOTE:**
All said Aye. Motion passed.

NEW BUSINESS:

The expiration of Board member terms was discussed. The four statutory members will need to meet before the January meeting to pick or renew their County's members. Ms. Godwin has decided to step down from the Board. Members spoke about her efforts and thanked her for her hard work. Mr. Krajnyak was thanked for his work also.

2020 Meeting locations were discussed for Belmont meetings due the 500% increase in the Bellaire Library room rent. Mr. Bianconi and Mr. Echemann would work on other possible locations, members could email any ideas that come to mind.

Mr. Fabian asked to move the January 2020 meeting from the 13th to the 6th. With no objections the reorganization meeting and regular meeting will be held on January 6th at the Steubenville City Hall.

Mr. Luckino asked the board about making a solid urgent game plan on looking at strengthening the Regulations, on what they can and should be doing, if they are lacking and need to add to their regulations and requirements. He thinks they should be proactive as possible. Should do some sort of an internal performance audit to make sure they are using all their resources that they may not know about. A possible Planning Committee was suggested with the Attorney. Mr. Luckino stated as suggested the Authority Attorney should talk to the EPA Attorney in regard to the powers of the Authority and the EPA as well. With it being uncharted waters, it needs clarification. The Siting requirements of 300 and 500 feet were discussed.

Mrs. Balakos stated what also is needing addressed is the fact that Apex Landfill was grandfathered in regarding their temporary cap and the 2015 Resolution that was passed by the JBRSWA Board. That Resolution itself does not apply to any existing landfills; it only applies to new ones. With the Siting requirements, she thinks there is room to talk, and need to have a Committee meeting about some of the suggested talking points provided in the documents. Adding to possibly talk to the EPA again, and see what other places have, then see what they can do before going forward with that Committee meeting. Mr. Mucci stated they should involve their attorney in this process to make sure they are not jeopardizing the Boards action in the future, gathering information is fine, but the Authority Attorney should be involved step by step and all be on the same page. Mr. Luckino stated they did give the Authority's phone number to the EPA's Attorney Teri Finfrock so they could speak directly. Mrs. Balakos said they would follow up with a Committee meeting. They would need to coordinate the time with the Attorney's schedule.

Mark Nelson asked that a specific five (5) pages¹ he presented to the Board be included in the official Board minutes of this meeting.

Mr. Fabian allowed a few minutes for the members of the public in attendance to address the Board before the they need to adjourn and the Library closes. Comments and questions followed.


Next meeting set for Monday, January 6, 2020 at the Steubenville City Hall at 5:30PM.

ADJOURNMENT: With no further business to come before the board, the meeting was adjourned at 6:55 pm.

ATTEST:



Scott Fabian, Chair



Mike Bianconi, Secretary

¹ Jefferson Soil & Water documents

² Ohio's Solid Waste Law: January 2013

³ EPA Biological and Water Quality Study of the Cross Creek Basin 2010

The Jefferson Soil and Water Conservation District is here tonight to ask for the Jefferson Belmont Regional Solid Waste Authority, aka JB Green Team, to strengthen regulations for municipal solid waste facilities within their jurisdiction as well as the siting requirements for said facilities within the authority's jurisdiction that will benefit the quality of life for the people of Jefferson and Belmont counties.

Moreover, as no application has been submitted to the Ohio EPA, Jefferson County Health District, of the Jefferson Belmont Regional Solid Waste Authority, and no due process will be undermined or harmed, we humbly ask that you join the Jefferson County Board of Commissioners, The Cross Creek Township Trustees, the City Council of Steubenville, the Village Council of Wintersville, Jefferson County Port Authority, and the Jefferson Soil and Water Conservation District Board in adopting a resolution opposed to the development of the property owned by the Crossridge Landfill and C&D Technologies.

The property is situated within close proximity of a county airport and could provide hazards to human life if reopened, it sits upon the Cross Creek riparian with several small tributaries coming off the property and has been called out as a major pollutant of the watershed, within a radius of 5 miles from the facility 50,000 people reside (35,000 of which live in Jefferson County), and the site has historically been a concern for pollution due to the steep terrain of the land.

We are not singling out any entity or company from coming to do business within the county, we are humbly asking that you join us and the people of Jefferson County in saying NO MORE. We want Crossridge to pollute our area no more and we want no more garbage and debris dumped on this facility. Join us as we look for feasible solutions that will address the issues and benefit the people of the county and region, and join us in saying we are no longer a dumping ground for out of region entities. Please bolster the regulations and siting rules within your plan as well as adopting reasonable fees and mechanisms that benefit the people of Jefferson and Belmont counties, and not the garbage industry of America.

SUGGESTED LANDFILL REGULATIONS CHANGES FOR THE JB GREEN TEAM

For the purpose of this paper the Jefferson Belmont Regional Solid Waste Authority shall be referred to as JB Green Team

1. Increase in the fees per ton of out-of-district waste being disposed of at all in-district disposal facilities to the maximum fee that can be levied by law. This increase will create a revenue stream that will assist the municipal waste authority in carrying out its duties, deter or dampen the appeal of out-of-district waste from being disposed of in-district, and potentially provide relief to the taxpayers of the district by creating less need on the assessment currently in place.
2. Create an inspection/enforcement position within JB Green Team that can assist and/or take over policing powers from the Health Districts of Jefferson and Belmont counties on all active and closed landfills that require monitoring. This assistance will provide relief to the local health districts and their sanitarians, as well as provide solid waste focused inspections and enforcement that will best benefit the people of the JB Green Team district. (Please note that the Apex Environmental facility has not done air quality testing since 2013 per the Ohio EPA, began construction on a component that required a variance before said variance went through its due process and, as of November 15, 2019 was issued a Notice of Violation due to failure to pay nearly \$2.5 million.)
3. JB Green Team should adopt rules governing the development and implementation of a program for the inspection of solid wastes that are generated outside the boundaries of Ohio and are disposed of in landfills included in the JB Green Team waste management plan.
4. JB Green Team should adopt a policy that eliminates the clause so afforded them by the State of Ohio that gives them power to exempt operating or proposed solid waste facilities from compliance with any amendment to a township zoning resolution or to a county rural zoning resolution. JB Green Team is the local representation of the people of the Jefferson and Belmont County district, and zoning approved and authorized by the people of the county or their representatives should not be exempted as the zoning decree represents the voice and will of the people.

SUGGESTED LANDFILL SITING CHANGES FOR THE JB GREEN TEAM

1. No solid waste facility shall be located within 6 miles of any publicly supported airport. This rule shall follow and uphold regulations as stipulated within United States Public Law 106-181 passed on April 5, 2000 and better known as the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century.
2. No solid waste facility shall be located with 2500 feet of an active, closed, or abandoned mining operation. Due to the topography of the Jefferson and Belmont County area as well as the once prevalent mining activity in aforementioned area, mine subsidence is a common occurrence and could lead to expanded and unbridled pollution.
3. No solid waste facility shall be located within 5,000 feet of any park, state recreation area, state forest, nature preserve, arboretum, wildlife area, cemetery, or historic area that is maintained or under the control of a public entity.
4. No solid waste facility shall be located within 5,000 feet of any school, nursing home, daycare, or senior center that is funded or under the authority of a public entity.
5. No solid waste facility shall be located within 1000 feet of a site that is listed or has the potential of being listed on the National Register of Historic Places. This rule can be exempted if approved by the local historical society, local chapter of the Ohio Genealogical Society, and the County Regional Planning Commission.
6. No solid waste facility shall be located within 2500 feet of a domicile.
7. No solid waste facility shall be located with 1000 feet of a property line.
8. No solid waste facility shall be located within 2500 feet of surface waters (including but not limited to streams, tributaries, wetlands, ponds, lakes, vernal pools greater than 10 feet in circumference). Due to the terrain of the Jefferson and Belmont County region as well as the heavy clay deposits in the aforementioned region, water runoff is a serious concern and can travel far distances, well beyond the bounds of any property boundary or facility boundary.
9. No solid waste facility shall be located with 5000 feet of any hospital, nursing home, end-of-life care facility, or rehabilitation center.

5. JB Green Team should adopt regulations that follow the premises laid forth by the Adams-Clermont Solid Waste Authority and the Wood County Solid Waste Authority that use flow control as a mechanism to ensure a level playing field between in-state facilities and out-of-state facilities in the competition of waste streams. This will enable JB Green Team to remove competitive disadvantages that favor out-of-state businesses over in-state waste businesses. Moreover, it will also provide a small deterrent to Jefferson and Belmont County from becoming an appealing location for dumping of solid waste.
6. JB Green Team should adopt a policy requiring all solid waste facilities within the authority's jurisdiction to perform quarterly monitoring per year on air quality and surface water quality. And establishing baseline measurement processes for existing and new solid waste facilities. Air quality checks for all known gases and pollutants associated with solid waste facilities should be tested on site, and at intervals, completely circumnavigating the facility, of 500, 1000, and 2000 feet. Additionally, in the direction of sustained prevailing winds the air quality check should also be monitored at 3000 feet and 5500 feet. Water quality checks should be performed on all bodies of surface water (including but not limited to streams, tributaries, wetlands, ponds, lakes, vernal pools greater than 10 feet in circumference) that are on the premises or flow from the facility. Testing should be conducted to identify evidence of any known pollutant associated with solid waste disposal. If any readings of air or water quality checks prove that the landfill is negatively impacting the environment to the detriment of the health of human life the landfill could be subjugated to penalties that could include forfeiture of license.

10. No solid waste facility shall be located on a property that has an original, undisturbed, slope that is greater than 15%. Due to the terrain of the Jefferson and Belmont County region as well as the heavy clay deposits in the aforementioned region, water runoff is a serious concern and can travel far distances, well beyond the bounds of any property boundary or facility boundary.
11. No solid waste facility accepting municipal solid waste shall for disposal be located within 20 miles of another facility within the JB Green Team jurisdiction that accepts municipal solid waste for disposal.
12. No solid waste facility shall be located shall be located within 2500 feet of a sole source aquifer.
13. No solid waste facility shall be located within 2500 of a water supply well that provides water for consumption.
14. No solid waste facility shall be located within 300 feet of a church or house of worship of a recognized religion.



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

November 15, 2019

Anthony Rizzo
Apex Environmental Landfill
P.O. Box 157
Amsterdam, Ohio 43903

**Re: Apex Environmental Landfill
Notice of Violation (NOV)
NOV
Municipal Solid Waste Landfills
Jefferson County
MSWL018772**

**Apex Transfer Station
Notice of Violation
NOV
Municipal Solid Waste Transfer Facilities
Belmont County
SWTF018372**

Subject: Notice of Violation - Delinquent State Solid Waste Disposal Fees

Dear Mr. Rizzo:

I am writing to you regarding Ohio EPA's review of the solid waste disposal fee reports for Apex Environmental LLC (Apex), trustee for the State of Ohio, for both Apex Environmental Landfill located in Jefferson County and Apex Transfer Station located in Belmont County. The purpose of this review was to determine compliance with Ohio Revised Code (ORC) Chapter 3734.

Findings

Ohio EPA has determined that the following violation of Ohio's environmental law has occurred. In order to resolve the violation, we recommend addressing the citation below promptly.

1. ORC Chapter: 3734.57(A)(4)

In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state... In the cases of solid wastes that are not taken to a solid waste transfer facility located in this state prior to being transported to a solid waste disposal facility, the fees shall be collected by the owner or operator of the solid waste disposal facility as a trustee for the state...

The owner or operator of a solid waste transfer or disposal facility, as applicable, shall prepare and file with the director of environmental protection each month a return indicating the total tonnage of solid wastes received at the facility during that month and the total amount of the fees required to be collected under this division during that month. In addition, the owner or operator of a solid waste disposal facility shall indicate on the return the total tonnage of solid wastes received from transfer facilities located in this state during that month for which the fees were required to be collected by the transfer facilities. The monthly returns shall be filed on a form prescribed by the director. Not later than thirty days after the last day of the month to which a return applies, the owner or operator shall mail to the director the return for that month together with the fees required to be collected under this division during that month as indicated on the return or may submit the return and fees electronically in a manner approved by the director. If the return is filed and the amount of the fees due is paid in a timely manner as required by this division, the owner or operator may retain a discount of three-fourths of one per cent of the total amount of the fees that are required to be paid as indicated on the return.

Description: Apex submitted the monthly reports for solid waste tonnages received for the months of June 2019, July 2019, August 2019, and September 2019. As of November 15, 2019, the fees for June, July, August, and September 2019 have not been received. As a landfill and transfer facility owner and operator, Apex is a trustee for the State of Ohio and is required to collect and remit solid waste disposal fees. Since July 2019, Ohio EPA has contacted Apex on numerous occasions to determine the status of these outstanding solid waste disposal fees.

Apex has failed to remit solid waste disposal fees to Ohio EPA which is a violation of ORC Section 3734.57(A)(4). Accounting for the principal balances due, discounts removed, and late fees assessed pursuant to ORC Section 3734.57, Apex currently owes \$2,345,529.87. This violation will continue until state solid waste disposal fees and late fees are remitted.

Conclusion

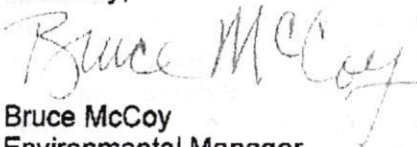
Ohio EPA requests that Apex, as a trustee of the state, promptly undertake the necessary measures to resolve the violation of Ohio's environmental laws and regulations. If you have already resolved the violation listed above, thank you.

Failure to comply with ORC Chapter 3734 and rules promulgated thereunder may result in an administrative or civil penalty. If circumstances delay resolution of the violation, please submit written correspondence describing the steps that will be taken by date certain to attain compliance.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties specified in the ORC.

If you have any questions, please contact me at (614) 728-5345 or at bruce.mccoy@epa.ohio.gov.

Sincerely,



Bruce McCoy
Environmental Manager
Division of Materials and Waste Management

ec: Anthony Rizzo, Apex Environmental LLC
Joe Tatarek, Apex Environmental LLC
Jefferson County General Health District
Kelly Crawford, DMWM, CO
Rich Fox, DMWM, SEDO

ISSUE 1 - FLOW CONTROL AND DESIGNATION

CCAO strongly supports keeping flow control as a necessary management tool for solid waste districts/authorities.

What is Flow Control and Designation?

Flow control is a power authorized by Ohio law that allows solid waste districts to designate, or direct, where solid wastes generated within or transported into the district or jurisdiction must be taken for disposal, transfer, resource recovery or recycling. The General Assembly required all solid waste districts and authorities to prepare solid waste plans. These plans must include a clear statement as to whether the Board of County Commissioners, Board of Directors for joint county solid waste districts, or authority trustees are authorized or precluded from establishing facility designations. A facility designated in a solid waste plan has the right to receive waste from that district. Specifically, the Policy Committee (membership set by statute) prepares the solid waste plan and determines facilities to be designated.

In 1993, the General Assembly addressed flow control with amendments to Ohio's solid waste law that provided two new sections on designation. The first section (ORC 343.013) concerned public facilities with outstanding debt and the second section (ORC 343.014) concerned designation of public and private solid waste facilities, recycling facilities or activities where no public debt is outstanding. This second section allowed districts to continue designating public and private facilities.

The General Assembly understood that the tool of flow control and designation was a significant exercise of local government authority. As a result, the new sections of the law made the designation of facilities subject to rigorous requirements for public notice and public input. The process of designation includes numerous public notices and mailings to the largest generators, newspaper advertisements, Board of Commissioner resolutions and public hearings. As with any component of the solid waste plan, designations must first be included by the Policy Committee and then be approved by at least 60% of the political subdivisions (including the largest municipality) and county commissioners.

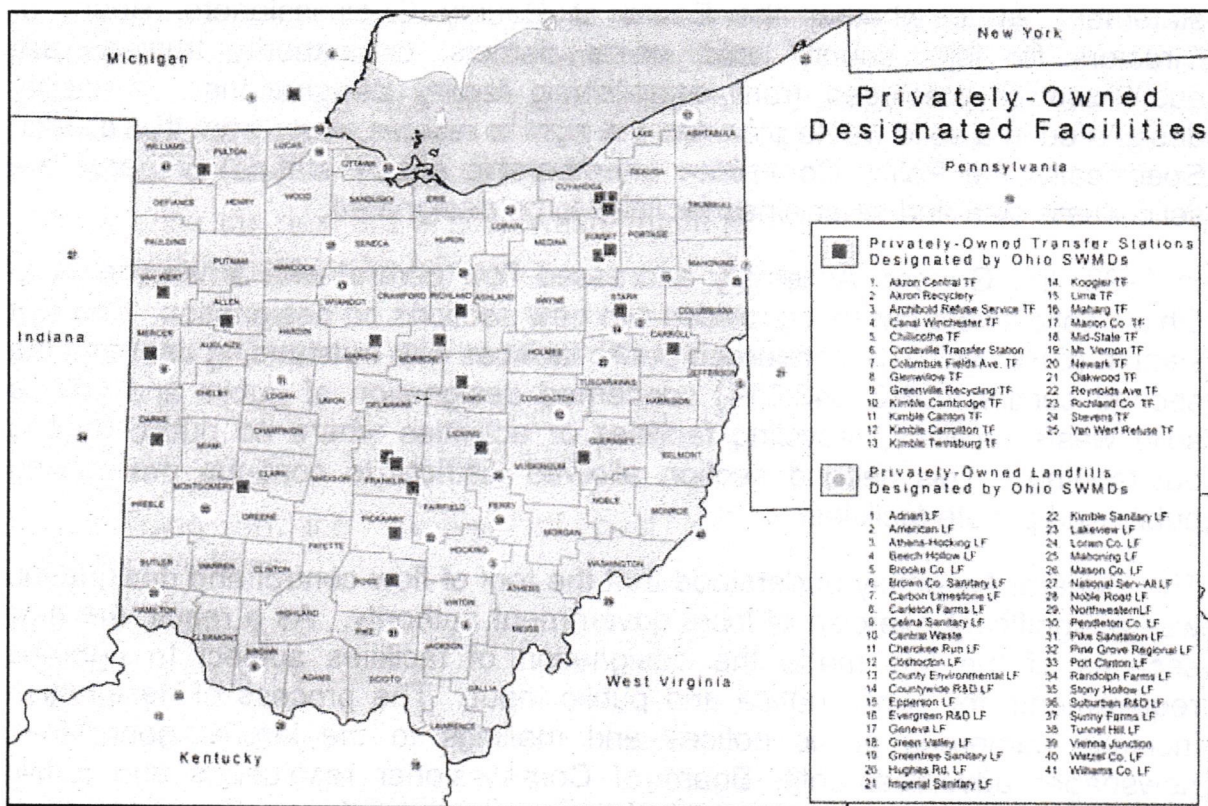
Solid waste facility designations have been authorized in the long-range solid waste management plans adopted by more than 25% of Ohio counties. Many Ohio solid waste districts have designated private-sector solid waste facilities to receive waste from the district. Figure 1 identifies the privately-owned designated solid waste facilities which have been designated in solid waste management plans.

Why is Using Flow Control or Designation Important?

Many states in the United States and Provinces in Canada provide local government with the authority to adopt flow control ordinances, regulations or procedures to ensure that municipal solid waste is delivered to specific disposal facilities. In simple terms, flow control protects the public health, safety and

welfare by ensuring solid waste is delivered to facilities that are required to include best available technology and are licensed and inspected by the state. Flow control has been an option for local government for many decades. Actually, flow control was specifically upheld as an exercise of local police power in Ohio in *State ex rel. Mook v. Cincinnati* (1929). In the majority of the cases across the United States, flow control has been used prudently and carefully to ensure that public sector and private sector interests in solid waste facilities are locally managed and investments of public dollars are protected.

Figure 1
Privately-Owned Designated Solid Waste Facilities



Flow control ensures that public facilities, that have authorized public funding for the construction and operation of facilities, receive sufficient quantities of solid waste and/or recyclable material to provide the revenue necessary to pay the debt back to lenders. Public facilities would have very limited options for obtaining financing and bond authority if there was not the assurance that the facility would have a revenue stream adequate to pay back the debt.

Flow control is also about achieving sufficient economies of scale to support the operation of a facility at a reasonable cost to users. Flow control can be used as a means to obtain the best possible price for disposal by aggregating waste streams (for example, Miami County and Montgomery County combining their waste streams and directing it to a single facility in order to get the best price).

In other situations, flow control enables border districts to obtain a sustainable stream of revenue for plan implementation based on designation agreements

The Ohio Supreme Court unanimously stated in ***Rumpke Sanitary Landfill Inc. v. Colerain Township*** that:

"the lack of governmental regulation means that Rumpke determines to whom it provides its service and how or when that service is provided. The general public has no legal right to demand or receive Rumpke's services. Therefore, there is no assurance or guarantee that Rumpke will provide its services to the public indiscriminately and reasonably, nor is there anything preventing Rumpke from arbitrarily or unreasonably withdrawing its services. Rumpke could lawfully close its doors to the public. Furthermore, as a private company, Rumpke has the ability to set its own rates without any governmental oversight."

Flow control (designation) is not just an issue in Ohio. The Solid Waste Association of North America (SWANA), a professional solid waste management organization with more than 8,000 solid waste professionals as members including both public (60 percent) and private sector organizations (40 percent), issued the following policy statement regarding flow control:



"SWANA recognizes flow control as an effective and legitimate instrument of integrated municipal solid waste management. To the extent it is allowed by law and after public discussion, including the consideration of economic, environmental and social impacts and input from residents, businesses and other interested parties, flow control can be implemented without unduly interfering with the free movement of municipal solid waste and recyclables across jurisdictional boundaries."

The SWANA policy goes on to state:

"the general principal of "free movement of solid waste" necessarily has reasonable and appropriate limitations and among them, practices favoring the public sector in the realm of a traditional local government activity."

Ohio's flow control statute meets this policy standard by providing public discussion, input from residents, businesses and interested parties, as well as a vote on the policy through the political subdivision representatives during the plan ratification process.

The SWANA flow control policy acknowledges that the U.S. Supreme Court has made important decisions on flow control cases. SWANA policy incorporates the following statement from the majority opinion in the Court's ruling in *Oneida Herkimer*:

because the district is not able to collect generation fees from nearby out-of-state landfills. Flow control also allows the operation of publicly owned transfer stations to obtain revenues required to pay for remediation and other legacy costs at old county landfills that were closed because of tougher regulations implemented under HB 592. It is not clear how counties could pay these legacy costs without flow control.

Finally, there are also districts (such as Adams-Clermont and Wood) that use flow control as a mechanism to ensure a level playing field between in-state facilities and out-of-state facilities in the competition for waste streams. For example, in Wood County, the publicly-owned county landfill and the privately owned Evergreen Landfill pay governmental fees to Ohio EPA and the SWMD. These fees provide a cost advantage to Republic's Vienna Junction Landfill located just north of the Ohio/Michigan border. Therefore, Wood County uses flow control "designation agreements" to impose an equal SWMD fee of \$2/ton on the disposal of Wood County waste at any designated facility, which forces Vienna Junction to pay the same amount of district fees as Evergreen and the County landfill. Thus, flow control is a device that enables districts to remove competitive disadvantages that favor out-of-state waste businesses over in-state waste businesses.

Flow control also provides that:

- revenues collected for the operation of solid waste facilities provide services to local businesses, industry and the public;
- millions of dollars in revenues will be kept in the local Ohio economy and not transferred to other states;
- local governments can control the rate structure allowing for predictable budgeting for solid waste services and allowing private businesses to predict their disposal costs; and
- publicly-owned landfills and transfer stations can meet their capital and operational financial requirements.

What Have the Courts Said About Flow Control?

Solid waste districts that provide solid waste and recycling facilities and services are public utilities that are obligated to serve the public without discrimination and at a reasonable price (*St. Marys v. Auglaize County Board of Commissioners*, 115 Ohio St. 3d 387 (2007)). In contrast, privately owned facilities and services have no special obligations to the public, and may charge whatever they wish for their services (*Rumpke Sanitary Landfill Inc. v. Colerain Twp.* (2012)).

"Laws that favor the government in such areas – but treat every private business, whether in-state or out-of-state exactly the same – do not discriminate against interstate commerce," Chief Justice Roberts wrote in the Oneida-Herkimer majority opinion.

SWANA's policy concludes:

"Moreover, the public comment and participation called for in the flow control policy promotes an early stage benefits versus burdens analysis, which every flow control measure must withstand in any court challenge. Based on these considerations, SWANA is satisfied that its flow control policy is consistent with other SWANA policies and with U.S. Supreme Court decisions."

Ohio's designation process provides for notification and allows private sector entities to determine whether they want to participate in the designation or flow control process. Private sector firms are treated equally and the playing field is level for all participants. The U.S. Supreme Court and other federal courts have upheld local flow control measures, including in Ohio (***Maharg Inc. v. Van Wert Solid Waste Management District*** and ***United Haulers Association Inc. v. Oneida Herkimer Solid Waste Management Authority***).

The Process to Implement Flow Control in Ohio Requires a High Standard.

Ohio's solid waste planning requirements include extensive public comment provisions, hearings and ratification procedures, giving public and private facility operators ample opportunities to comment on flow control measures. These public involvement measures were placed in the law by the General Assembly to ensure all interests are represented and provide opportunities to work with local solid waste districts before any designation or flow control decisions are finalized.

More than 20 solid waste districts in Ohio have exercised the right to adopt flow control and designate facilities as illustrated in the map in Figure 2.

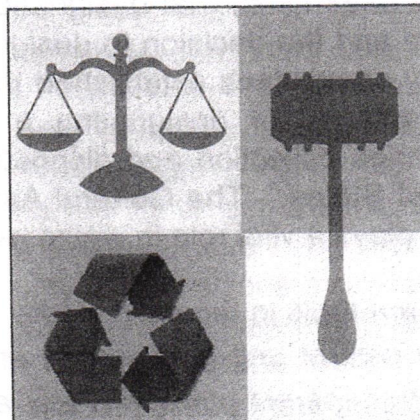


Figure 2
Ohio Districts/Authorities That Implemented Flow Control



Finally, the private sector has stated their concerns about flow control and designation. However, in many cases, the private sector enjoys the advantages of being a designated facility in many of the plans adopted by districts in Ohio. There are districts that have designated private sector facilities to receive all of the district's solid waste. There are also private sector facilities that have requested designated status in which case they would have received a competitive advantage in the marketplace over other facilities.

Again, the General Assembly determined that designation and the competitive market place requires balance and the decision to designate is based on many local factors. The local policy committees established in Ohio law must weigh the advantages and disadvantages of designating a facility. This process recognizes the fact that "garbage collection and disposal is a core function of local government in the United States." The General Assembly has concluded that local government in Ohio plays a vital role in waste management.

Flow control and designation are tools in the solid waste management tool box. The decisions regarding flow control and designation are determined through public decision-making and a transparent public process at the local level.

ISSUE 2 - SOLID WASTE RULEMAKING

CCAO strongly supports preserving the rule-making authority for solid waste districts/authorities.

The General Assembly crafted Ohio law to provide solid waste districts and authorities with specific rule-making authority.

What Types of Rules Can Ohio Solid Waste Districts and Authorities Adopt and Enforce?

There are four categories of rules that the Board of County Commissioners of a county district, Board of Directors of a joint district or Board of Trustees of an authority may adopt, publish, and enforce. These include rules to: (1) manage, prohibit or limit the waste stream; (2) maintain and protect collection and other facilities and their operation; (3) implement inspection programs for waste generated outside the state; and (4) exempt owners and operators from township zoning when the zoning was adopted within two years prior to the filing of an application. Additional information regarding the statutory specifications for each of these four categories of rules follows:

(1) Rules to manage, prohibit or limit the waste stream.

A solid waste district/authority can adopt rules prohibiting or limiting the receipt of solid wastes generated outside the district/authority (or outside a service area prescribed in the solid waste management plan) at facilities located within the district. However, rules may not be adopted with respect to private sector solid waste disposal facilities located within the district unless: (a) the district/authority submits an application to the Director of Ohio EPA that demonstrates there is insufficient capacity to dispose of all solid wastes that are generated within the district/authority at facilities located within the district; and (b) the Director approves the application.

(2) Rules to maintain and protect collection and other facilities and their operation.

A solid waste district/authority can adopt rules governing the maintenance, protection, and use of solid waste collection or other solid waste facilities located within its district. The rules adopted under this section shall not establish design standards for solid waste facilities and shall be consistent with the solid waste provisions of Chapter 3734. The rules adopted under division (G)(2) of this section may prohibit any person, municipal corporation, township, or other political subdivision from constructing, enlarging, or modifying any solid waste facility until general plans and specifications for the proposed improvement have been submitted to and approved by the Board of County Commissioners or Board of Directors as complying with the solid waste management plan or amended plan of the district.

(3) Rules to implement inspection programs for waste generated outside the state.

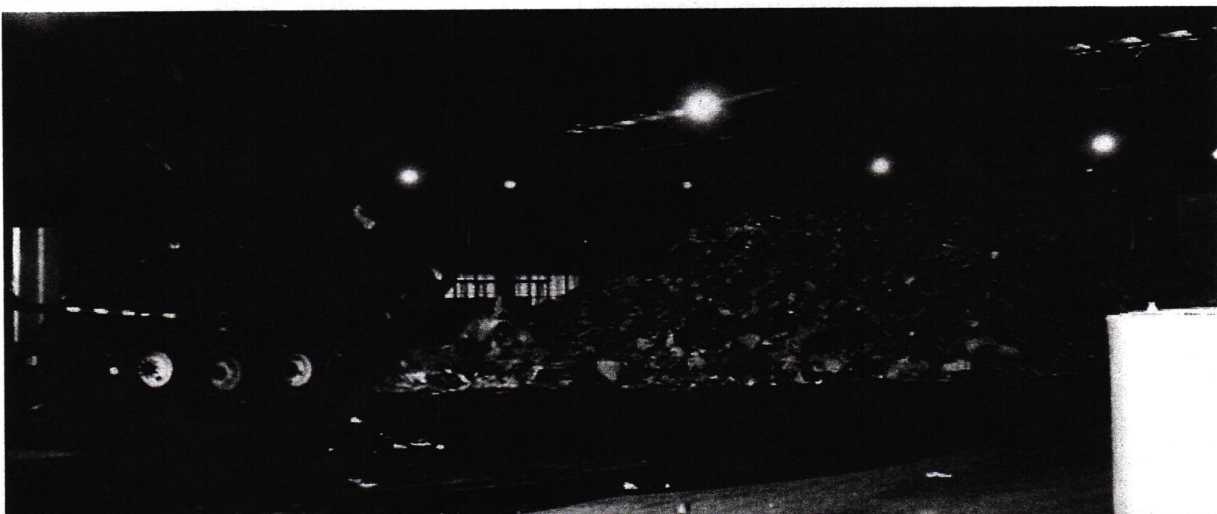
A solid waste district/authority can adopt rules governing the development and implementation of a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's solid waste management plan or amended plan. A Board of County Commissioners or Board of Directors or Board of Trustees or its authorized representative may enter upon the premises of any solid waste facility included in the solid waste management plan or amended plan for the purpose of conducting the inspections.

(4) Rules to exempt owners and operators from township zoning when the zoning was adopted within two years prior to the filing of an application.

A solid waste district/authority can adopt rules exempting the owner or operator of any existing or proposed solid waste facility provided for in the plan or amended plan from compliance with any amendment to a township zoning resolution or to a county rural zoning resolution that rezoned or redistricted the parcel or parcels upon which the facility is to be constructed or modified and that became effective within two years prior to the filing of an application for a permit.

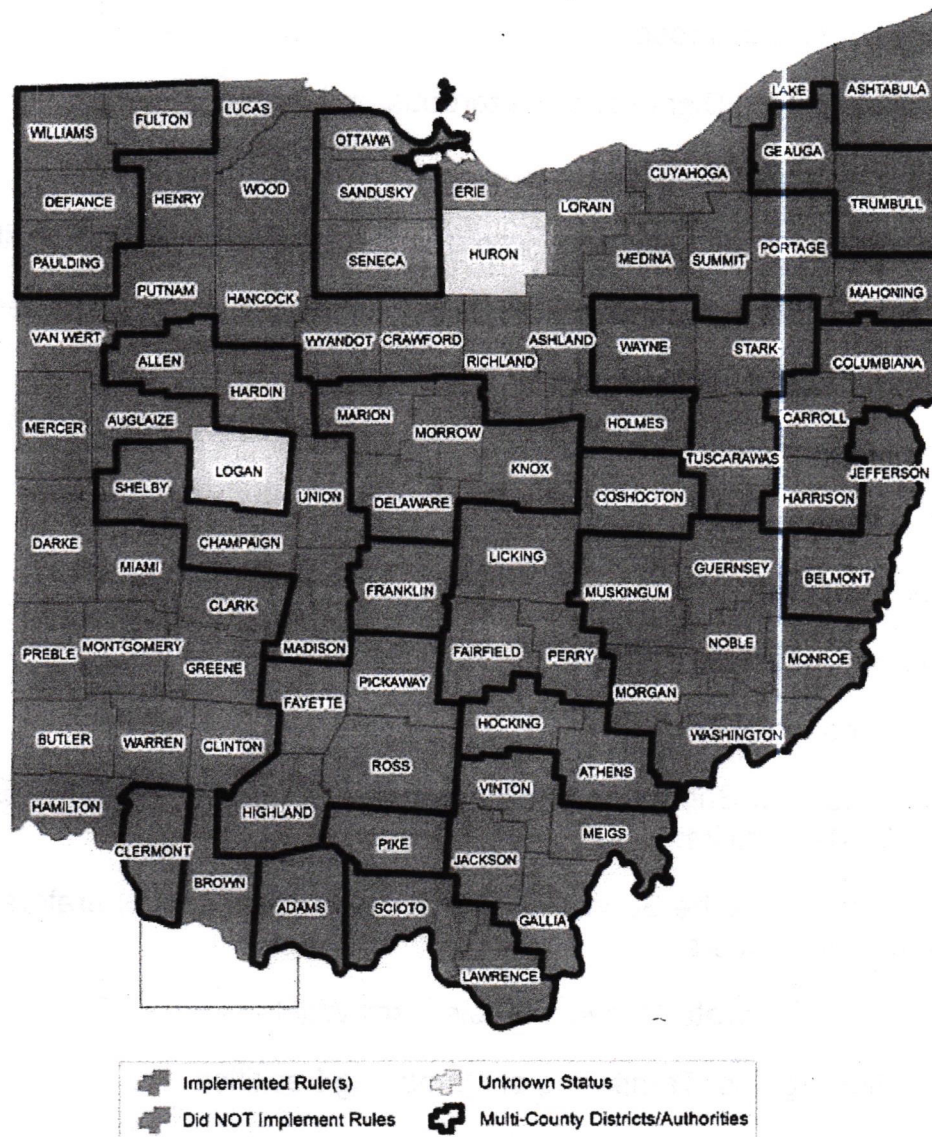
Which Ohio Solid Waste Districts/Authorities Have Adopted Rules?

Many districts/authorities have adopted rules allowed under Ohio law in their solid waste management plans. Figure 3 presents Ohio solid waste districts and authorities that adopted one or more rules.



In 2011, Ohio landfills managed 23.5 million tons of solid waste. Publicly available landfills in Ohio have an average remaining lifespan of more than 30 years and collectively have more than 600 million cubic yards of remaining gross volume.

Figure 3
Districts/Authorities that Adopted One or More Rule



Why Are Rules Important to Solid Waste Districts/Authorities?

Many districts/authorities that operate facilities have adopted rules governing the maintenance, protection, and use of solid waste collection or other solid waste facilities located within its district. For example, districts/authorities that operate public transfer facilities, collection programs and landfills have adopted rules under this provision of law. A few of the rule titles are presented below:

- Daily Operation
- Delivery of Solid Waste to Designated Facilities Waiver from Designation
- Acceptable Waste
- Delivery of Source Separated Recyclables to Designated Facilities
- Prohibition on Combining Source Separated Recyclable Materials with Other Solid Waste

- Prohibition on Disposal of Source Separated Solid Waste Recyclable Material
- Delivery of White Goods
- Prohibition on the Disposal of Hazardous and Similar Material
- Unacceptable Waste Rule
- Construction, Modification and Improvements to Solid Waste Facilities
- Compliance of Improvements with District Solid Waste Management Plan
- Maximum Feasible Utilization
- Hours of Operation
- Facility Outage
- Record Keeping
- Billing and Collection
- Hauler Responsibility
- Requirement for Submission and Approval of Plans for the Construction of Solid Waste Facilities
- Annual Reports to be Submitted by Facility Owners and Operators, and Commercial Haulers
- Disposal of Separated Unacceptable Yard Waste
- Prohibition Against Tampering or Damaging Facilities
- Penalties for Violating Rules
- Enforcement

The rules adopted by solid waste districts/authorities are presented to the public and adopted by the Commissioners, Board of Directors or Board of Trustees in public meetings or hearings. This process allows the public (including the private solid waste industry) an opportunity to comment and offer suggestions for changes. In some cases, the private sector is represented on the policy committees that establish or authorize the rules for the plan.

The rules are important tools to allow public facilities to operate efficiently, safely and within the rules of the Ohio Environmental Protection Agency. The rules provide the districts/authorities that have debt an ability to assure the financial community that revenues will be adequate to pay back bonds and notes. In addition, the entire solid waste district/authority program is built around the development of a solid waste management plan that is ratified and approved by political subdivisions and their representatives. Solid waste plans

Similar to the Wintersville A WWTP, Jefferson M WWTP has a permitted bypass from the overflow of their aerated equalization tank that is treated with chlorine for disinfection. The Jefferson M Plant is conducting a study for clarifier upgrades and potential plant expansion.

The Jefferson M WWTP is required to submit MORs to Ohio EPA as part of their permit requirements. Annual median and 95th percentile data collected by Jefferson M WWTP show that median plant performance has been fairly consistent from 2007 to 2012 with ammonia and cBOD5 below permit limits. Median and 95th percentile flows have consistently exceeded the design flow of 0.42 MGD from 2003-2012 (Figure 6).

Ohio EPA conducted a compliance sampling inspection at the Jefferson M WWTP on March 13-14, 2011 from outfall 001. The results from the composite sample found no permit limit exceedances, however, nitrate+nitrite-N values were elevated with a result of 7.26 mg/l and TKN at 1.22 mg/l. During the 2010 biological survey, the macroinvertebrates were found to be impaired downstream from the Jefferson M WWTP due to organic enrichment from both the Jefferson County M WWTP and Wintersville A WWTP.

Steubenville Landfill, Inc. (Ohio EPA Permit# 01N00277)

The Steubenville Landfill is a closed landfill located on Fernwood Road just south of Wintersville in Jefferson County. Leachate seeps from the landfill discharge to a tributary to Cross Creek that enter at RM 8.7. To control these discharges, the Steubenville Landfill received a PTI from Ohio EPA in February 2013 to construct two wetland treatment systems which will treat leachate as well as mine drainage from historic mine discharges. The proposed wetlands will be constructed by the summer of 2013 and monitoring from the two outfalls (001 and 002) will begin.

C&D Disposal Technologies LLC

Crossridge Landfill, Inc. (Ohio EPA Permit# 01N00106)

C&D Disposal Technologies and Crossridge Landfill are technically two separate landfills but are owned and operated by one owner. Both landfills are located adjacent to each other at the southwest of the intersection of County Road 26 and Township Road 174 in Cross Creek Township within Jefferson County. Discharges from the landfills go to an unnamed tributary to Cross Creek (enters at RM 8.5) and Dry Run which enters Cross Creek at RM 7.9. The Crossridge Landfill has two permitted outfalls. Outfall 001 is final effluent from a sediment pond at the south end of the landfill area and outfall 002 is from a sediment pond in the southeast section of the landfill. The Crossridge Landfill stopped receiving waste in 1990, but has failed to meet closure requirements in accordance of Ohio law. Ohio EPA and the Jefferson County Health Department are working with the owners of the landfill to properly close the landfill by installing a final cap system over the entire waste disposal area of approximately 9 acres. Leachate from the Crossridge Landfill is supposed to be collected and disposed of at the Jefferson County M WWTP, but the owners stopped hauling the leachate in May of 2012. As a result, leachate from the facility is collecting onsite and is potentially discharging to Cross Creek or into the groundwater. Ohio EPA collected leachate samples in October 2009 and found detections of numerous organic compounds including benzene, 1,1 dichloroethane, ethylbenzene, isopropylbenzene, naphthalene, toluene, 1,2,4-trimethylbenzene, vinyl chloride, o-xylene and diethylphthalate as well as highly elevated ammonia (80.1 mg/l) and various metals (aluminum, arsenic, iron, barium, chromium, copper, lead, manganese, strontium, selenium and nickel).

C&D Disposal Technologies is a construction and demolition debris landfill that accepted out of state waste, mostly from the east coast, by railroad car (Figure 7). The annual license for C&D Disposal Technologies from the Jefferson County Health Department was denied in 2012 but the facility continued to accept waste without a license. Acceptance of waste ceased near the end of 2012. Additionally, the site has a large 90,000 cubic yard open dump with exposed waste at the C&D Disposal Technologies portion of the facility. Storm water runoff from the open dump, C&D Disposal Technologies as well as Crossridge Landfill all discharge to tributaries entering Cross Creek.



During the 2010 survey, sediment plumes were observed in Cross Creek just downstream from the Crossridge Landfill and C&D Disposal Technologies. In addition to the construction and demolition debris waste disposal activities, active logging was occurring on site which created noticeable sediment runoff. A compliance sample was conducted in 2011 at several storm water ponds and tributaries to Cross Creek after a rain event. Much of the observed storm water flowing from the property bypasses the ponds and discharges directly to the tributaries to Cross Creek. WQS criteria exceedances (outside mixing zone average) were found in the tributaries for barium, cobalt, copper, iron, lead, nickel, vanadium and zinc.



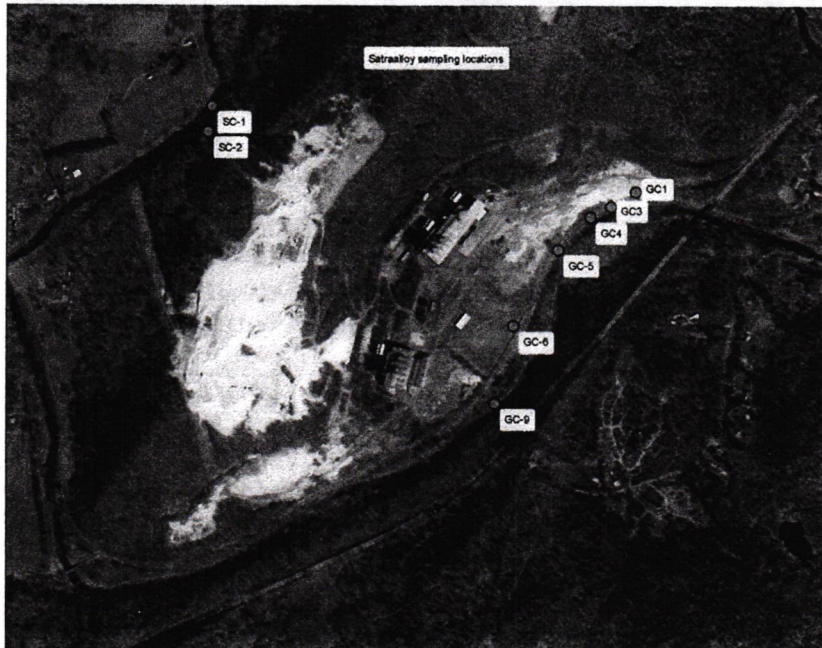
Figure 7. C&D Disposal rail line adjacent to a tributary to Cross Creek.

Satralloy – Cyprus Amax Minerals (Ohio EPA Industrial Storm Water Permit 0GR00401)

The Satralloy plant was constructed in 1957 and was used for smelting chromium ore. The arc furnaces operated at this 333 acre facility were taken out of production in 1982. From 1982 to approximately 1992 a chromium recovery facility (Satra Concentrates) attempted to recover useable chromium from the acres of slag and waste present at the site. The buildings are contaminated with asbestos and dust containing chromium and there are approximately 50 acres of waste and slag piles containing varying concentrations of chromium. A byproduct of the chromium smelting process is the formation of hexavalent chromium, a known cancer causing chemical. Cyprus Amax Minerals Company, who was connected to the original owner and operator of the site (Vanadium Corporation of America), has agreed to investigate and remediate the site pursuant to a Judicial Consent Order Preliminary Injunction. In the near term, this remediation will include the demolition of all of the plant buildings and the processing of on-site waste piles to reclaim chromium. The investigation and cleanup is projected to take ten or more years. The property was bought by Cyprus Amax Minerals in 2010.

Satralloy did have an NPDES permit with Ohio EPA but the permit was revoked in 1996 after the facility was closed and the new owner and operator refused to continue the required monitoring. Several areas discharge from the property directly to Cross Creek from RMs 7.72 to 4.71 (Figure 8). Hexavalent chromium and chromium samples were collected from Satralloy by

Ohio EPA on April 11, 2011 and showed exceedances of the WQS criterion for hexavalent chromium (see Figure 8 and Table 8 for sampling locations and Table 8 for sampling results). Elevated levels of total chromium, total dissolved solids (TDS) and pH were above the WQS criterion for the Outside Mixing Zone Average (OMZA) (Table 8). Additional samples, collected by the Cyprus Amax Minerals Company on June 7, 2011 and May 8, 2012, also exceeded the



WQS criterion for hexavalent chromium. Chromium was also detected in one fish tissue sample collected downstream from Satralloy (see Fish Tissue section). During the Ohio EPA 2010 survey, field staff often observed citizens swimming in Cross Creek just downstream from Satralloy at the Mingo Junction - Goulds Road bridge (TR 74). This is a well know swimming location and could be a potential area of human health exposure to hexavalent chromium and total chromium. Runoff laden with chromium is expected to worsen as Cyprus Amax Minerals Company begins demolition of the buildings and reclaiming the waste and slag piles. During the remediation of the site, it is recommended that biological and chemical monitoring be conducted to ensure that the runoff is not causing further negative impacts to the biological community of Cross Creek or increasing human health exposure.

Figure 8. (Top) Storm water sampling locations at Satralloy collected in 2011 and 2012 (see Table 8 for sampling results). (Bottom) discharges to Cross Creek from Satralloy at RM 7.72

Table 8. Satralloy discharges to Cross Creek sampled by Ohio EPA on April 11, 2011. NA is not analyzed.

		Site Location: Satralloy discharges to Cross Creek			
		Samples collected by Ohio EPA 04/11/2011			
Parameter	Units	SC1	GC-3	GC-5	GC-4
		RM 7.72	RM 4.68	oufall 002 RM 4.75	RM 4.71
Acidity	mg/L	<5	<5	<5	<5
Alkalinity	mg/L	111	927	55	140
Aluminum	ug/L	<200	<200	<200	<200
Ammonia	mg/L	0.056	0.378	<0.05	<0.05
Arsenic	ug/L	<2	<2	<2	<2
Barium	ug/L	27	74	27	42
Cadmium	ug/L	<0.2	<0.2	<0.2	<0.2
Calcium	mg/L	51	666	219	436
Chloride	mg/L	<5	23.9	<5	8.4
Chromium	ug/L	54.3	752	281	634
COD	mg/L	<20	<20	<20	<20
Conductivity	umhos/cm	380	4890	1200	1800
Copper	ug/L	<2	<2	<2	<2
Hardness, Total	mg/L	169	1660	798	1090
Hexavalent Chromium	ug/L	59	752	271	620
Iron	ug/L	<50	244	53	<50
Lead	ug/L	<2	<2	<2	<2
Magnesium	mg/L	10	<1	61	<1
Manganese	ug/L	<10	<10	<10	<10
Mercury	ug/L	NA	NA	NA	NA
Nickel	ug/L	<2	16.8	4.9	9.5
Nitrate+nitrite	mg/L	0.23	<0.1	0.25	0.19
Nitrite	mg/L	0.033	0.04	0.062	0.077
Potassium	mg/L	9	6	4	5
Selenium	ug/L	<2	<2	<2	<2
Sodium	mg/L	8	34	13	24
Strontium	ug/L	1050	2430	695	1200
Sulfate	mg/L	37.3	477	629	789
TKN	mg/L	<0.2	0.49	0.23	<0.2
Total Dissolved Solids	mg/L	168	1710	984	1300
Total Phosphorus	mg/L	<0.01	0.197	<0.01	<0.01
Total Suspended Solids	mg/L	74	<5	20	<5
Zinc	ug/L	<10	<10	<10	<10
Field Measurements					
Temperature	°C	19.41	12.16	12.73	16.56
Conductivity	umhos/cm	414.9	5013	1213.4	1825.6
Dissolved Oxygen	mg/L	8.07	10.18	9.81	7.77
D.O. Saturation	%	87.8	96.4	92.9	80.1
pH	S.U.	11.19	12.6	9.3	11.36

provide districts with the authorization to adopt rules. Any district/authority where the public determines it is not in their best interest to authorize regulations for the local control of solid waste may make that decision and prepare a plan under Ohio law that precludes rule making.

Solid waste districts/authorities need rulemaking authority, because unlike cities and villages, districts/authorities do not have inherent police power authority under the Ohio Constitution. If a district needs to regulate the maintenance, protection and use of a facility (for example, to prohibit depositing a specified waste material at the county landfill) there needs to be statutory authority that empowers the district to adopt and enforce such a rule. Districts cannot effectively operate facilities, implement their plans, and carry out their mission to provide safe and sanitary solid waste management capacity unless they possess some basic police powers under Ohio statutes.

Twenty-four years ago, the General Assembly had the wisdom to provide local government with tools to effectively operate their solid waste management program. Districts/Authorities cannot adopt rules without the approval of local government. The safeguards for indiscriminate use of these rules are in place and have been shown to be effective in governing the use, maintenance and protection of solid waste facilities.



Ohio's 52 solid waste districts and authorities reported recycling 3.4 million tons of materials from the residential and commercial sector and 8.9 million tons from industries. A total 12.4 million tons of valuable materials were diverted from landfills in 2010.

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