



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

September 15, 2022

Denise Driehaus
Policy Committee Chairperson
Hamilton County Solid Waste
Management District
138 East Court Street, Rm 603
Cincinnati, OH 45202

**Re: Hamilton County SWMD
Long Term Planning for Reg
Entity
Correspondence
Solid Waste Management
Planning
Hamilton County
SWMD131**

**Subject: Non-binding Advisory Opinion for the Hamilton County Solid Waste
Management District's Draft Solid Waste Management Plan Update**

Dear Commissioner Driehaus:

Thank you for submitting the draft solid waste management plan update (Plan) for the Hamilton County Solid Waste Management District (District). Ohio EPA received the Plan on August 1, 2022. Enclosed you will find Ohio EPA's review comments regarding the Plan. These comments constitute the "non-binding advisory opinion" (NBAO) and "recommend changes" that are required of Ohio EPA by Section 3734.55(A) of the Ohio Revised Code.

These comments are intended to function as guidelines to assist the District in preparing the version of the Plan to be ratified. Please submit one copy of the ratified version of the Plan to Ohio EPA.

As the District revises its Plan, please contact Ohio EPA for any assistance the Agency can provide. After you have had an opportunity to review the comments, please contact me to arrange a meeting, preferably in 3-4 weeks. My phone number is (614) 728-5369 and my email address is matthewhittle@epa.ohio.gov.

Sincerely,

Matthew Hittle
Environmental Specialist 2
Division of Materials and Waste Management

cc: Michelle Balz, Solid Waste Manager, Hamilton County Solid Waste Management District

Enclosure: Non-Binding Advisory Opinion

Non-binding Advisory Opinion Regarding the Hamilton County Solid Management District's Draft Plan Update

September 15, 2022

The comments in this non-binding advisory opinion (NBAO) constitute Ohio EPA's evaluation of the Hamilton County Solid Waste Management District's (District) draft solid waste management plan update (Plan) and determination of whether it meets the requirements established by the Ohio Revised Code (ORC). Ohio EPA received the Plan on August 1, 2022. This document also presents Ohio EPA's evaluation of whether the Plan meets the requirements established by the Ohio Revised Code (ORC). According to ORC Section 3734.53, a solid waste management plan shall:

- (1) comply with the objectives of the state solid waste management plan and rules adopted under ORC Section 3734.50;
- (2) provide for, demonstrate, and certify the availability of, and access to, sufficient solid waste management capacity for the needs of the District for the period covered by the plan update; and
- (3) contain all items required by Division (A) through (E) of Section 3734.53 of the Ohio Revised Code such as inventories, identifications, projections, implementation schedule, and provisions governing allocation of revenues from any disposal, generation, or export fee levied.

Ohio EPA also evaluated the Plan with respect to the goals established in the *2020 State Solid Waste Management Plan (2020 State Plan)* and the accuracy and completeness of the inventories, projections, analyses, and demonstrations required by the District Solid Waste Management Plan Format, version 4.1 (Format). Based on that review, Ohio EPA determined that the Plan Update contains all of the essential elements of a viable solid waste management plan. Due to the thoroughness of the District's efforts, Ohio EPA has mostly minor comments regarding the Plan Update.

Ohio EPA is aware the Policy Committee has discussed making significant changes to the funding structure for the District as well as potential programmatic changes that are not be reflected in the Plan. Ohio EPA recommends the District communicate with its planner if significant changes are incorporated. Ohio EPA is available to review revised versions of pertinent sections if they are significantly modified.

In general, the comments provided in this document focus on the Appendices which contain the detailed plan information. Please ensure that changes to the appendices are reflected in the chapters at the beginning of the Plan and that associated numbers/tables are consistent.

Appendix A (Reference Year, Planning Period, Goal Statement, Material Change in Circumstances, and Explanations of Differences in Data)

The Plan states there are no differences between the data used in the Plan and reported in previous annual district reports. However, Ohio EPA identified minor differences in several quantities used in Appendices E and F in the Plan. An example is the quantity of r/c food (7,452 tons reported in the ADR vs. 6,904 tons used in the Plan). If differences are intentional, please provide explanations as requested by Format 4.1.

Appendix B (Recycling Infrastructure Inventory)

The District provides a robust recycling infrastructure. The comprehensiveness of the programming provided in Hamilton County indicates that the District's efforts throughout the years have helped to foster the community-implemented programming.

Appendix C (Population Data)

Ohio EPA noted that the District chose to use the population growth rate provided by the U.S Census (0.5% per year). Ohio Department of Development projects a decrease in population through 2040. For reference, the differences can be seen by the 2030 projections:

- Plan 2030 Population projection: 879,551
- DSA 2030 Population projection: 785,900

Ohio EPA recommends adding additional narrative as to why the District chose to use the US Census data.

Appendix D (Waste Disposal Data and Projections)

Table D-1a

The District did not include asbestos in the totals for the landfills listed in this table. 1,394.54 tons of asbestos was accepted by Rumpke Sanitary Landfill. This amount should be added to the amount shown for the Residential/Commercial sector

Ohio EPA recommends the District include the amounts for Construction and Demolition Debris (C&DD) in the Excluded column as C&DD is a type of Excluded waste. C&DD was received at Rumpke Sanitary Landfill (37,308.26 tons), Hancock County Landfill (0.06 tons), Rumpke Brown County Landfill (47.64 tons), and Stoney Hollow Landfill (10.18 tons). Also, the out-of- state facilities in Indiana received C&DD waste. The Dearborn Transfer Facility received 32,406.53 tons and multiple facilities received 4.54 tons.

Appendix E (Residential/Commercial Reduction and Recycling Data)

On page E-6, the District provides a number of targets for capture rates of various streams for food waste and composting. Ohio EPA recommends including some information on how these percentages were determined.

Appendix H (Strategic Evaluation)

General Comments:

Ohio EPA commends the District for its efforts to thoroughly evaluate its programming through the analyses in this Appendix of the Plan. This is how the Format intended the Plan to function. Ohio EPA appreciates how much time and effort the District put into these analyses and hopes that the District saw value in conducting them.

Pages H-10 through H-21

The District's analysis of its business sector is very thorough. The inclusion of the existing sustainability programs and city-provided services is especially beneficial. The franchise agreement program and zoning requirements coordination both have potential to help this sector in the future. Also, the analysis of the multi-family properties is great.

Pages H-27 through H-32

The District's analysis related to the vegetative and non-vegetative food waste is exceptional. This important waste stream certainly warrants this level of inclusion in the Plan.

Economic Incentive Analysis

Ohio appreciates the thorough look at how RRI funds are spent and the evaluation performed to enhance this program in the future.

Page H-87

The details provided for the cart-tagging program, including the costs in Table H-49 and the comparison in Table H-50, is a great example of the type of information to provide in Appendix H.

Page H-99

Table H-60 would benefit by adding a column that shows Cost per Ton.

Page H-101

It is unclear what the sentence at the top of this page is trying to convey about the bullet list below it.

Appendix I (Conclusions, Priorities, and Program Descriptions)

This section would benefit by adding narrative to explain the process that was used to determine which of the suggestions listed in Table I-1 will be implemented through the District's new initiatives. Appendix H included "questions for policy committee" at the end of most of the analyses. Ohio EPA recommends indicating how the resulting discussions helped to guide the District's programming decisions.

Page I-10

Ohio EPA commends the efforts to increase the recycling of plastic film. This is a challenging material and there are many entities looking for solutions.

Page I-12

The narrative relating to the Household Hazardous Waste program is non-committal. Ohio EPA is aware that the Policy Committee recommended expanding this program. Ohio EPA recommends updating this section to reflect the District's intention as best as possible.

Page I-14

The idea to create a network of solid waste management districts with environmental enforcement programs is an excellent idea. Ohio EPA has considered developing a training where information and best practices could be shared. Please reach out to see how we can work collaboratively to make this happen.

Appendix L (Outreach and Marketing Analysis)

Pages L-3 and L-4

The bullets listed for aligning outreach and education program with diversion opportunities on page L-3 are a great way to start the evaluation of the programs for this appendix. Ohio EPA commends the District for including these. Also, the evaluations indicated for the behavior change principles on page L-4 are an important step.

Page L-5

Ohio EPA recommends describing District resources used to support various programming listed in Appendix L. For example, the District's provision of collection containers and other assistance related to developing multi-family recycling programs could be included in the Let's Stop Waste at Multi-Families program description.

Page L-8

Text on page L-8 refers to potentially large new programs and grants. To be transparent to stakeholders, the Plan should account for all large expenditures. The Plan can retain flexibility for implementing programs. One way would be to rank the District's priorities in terms of new programs to fund. The Plan could then define the criteria for when additional money would be spent on a program, such as how much of a balance would need to exist to fund a program and identify a dollar amount that represents how much the District might spend on the program.

Appendix O (Financial Data)

Page O-9 and O-10

The narrative for Historical Expenses indicates the expenses were thoroughly analyzed in Appendix H. Appendix H provides a look at total expenses from a historical perspective. Ohio EPA recommends including more detail regarding program-specific expenditures particularly for the programs with the highest costs.

2.a District Administration

The narrative incorrectly indicates 2021 for an increase to the Office Overhead line item.

The narrative should reference 2022 instead.

2.d Recycling Collection

Ohio EPA recommends including more detail for this line item to explain the increases shown in Table O-7a. Specifically, expenditures more than doubled to \$77,000 in 2021 and 2022. The larger increase to \$245,00 annually (seen in 2024) would warrant more detail as well.

2.e Special Collections

The narrative here indicates expenditures “up to \$19,000”. This does not match the expenditures for 2020-2021 (~\$17,000) or the \$20,000 projected annually.

2.f Yard Trimmings

Table O-7a does not seem to include additional monies to account for expenditures related to the public-private partnership organics program detailed on page I-10.

2.g Education/Awareness

For the Education Staff line item, the cost for 2021 is significantly more than other years. Explaining this as well as why the amount projected to be spent annually will be 87 percent higher than it was historically.

2.i Service Contracts

The narrative would benefit by adding a description for the higher-than-normal expenditures seen in 2021.

2.p Other

The narrative for this line item indicates an amount of \$200,000 to be budgeted annually. This does not match the \$130,000 shown in Table O-7. Also, 2024 shows a larger amount of \$300,000 to be expended. Ohio EPA recommends including narrative to explain the increased amount for that year.

7. Open Dump, Litter Law Enforcement

It appears the rows in Table O-7 need to be shifted up to reflect the expenditure projections for this category. Currently, the amounts are shown for Health Department Training and 7.c Other.

Page O-11

Table O-8, Budget Summary, currently indicates the District balance going negative starting in 2037. Ohio EPA cannot approve a fifteen-year Plan that does not show a positive balance for the first fifteen years of the planning period. The easiest solution would be to hold revenues or expenditures constant at some point in the planning period (such as beginning in the seventh year). Otherwise, the District will need to adjust the budget to demonstrate a positive cash balance. Also, the last year in Table O-8 should be 2038.

Appendix R (Survey Forms)

The footnotes at the bottom of page R-7 includes important information for the person filling out the survey. Ohio EPA recommends including at least the information about non-creditable materials at the front on the survey form (and in larger font).

Appendix W (DE&I Report)

The District is commended for doing this above-and-beyond analysis of its programming. It is an excellent example and will likely move the bar for the District and others as this is becoming a routine part of program development in the future.