

**JEFFERSON BELMONT REGIONAL SOLID WASTE AUTHORITY
MINUTES FROM EXECUTIVE COMMITTEE MEETING OF DECEMBER 2, 2019**

ROLL CALL:

PRESENT: Nicole Balakos, Jerry Echemann, Scott Fabian, James Mavromatis,

ABSENT: Mark McVey

OTHERS: Joe Luckino, Anita Petrella, Natalie Lysle, Geary Bates, Al Bozich, Kim Bozich, April Vella Powell, Jane Orban, Keith Reynolds, Angela Mastros, Ed Gribbin, Lou Lewis, Mark Nelson

A quorum being present, Chair Scott Fabian called to order the Executive Committee meeting of the Jefferson Belmont Regional Solid Waste Authority at the Steubenville City Hall Pugliese Room, 115 S Third Street, Steubenville, Ohio at 5:00PM on, Monday, December 2, 2019.

Mr. Fabian stated the meeting was being held because a lot of information has been going around (about the company possibly applying to reopen the Crossridge Landfill), and a lot of that information is why they have not taken a position yet. It basically comes down to "Due Process", their attorney advised them that until that company files and applies for a permit the Jefferson Belmont Regional Solid Waste Authority/JB Green Team (JBRSWA/JBGT) must stay neutral, and cannot show preference one way or another. Mr. Fabian said the Attorney gave him an example of what happens when Due Process is violated, back in the 90's, German Township in Clark County had zoning when a Landfill was going in. Their prosecutor told them their zoning could stop the landfill, they enforced their zoning and stopped it before the company even applied for the license. In result, the Township was in litigation for about 10 years, costing them \$306,000 in legal fees. They had to sell a fire truck to pay those legal fees. With this example Mr. Fabian said the Solid Waste Board (JBRSWA/JBGT) will follow it's attorney's advice and stay neutral in its position and let the process play out.

Mr. Fabian explained in this process there are steps that have to happen:

1. The company has to apply for a permit through the EPA (if they don't apply this is all a mute point)
2. The company would have to submit their Plans to the JBGT Board for review
3. The Board would need to hire an engineering firm to review those Plans
4. Then the Board would go into their own Plan and evaluate everything from there

He realized a lot of people are asking the JB Green Team (Jefferson-Belmont Regional Solid Waste Authority) why they are not taking a position, it is because we cannot violate Due Process. There are entities have already taken a position, but some of those entities do not have the legal authority to stop it. There is a process in our Plan, the Board must follow it, they cannot take a legal position at this time.

Mark Law of the Herald Star asked Mr. Fabian to explain the process that is in the SW Plan, as far as whether the Board can accept or deny. Mr. Fabian explained their attorney said it looks at public entities, how it affects public entities, the traffic on roads, road repair costs, costs to do inspections, etc. As of right now the company has not applied for a permit. Mr. Law asked if the JBRSW Authority has a right to say no according to the SW Plan. Mr. Fabian stated yes, if there are things that are in violation of the SW Plan they could, but again as of right now the Board does not have a position. Mark Law asked what entities can say No. Mr. Fabian stated legally there are four: the EPA, the Board of Health, the JBRSWA Board and the Township. However, the Township has no legal say in this case because there is no zoning in Jefferson County.

Members of the public present were then allowed to speak or ask questions.

Cross Creek resident Al Bozich – stated from his research it says that the Board of the Jefferson County Health District has the ultimate say in whether a landfill will open and operate in Jefferson County, they have already unanimously voted against it, so in his mind it's a done deal they are not going to support it. But he doesn't think that's the case from what he is hearing, every attorney they have talked to has advised them to get ahead of this before they even pull the permit, because once the permit is pulled look out.

Keith Reynolds – stating that Apex brings in waste by rail, and asked if this new company would be using rail as well, with the enormous size, he is concerned about the stench. Mr. Mavromatis stated there is rail there and they would plan to use it. The mapping in Google shows a railroad that goes there, and they made it clear that rail service is how they plan to bring in the waste. Initially they said they would use the roads until they expanded the rail.

Geary Bates – right now the only way to get there is up Coal Hill which is pretty tuff.

Angela Mastros – asked if the JBGT SW Plan was on their website. Mr. Fabian stated it is, and the section she should look at is Section VI. She then asked if their Council advised them at what point the Board can make a statement and decision. Mr. Fabian said there are steps they will have to take after applying for a permit before it even gets to the SW Board, the SW Board won't be in the process until that happens. It would go to the EPA first for permit, then it would come to the JBR Solid Waste Authority for review, the process could take several years.

Mark Nelson – stated in Section VI of the SW Plan, in the Siting Requirements seem not very thorough. One requirement was to take in the concerns of the health if they lived within 300 feet, and another was to take in concerns of the health of a commercial property if they are within 500 feet. But he saw no mention of airports or bigger health concerns on a larger scale, the section seemed very small and was wondering if the Authority could strengthen the citing requirements to protect the community. Mr. Fabian stated they could not comment on the airport aspect, it has nothing to do with the Authority. Mr. Nelson said it is in the State Law, so the OEPA has to look at State Law, which is 10,000 feet. The law mentions it can be in local Municipal Waste Authorities, but it is not in the JBRSW Plan, and asked if they could bolster that as strong as they possibly could. Mr. Fabian stated that is something they can look into, he explained the New SW Plan that will become effective in 2021 is being written now. The Plans are called 15 year Plans but are done every 5 years. He explained that each Plan gets approved by 60% of Jefferson and Belmont County entities. The Commissioners in each County has veto power as well as the two largest Cities. To make changes to the Current Plan, it would require a Ratification Process, which takes several months due to the many steps required, which is something that was recently done for the purchase of a building by the Authority to put equipment inside of, rather than build. Mrs. Balakos stated the Board could take a look at strengthening that in the next Plan. Ms. Petrella stated they can talk to their consultant firm, that is currently writing it, and have them take a look at that.

Ed Gribbin, Bergholz resident – spoke about the Apex landfill, its odors and the complaints from citizens. The JBRSW Authority does not have oversight at Apex, but the Jefferson County Health Department receives funding for violations, citations, oversight, etc. Mr. Gribbin asked if the JBGT was notified of the proposal to modify Apex Environmental Permit to install exposed geo-membrane cover over areas that reached final elevation (temporary cap). Ms. Petrella and Mr. Fabian said no, nothing in writing. Mr. Fabian stated that may fall under the EPA's day to day operation. Funding sources were explained and discussed; tipping fees, C&D waste, municipal waste, and assessment on property taxes if landfill funds drop. Air monitoring was discussed.

Mark Nelson – asked about a 2016 Resolution by the Authority Board, and if it gives the Authority local oversight of landfills it is not being utilized. Mr. Fabian explained there are two types of organizations,

there are Solid Waste Districts and Solid Waste Authorities. The Districts are made up of the Commissioners instead of Board members. We are an Authority, with a 15 member Board. Unknown - said it states in the SW Plan that the EPA grants the Board Authority to follow environmental rules and regulations, but the Authority is not going to do oversight at these facilities? Mrs. Petrella stated that is what the Health Department is funded to do. Mrs. Balakos answered they can look into adding additional things when they review at the end of this year. They have already increased inspections in recent months. Air and creek monitoring was discussed.

Mark Nelson - stated he thinks it is important to start to get the air quality at Crossridge immediately to establish baselines, and the creek should be monitored as well. They are already doing that in Belmont County at a proposed cracker plant.

Joe Lewis, cross creek resident – stated air monitors can give readings of hydrogen sulfide and methane levels that are within the health limits, but don't monitor for odors effectively. Odors can diminish quality of life. He expressed concern of the landfill failing in some way in the distant future.

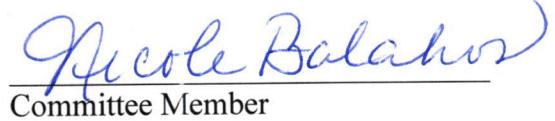
Geary Bates – stated the Airport passed a Resolution but advised there are loopholes, and a good attorney is needed. He stated the JBGT has a good attorney, Mr. Bauer, he had come down and spoken to him twice. He advised everyone to read their Resolution and use it, their attorney's gave him insight on what they have to go through, and it is a procedure.

ADJOURNMENT: With no further business the meeting was adjourned at 5:34 pm. with a motion from Mrs. Balakos, and a second from Mr. Mavromatis.

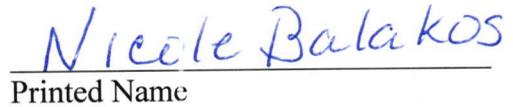
ATTEST:



Scott Fabian, Chair



Committee Member



Printed Name

