

**APPROVED MINUTES OF A  
HAMILTON COUNTY SOLID WASTE POLICY COMMITTEE MEETING  
in person & Zoom**

DATE: November 16, 2022

TIME: 3:00 p.m.

PLACE: Hamilton County Environmental Services

250 William Howard Taft Road, 1<sup>st</sup> Floor

[Virtual meeting recording can be viewed here](#)

PRESENT: **Policy Committee Members**

Tony Di Puccio, Generator Representative

Denise Driehaus, County Commissioner Chair

Bob Gedert, Public Member

Greg Kesterman, Hamilton County Public Health Representative

Sue Magness, Largest Municipality Representative

Dominique Peebles, General Interest Member

Matt Walhert, Township Representative

**Staff**

Michelle Balz, Solid Waste Manager

Mary Copenbaker, Assistant Manager

Ashley Dove, Fiscal Analyst

Elsie Erhart, Outreach Specialist

Brad Johnson, Director

Ali Khodadad, Operations Manager

Mike Kramer, Assistant Director

Cher Mohring, Community Outreach Coordinator

Lisa Daria, Administrative Assistant, County Administration, Clerk

**Others in Attendance**

Karen Luken, EESI

Frances R. Romueher, North Bend Council Person

Marie Kocoshin, LWVCA

Colleen McSwigan, Cincinnati Recycling & Reuse Hub

Dean Ferre, Rumpke

Tim Berhemeier, Rumpke

Nee Fong Chin, Hamilton County Prosecutor's Office

Kevin Tighe, Board of County Commissioners

Sally Dannemiller, Sierra Club Miami Group

Ann Fiehrer Flaig, Butler County Solid Waste District

Tim Mara, Individual

Deputy Brian Peak, Hamilton County Sheriff's Office

**Zoom:**

Lisa Wynn, Ditch the Dump

Craig Davidson, Hamilton County Public Health

Gage Bradford, Community Specialist

Joy Landry, Communications Specialist

Tracy Enlow

Chet Chaney, Ohio EPA

Chuck DeJonckheere, Hamilton County Public Health

Christian Baden

Tom Declan, Cincinnati CM Jeffreys

Dan Graeter

M Hackenhausen

Jason Henn

Molly Yaeger , Rumpke

## **1. Introduction/Opening Comments**

Ms. Driehaus called the meeting to order at 3:00 p.m. and asked everyone to introduce themselves.

## **2. Clerk's Report**

### **A. Approval of Minutes from the September 21, 2022 meeting**

Ms. Driehaus entertained a motion to approve the 9/21/2022 minutes. Mr. Wahlert made the motion to approve, seconded by Ms. Magness. Everyone else in favor and the minutes were approved.

## **3. General Public Comments**

Five public comments were given.

## **4. REVENUE UPDATES/ANALYSIS**

Ms. Driehaus stated that she would talk about and give an update on the rules and also the conflict of interest at the end of the agenda.

Ms. Balz gave a summary of the revenue report.

Mr. Gedert stated that Tier 2 is 54% of district revenues also upcoming presentation from our consultant note additional sources of revenue that the district might want to consider. He also suggested looking toward different types of revenue.

Ms. Magness- Just correction, the tonnage is 54% but the dollars are 70%

## **5. Policy items for Discussion**

Ms. Driehaus stated that the Board of Commissioners passed revised rules about a month ago. We had a request from citizens to respond to actions that Rumpke was taking at Whitewater Township. Whitewater Township does not have any zoning and so therefore there was no recourse other than to go to the BOCC to ask for rules to be promulgated by the Board so the Board turned to the Solid Waste policy committee and staff and experts in the field to give us some direction. We had a set of rules originally and we got sued by Rumpke so we went into mediation on that. We concluded that and so the revised rules came before the BOCC. What we were trying to address were concerns that were not addressed through the EPA process but were concerns to the constituents and folks that live in this general area.

Ms. Driehaus read a little bit of what was passed under the community impact part of the rules where it talks about the applicants. Some of these things were included. The applicants, the plans, actions, and commitments to mitigate substantial negative impact of any to human health, safety, and environment, including and these are, for example, in the ORC, these are things that could be included. The requirement that noises, dust, odors, and vermin are collected so as not to cause a nuisance, health hazard, or water pollution. It talks about setbacks, it talks about groundwater, surface water and so all of this is delineating in the rules. Landscaping, lighting, screening, a number of things. These are the kind of things that we were concerned about and that constituents brought to our attention. If there is a reason to have the rules kick in or if Rumpke or any other hauler or waste collector comes with a plan, these things have to be responded to in that plan and then the county commissioners who have the authority to hold the meetings, will have public hearings, we have to have at least one but we will have

more at our discretion, people would be notified of public hearings to give input and comment and that's the process. The policy committee, Michelle, the administrator would weigh in and ask the policy committee for some direction and comment as well.

Mr. Gedert stated that he thinks Whitewater Township is being kicked under the bus on the zoning issue. The state of Ohio permits and authorizes zoning codes for townships municipalities and so forth. Colerain township actively utilizes the codes and there's a landfill in Colerain Twp. There has been many, many landfills that have been closed throughout Hamilton County, that the health commissioner investigates and visits, throughout the City of Cincinnati. Of note, there is no zoning code authorized by state code limiting or zoning out landfills. There is no mention of landfills in the zoning code. Whitewater Township can't zone out landfills. It's not a zoning issue. Landfills can't be restricted out.

## **2<sup>nd</sup> item not on agenda. Conflict of Interest**

Ms. Driehaus stated that they just did receive the opinion this afternoon so nobody has had the time to read it. It will be discussed at the next meeting

### **5a. Solid Waste Plan Update:**

1<sup>st</sup> item Michelle and Karen- research that committee requested regarding the out of district fee increase

Ms. Luken promised to have it done by January.

Mr. Gedert asked Ms. Luken "You indicate that all private landfills in Ohio except non district. Why do you only include private landfills and not public?"

Ms. Luken Because public landfills have the ability to take whatever waste they choose.

Mr. Gedert stated that in our research we're looking at how the fees impact flows of waste. Public landfills affect fees as well. There are 12 districts that raised their fees to 4 dollars. 12 districts affecting 20 counties. I think we should include the public facilities. We're looking at fees not the powers. They have the same fee structure. Same limitations as public. We're looking at the affect in raising the fee to 4 dollars level regardless of if it is a public landfill or not.

Karen stated that they can have a separate tipping fee when businesses are contracting whatever is cheapest.

Mr. Gedert stated that Franklin county's landfill, operated by SWACO, doesn't accept any out of district waste. They have the power to do that. So, there is some exception to the rule there. Hamilton County you say is bottom 35%, but I am not looking at how we rank across the state, but the fact that 52% of the flow of waste that comes into the county is coming from out of district. Our responsibility is for the citizens of Hamilton County and the longevity of landfill that we have. It's shortening the lifespan of the landfill and in less than a generation we will be building another landfill. It may be Rumpke's responsibility to build another landfill but where's it going to be? In about 26 years we will need a new landfill. The siting process will have to begin in about 18 or 19 years.

Mr. Gedert stated that we have control of the out of district waste by controlling the fee structure. The fee structure is about 10% of what trucks pay for over the scale. Crawford county, you mentioned in your report, in 2018 St. Mary's landfill closed in Auglaize County. They were taking waste from haulers

from 11 counties. The haulers dispersed their trucks going in different directions. The primary landfill that they started going to was Crawford County. It's not the fee. Brown County has a convenient cross track to Kentucky with a bridge. They get a lot of waste from KY. Athens-Hockings District gets a lot of waste from W. Va. Some of that is the coal ash but they get a whole lot.

Coshocton, Fairfield, Licking, and Perry are getting waste from W. VA, Pennsylvania, VA, and DC. Their landfill rates are over 100 dollars a ton and their rates are 20-30 dollars. We're looking at flows of waste that aren't affected by tipping fees and by 2- or 4-dollar district fees.

Ms. Luken stated that if you're looking at the fees to generate revenue, it's not going to save landfill space.

Mr. Gedert stated that report is somewhat inconclusive. The charge that we made the request for tier 2 fills were raised to save landfill space.

Ms. Luken stated that based on what she has researched it may or may not.

Ms. Driehaus thanked Ms. Luken for the report and stated that if we want to raise money it's one thing, if we want to divert trash better locally it's another.

Mr. Gedert stated that he would like to bring back the fee structure conversation at the January meeting.

Ms. Luken stated that board members should come up with a fee structure if they really want this compost. Will need to know what it is going to cost before you start generating revenue.

Ms. Driehaus stated that she is hopeful there will not be a need for another presentation since it has been discussed extensively.

Mr. Gedert stated that he would like to have a vote on it in January.

Ms. Magness stated that the city administration felt the report was inconclusive. There are a lot of variables. Like to see the report have some conclusions. It doesn't have enough information to go on.

Ms. Driehaus stated that she is comfortable with the consultant report.

Mr. DiPuccio asked Ms. Magness to clarify who she is referring to as "the city administration".

Ms. Magness stated that it's the City's Green Cincinnati Plan. They have goals to increase the cost of waste to hopefully divert it. The cost of things changes people behavior. Always looking for a deal. Whenever we have an opportunity to do that, this is an opportunity to save space in landfill though not guaranteed and to have income for infrastructure changes. Concerns are reducing the toxicity of the waste stream, the county having enough money to fully restore the household hazardous waste program, and landfill problems generating greenhouse gases, toxins and leaching which are affecting people's health. If we were to raise fees in districts that would be a heavier burden on our general fund that pays for recycling, waste, police, and fire etc. Residents pay for trash from taxes. They won't see a direct impact like others who will see an increase because they actually get a bill.

Mr. Gedert: The proposal on the table does not increase the fees. To decrease household waste.

Raise enough funds to compost for residents – food waste is a lot. Monetary resources to make upgrades. It's in the proposal.

Mr. DiPuccio asked, going back to my original question, who at the city makes decisions?

Ms. Magness stated that some of the council members are in favor.

Ms. Driehaus stated that the members need to be ready to make a decision at the next meeting.

**Aspirational Diversion Goal: Michelle** – Not a requirement but is, Diversion rate.

Ms. Balz stated that the goal is 1 percentage point per year with a 15-year goal. In 2021 had a 56% diversion rate, composting, food rescue etc. we have 44% more to go. A few factors include fuel gas, from the Miami Fort Power Plant which is recycled. It's a significant tonnage and that plant is scheduled to be closed in 2027. When that happens, we will no longer have the tonnage from that and that will dramatically decrease our diversion rate. That doesn't mean that anything else has changed.

Information gathered is all based on voluntary surveys – Rumpke also reports. Most are from large industrial sites.

Additional discussion ensued.

Mr. Gedert stated 45% is good. Well above national recycling rate. I recommend looking at the different sectors and looking at what the diversion rate could be for each of the sectors. Discuss at the next meeting.

For each 2030 and 2035 and 2040 what could they be bumped up to with the programs that are suggested in the plan, how could those diversion rates be bumped up and combining that to an overall diversion rate. What does that show us. With the given plan and seeing how that presents itself. January discussion.

Commissioner Driehaus asked how much of this is incorporated into the plan and the action strategy.

Ms. Luken stated as far as she knew, all of it.

Mr. Gedert suggested pulling the numbers in a different way from each of the sectors, finding a sector-by-sector diversion rate and then a combined diversion rate, you might come up with the same numbers or you might come up with something different. Using benchmark years of 2030, 2035 and 2040 that might match what other communities are using as goal years.

Commissioner Driehaus thought it will be helpful to see it broken down into sectors.

Additional discussion ensued.

Mr. Gedert suggested that the Aspirational Goals be deferred to the January meeting. Handout behind fee increase – like for us to consider. Public members have been talking about – trash, recycling, and organics collections throughout the county. Not a rule but aspirational goals. It is a rewrite, not a requirement. Asked that members read through that and re-present this at the January meeting and have staff work with the townships in assisting them in rewriting their contracts and working a clause into the contract that might address the missing addresses of people not contracted.

Ms. Luken: it's already in the plan

Mr. Gedert: no that's not what I said, more directional, more language and more aspirational.

Ms. Driehaus directed staff to get an analysis from staff to prepare these with what's already in the plan.

Ms. Balz will bring it January and provide us before hand to prepare.

**\*Draft Organics Diversion Plan: Hold – did not discuss – January 2023\***

Ms. Driehaus Let's have abbreviated presentations in January. If it's the pleasure of the committee we will hold. All members agreed.

Ms Balz stated that the Public Member, Bob Gedert's term ends in Jan of 2023, statutory members vote on that. They already have application ready to go, I think we need interview committee.

Ms. Magness and Mr. Wohlert volunteered to be on the interview committee.

Ms. Driehaus asked when the process will start.

Ms. Balz stated next week we will start gathering applications, maybe a month to submit.

**#6 Third Quarter Performance Measures** – Received for the record michelle doing great.

Public member Mr. Gedert will be able to participate in the meeting in January.

Mr. Kesterman said they made a motion to allow Mr. Gedert to participate in the January 2023 meeting at the last meeting.

Attachment D. no questions or comments.

**Attachment E. Environmental Enforcement Program**

Deputy Peak provided an update and stated that there has been a rash of at least 30 – 40 dumping of tires in the District 3 Price Hill, Westwood area and they think they know where its coming from.

Ms. Driehaus said her staff went on a ride along with Deputy Peak.

**Household Hazardous Products Program Dropoff Event:** Wonderful location and good turnout

The event was held on the west side of town in Cleves. Sharon stated that 1,804 people registered to drop off. It was a two-day event so they didn't need to cut off the registration. She also stated that the number of participants keeps going down, it was the least amount of people ever seen.

Sharon stated that results from the survey indicated that the location was not convenient. They had several complaints from west-siders stating that none of these events were ever held on the west side of town.

Sharon also stated that the survey revealed how often they utilize the program, 46% said the first time. Next year we're hoping to have an event where up to 5 communities will do their own collections within their communities and bring to a larger site so it will be convenient for all areas. This approach is modeled after Cuyahoga County.

### **Informational Items**

Mr. Kesterman stated they had been working for many years with Ohio EPA and Attorney General regarding a polluter, Evan's landscaping. Evan's was fined 550,000. For illegal C&D dumping on the east side. The ~~-\$137,000~~ dollars will go to the Little Miami Conservatory. \$140,000 for project and also doing some exploratory digging and finding waste in which will further require cleanup and mandatory mediation. It's on the eastside a couple gravel pits that are using crushed C&D materials – See Press Release Ohio Green EPA , Gravel Pit – Press Release

Mr. Gedert shared America Recycles Day Proclamation from President Biden

Ms. Magness asked that regarding the Universal Recycling Plan, could we waive the attorney client privilege and share the opinion with our constituents who have been advocating for it.

Denise moved that we need a vote of the policy committee to waive privilege on a document right now that is a privileged document. Mr. Kesterman seconded it , Mr. DiPuccio abstained. Everyone else was in favor and the motion was approved.

### **Upcoming District Meeting**

The next Policy Committee Meeting will be Wednesday, January 18, 2023 at 3:00 p.m. at Hamilton County Environmental Services, 250 William Howard Taft Road, First Floor, Cincinnati, OH 45219

Ms. Driehaus moved adjournment. Mr. Kesterman seconded. All were in favor and the meeting was adjourned at 4:48 p.m.