

**APPROVED MINUTES OF A REGULAR MEETING OF  
HAMILTON COUNTY R3SOURCE  
Solid Waste Rules Subcommittee Meeting  
In person & Zoom**

**DATE:** October 22, 2021

**TIME:** 1:30 p.m.

**PLACE:** Hamilton County Environmental Services  
250 William Howard Taft Road  
Cincinnati, Ohio 45219

**PRESENT:** **Solid Waste Rules Subcommittee Members**  
Tony DiPuccio, Generator Representative, Chair  
Bob Gedert, Public Member  
Sue Magness, Largest Municipality Representative

**Supporting Participants**

Nee Fong Chin, Hamilton County Prosecutor's Office  
Chuck DeJonckheere, Hamilton County Public Health  
Kurstin Jones, Hamilton County Public Health  
Todd Long, Hamilton County Engineer  
Sharon Lutz, Hamilton County resident and business owner  
Jeff Newby, Hamilton County Engineer

**Staff**

Michelle Balz, Hamilton County R3Source  
Gage Bradford, Hamilton County ReSource  
Brad Johnson, Hamilton County Environmental Services  
Susan Schumacher, Hamilton County R3Source, Clerk  
Tony Staubach, Hamilton County R3Source

**Others in Attendance**

Sally Dannemiller  
Craig Davidson, Hamilton County Public Health  
Carrie Davis, Child Advocacy for Jobs & Equity  
Tracy Enlow  
Dean Ferrier, Rumpke  
Kurt Grossman  
Marie Kocoshis, Sierra Club  
Tim Mara, Oxbow  
Gina Marsh, Chief of Staff for Commissioner Driehaus  
Shayla Nico  
Bryan Peak, Hamilton County Sheriff's Office  
Sam Schutte  
Bradley Taft  
Lisa Wynn  
Molly Yeager, Rumpke  
James  
Unknown Phone Participant

## Rules Subcommittee Meeting

October 22, 2021

Page 2

### 1. CALL TO ORDER

Mr. DiPuccio called the meeting to order at 1:07 pm. Ms. Balz went over some guidelines relating to the public comments period via in person and on Zoom.

Mr. DiPuccio asked everyone to turn off their cell phones and to speak loudly.

### 2. INTRODUCTION OF SUBCOMMITTEE MEMBERS AND SUPPORT STAFF

The Subcommittee Introduced themselves and stated who they were representing from the Policy Committee as follows: Mr. DiPuccio, Generator Representative; Mr. Gedert, Public Member; and Ms. Magness, Representative from the largest municipality in the County.

### 3. CLERK'S REPORT

#### A. Approval of Minutes

With this being the first Hamilton County Rules Subcommittee meeting, there are no previous minutes to approve.

#### B. Additions to the Agenda

There were no additions to the agenda.

### 4. OVERVIEW OF SOLID WASTE RULES IN ORC

Ms. Balz briefly discussed what the language was for the Rules section for the current Solid Waste Plan. The Board of Directors (Board of County Commissioners) at this time have decided to not include rules but we do not waive the authority to make, publish, or enforce rules.

Ms. Balz stated that there were four areas that Ohio Revised Code (ORC) says that solid waste districts can write rules which is outlined in the handout to the Subcommittee.

Ms. Balz stated that the four areas in the handout that are the rules available on the State's website in the Plan Format section.

Michelle summarized the rules. 1) Prohibiting or limiting the receipt of waste generated outside the district. This is the rule that has the most description of how to go about this and this would be if in the case that we did not have sufficient landfill capacity and stated that the Solid Waste District could say that since we do not have enough landfill capacity, the private landfill is not allowed to accept waste from outside of our District.

Ms. Balz stated that Hamilton County is not in that situation.

Ms. Balz stated that 2) Governing the maintenance, protection, and use of solid waste collection or other solid waste facilities located within the district. Examples of other facilities are transfer, disposal, or resource recovery facilities. It also says that we could request to look at the plans for any solid waste facility before it expands or is built.

Ms. Balz stated that this was what she believed the Subcommittee was here to talk about.

Ms. Balz stated that 3) Creating a program to inspect out-of-state waste and 4) Hamilton County could go over the head of a local municipality that a solid waste facility was being built in and say that they are exempt from the local zoning requirements.

Ms. Balz stated to note that these were written in the late 1980's and solid waste capacity at that time was a big problem so this was written so that solid waste districts could get a landfill in their county.

Ms. Balz stated that this discussion would be just looking at that second rule a little closer.

**5. SUBCOMMITTEE CHAIR DISCUSSION**

Mr. DiPuccio stated that for Subcommittee structure, a chair needs to be decided. Mr. DiPuccio stated that he is willing to Chair but this has not been talked about. Mr. Gedert and Ms. Magness stated that they were fine with Mr. DiPuccio chairing the Subcommittee.

Mr. DiPuccio asked if a formal motion needs to be made. Ms. Chin stated yes. Mr. Gedert nominated Mr. DiPuccio be chair of the Subcommittee. Ms. Magness seconded. All were in favor.

**6. SUBCOMMITTEE QUESTIONS ON RULES**

Mr. DiPuccio asked if there are any questions from the Subcommittee relating to any rules and stated that he thought the scope was important since there has not been any discussion about what disposal facilities does this cover which could be a broad range of facilities; it could be any facility that takes any kind of waste because many materials going into any facility are only classified as a waste; they may not be waste coming out of the back end and going in the front end they certainly are.

Mr. DiPuccio stated that he would open it up to Ms. Magness and Mr. Gedert about what their thoughts are.

Mr. Gedert asked what the District governs over; what types of facilities. Mr. Gedert complimented Ms. Balz on her ORC summary handout and stated that it was a good starting point but from a district's perspective and from a Policy Committee's perspective, asked what we have oversight over.

Mr. Gedert stated that this discussion started with one facility, but he opens it up with what types of facilities are we talking about. Closed landfills, transfer stations, etc.

Ms. Balz stated that he probably knows that the District contracts with Hamilton County Public Health and the Cincinnati Health Department to be the District's regulatory arm. Ms. Balz stated that they do the required inspections and would pass it off to Mr. DeJonckheere to explain more about what types of facilities they inspect.

Mr. DeJonckheere stated that Hamilton County Public Health inspects municipal solid waste landfills which includes the Rumpke Sanitary Landfill, Bond Road Landfill; transfer stations which includes the Evendale Transfer Station which are solid waste facilities but also under solid waste would be compost facilities (about 12) and most are municipal or township compost. They are yardwaste only and there are no Class II's that they regulate but the City of Cincinnati does have a Class II being Findlay Market.

Mr. Gedert asked what was being defined as regulated. Mr. DeJonckheere stated that the feedstock and type of material that is being composted. Mr. DeJonckheere stated that there were four different classes of compost facilities: Class IV being yardwaste only, Class III being yardwaste and manure, Class II is food waste, and Class I is municipal solid waste.

Ms. Magness asked the definition of how large a compost site has to be. Ms. Balz stated that it is 500 square feet. Mr. DeJonckheere stated that even if they are below that threshold, there is a requirement that they cannot create a nuisance meaning they are not stinking, attracting flies and other vectors.

## Rules Subcommittee Meeting

October 22, 2021

Page 4

Mr. DeJonckheere stated that they also address open dumping, unlicensed facilities that are operating, nuisance situations, and gave examples. Scrap tires is another program under solid waste and they work with the Sheriff's office, retailers of tires and gave examples.

Mr. DiPuccio asked if they were authorized by the Ohio EPA to enforce regulations. Mr. DeJonckheere stated that they were an approved health district and not all health districts are approved. Ohio EPA does an annual review to make sure they are citing as they would. Ohio EPA establishes the standards and they review HCPH's programs to make sure the standards are being followed. Mr. DiPuccio asked if there were any separate regulations from what Ohio EPA has in terms of ones that come directly out of the County health department. Mr. DeJonckheere stated that we have an environmental sanitation code but its more for the residential properties and gave examples.

Ms. Balz stated that Construction and (CD&D) landfills were not mentioned because CD&D is not considered solid waste; CD& D has been exempted from the definition of solid waste.

Mr. DiPuccio stated that in terms of the type of facilities, if you look at the solid waste plan, it covers a broad range of facilities and asked Mr. DeJonckheere about recycling facilities. Mr. DeJonckheere stated that they do not regulate recycling facilities.

Mr. DiPuccio asked about other disposal operations besides composting, anerobic digestion, biochar, etc. Mr. DeJonckheere stated that anerobic digestion falls under Ohio EPA's surface water program. He is not sure where biochar falls.

Ms. Magness asked if a recycling facility would be considered a solid waste facility. Ms. Balz stated that this would be a question for Ohio EPA for clarification.

A brief discussion ensued regarding CD & D landfills.

Mr. Gedert stated that regarding the large number of facilities that Mr. DeJonckheere has regulatory authority over, hypothetically, does the District have any rule making authority on that large amount of categories of facilities or is the restrictions on the District. In other words, what is the reach of the District on rule making authority for all the facilities that Mr. DeJonckheere encompasses.

Mr. DiPuccio stated that the rule that Ms. Balz just went over is broadly written in terms of types of facilities. Something to point out is that districts are not authorized to establish design standards; those are solely in the purvue of Ohio EPA so unless state law changes, this is an area that we cannot require more stringent design standards.

Mr. Gedert stated that philosophically, where he is coming from is not design but perhaps operations but protection of surrounding residents in the area; it's more the governance of the facility and it gets into item five on the agenda below. Some of the items he is thinking of may impact most of the facilities that Mr. DeJonckheere is bringing up, but it depends on how the facility is being operated and it may impact the design of the facility as well but not necessarily the physical design but the footprint of the facility and how the footprint impacts the neighborhood.

Mr. DeJonckheere stated that there are already established rules for each type of facility. Ohio EPA has the rule writing authority broadly and it goes through a vigorous process to get those rules hammered out working with the industry that is being regulated, public noticing, receiving comments, being responsive to those comments, and filing those rules.

Mr. Gedert stated as we get into next steps, what he is missing is some of the regulatory requirements of today because he was very familiar with the regulatory requirements of 20 years ago and we need to be aware of what the regulatory requirements are of today and see if they are sufficient protection of the surrounding areas.

Mr. Gedert stated that he feels some research is needed to bring us up to speed. Mr. DiPuccio stated that those will vary by facility. Mr. DeJonckheere stated that most of these are in Ohio Administrative Code Chapter 3745-27 and they reorganized a lot of them in to a 500 series from there. For example, tires is 60, 19 is operational for solid waste facility operations but they are all available on Ohio EPA's website and they are broken down by program.

Mr. Gedert asked about closed landfills. Mr. DeJonckheere stated that under the contract with the Solid Waste District, we keep an eye on all of them and there are several dozen. Mr. DeJonckheere stated that they do a comprehensive report each year and they are doing some gas sampling at some facilities that do not have an explosive gas monitoring ~~plan~~ plan. They also do surface water sampling above and below looking for any difference in the two of any facilities located near water.

Mr. Johnson stated that he pulled the last report which was from 2019.

Mr. Gedert asked how many closed landfills are being monitored for gas. Mr. DeJonckheere asked to show the last page of the report and Mr. Johnson shared screen with the Subcommittee. Mr. DeJonckheere stated that it looked like there was over 30.

Mr. DiPuccio asked what percentage on the list are publicly owned versus privately owned. Mr. DiPuccio asked if it was 80% and Mr. DeJonckheere concurred.

Mr. DiPuccio asked if any of the list were "orphaned" meaning the owners cannot be located or they are not responding. Mr. DeJonckheere stated not many if at all. Some of them have been redeveloped.

Mr. Gedert asked how he could find the report and Mr. DeJonckheere told him to go to HCPH.org and stated that the 2020 report would be uploaded.

Mr. DiPuccio asked if there were any more questions on the type of facility. Mr. Gedert stated that we have been exploring the question on rules and that may be an ongoing question as we move into other meetings as well but, he wanted to explore number five on the agenda and thinks that is related to the question on rules as well too as it allows him to get into more specific questions on the disposal facility governance and they require more subject matter expertise questions too.

## **7. SUBCOMMITTEE QUESTIONS OF DISPOSAL FACILITY GOVERNANCE**

Mr. Gedert stated it allows him to get into specific questions on the disposal facility governance and they require some more subject matter expertise questions.

Mr. Gedert stated he was curious about litter abatement on the active landfills and how that is monitored. How is that abated so that is not a nuisance to neighbors around an active landfill.

Mr. DeJonckheere stated that there were rules for that. Mr. Gedert stated he knows the state has rules but that this is an issue that requires constant monitoring; he is aware that the landfill operators have staff for this but wants to know how does the County react to that issue? Does the health department react to neighborhood complaints or is there a regular inspection for litter abatement?

## Rules Subcommittee Meeting

October 22, 2021

Page 6

Mr. DeJonckheere stated that litter is a sad story and there is a routine inspection is conducted a minimal of two times per month. His staff is out there for a routine comprehensive inspection which would include litter controls which means litter fencing and explained where these are placed and how they worked and what was included especially on the working face.

Mr. Gedert stated that in some states they regulate the open space depending on the wind speed and in one state landfills are closed when wind speeds are 40 mph or more and asked if Mr. DeJonckheere has any issues with wind speeds. Mr. DeJonckheere stated it was up to the operator at the landfill as the working face moves everyday.

Ms. Lutz stated that currently, the County does not have a rule that the working face must be covered everyday. Mr. DeJonckheere stated that there is a rule to cover the waste each night with daily cover however, Rumpke is a 24 hour a day, 7 day a week facility so they are never closed. It is always open and receiving waste. Ms. Lutz asked if the size of the open face be restricted because she is also concerned about such a large area not being covered and the odors also drift down to the river in the valley. Mr. DeJonckheere stated in Rumpke's case, since they never close, their cover could be additional waste which is every 24 hours.

Mr. DiPuccio stated that there is a regulation, but it is not State, it is County. Ms. Lutz stated we could tweak upon that here with this Subcommittee. Mr. DiPuccio stated that this is a question yet to be answered he thinks because you are going to need to determine if this is a design standard.

Mr. DeJonckheere stated that the cover that is placed before the next load goes in, if it is soil, it needs to be stripped off. You just can't leave a layer of soil in the cell; it becomes a restrictive layer, and you won't have free conveyance of leachate to the leachate collection system at the bottom of the landfill. There may be covering in one cell and stripping in another cell and this creates odors which is limited as much as possible.

Mr. DiPuccio stated that there were three things he was thinking that impacts neighbors the most at landfills and other non-landfills facilities: litter, potentially birds, and mud. He would describe it more of a performance based standard and gave an example using litter at a transfer station and it is a judgement call in some instances for inspections.

Mr. Gedert stated that he would like to dive into a design standard issue and this is a question of authority too which is buffers around an active landfill or solid waste facility. Mr. Gedert stated that he would like to learn the current standard and is familiar with the standard of twenty years ago and stated that between now and the next meeting he would find out. The buffers directly impact the neighbors of a facility and so the intent of a buffer creates a barrier between the facility and the neighborhood.

Mr. Gedert stated that a buffer could be an earthen mound, row of trees, fence line, etc. and it is in the design of the facility and sometimes a modification here and there we find that the buffer is not adequate. His point is if there is enough neighborhood concern about a facility, that might point towards an inadequate buffer and thinks this might be a focal point to look at.

Mr. DiPuccio asked how a buffer comes into existence? There are Ohio EPA regulations, there may be zoning regulations, a natural topography that is already there, the facility could have a host agreement with the local governmental agency, there could also be private agreements that the facility owner has with even with the surrounding residents, businesses, etc.

## Rules Subcommittee Meeting

October 22, 2021

Page 7

Mr. Gedert stated that a lot of those buffers happen on that latter point. They tend to grow; not from the original facility design, but over time, with the agreements with the neighbors. An example is litter fencing; over the years, it can grow with height, width, and dimension when we find they aren't catching the litter as adequately as originally designed which is a barrier that has changed over time.

Mr. Gedert stated that sometimes those earthen mounds were originally designed to hide the facility from the neighboring roadways and when the facility grows instead of being a hole in the ground it tends to grow in height, it no longer hides the facility so there made need to be a modification of those earthen mounds or fast grow trees to hide the facility from the neighborhood.

Mr. Gedert stated that when there is a modification request, the buffer barriers should be considered.

Mr. Gedert stated that sometimes a distance is a barrier and sometimes it's a physical buffer. Mr. Gedert gave an example of an Ohio EPA distance buffer and suggested some research on this and some thoughts from this Subcommittee could be helpful.

Mr. DiPuccio asked for clarification. Mr. Gedert stated he was curious what Ohio EPA requires and whether that is adequate for the situations that are happening in Hamilton County. He would like to see what is happening out there.

Ms. Magness asked when facilities do not follow the rules, what kind of notification does the public receive or are exemptions issued. Mr. Gedert stated that it was very common to have exemptions to Ohio EPA rules and asked if we were experiencing those exemptions within the County.

Ms. Magness asked if Ohio EPA says there must be 1,000 feet between the waste and a domicile, does this rule making body have any authority to widen that. Mr. Gedert stated if there is a need and the ability to if there is a need.

Mr. Gedert stated he was looking for what the rules actually are, what the situations are out there, and seeing how they do apply in the neighborhoods that are affected.

Ms. Lutz asked if this Subcommittee could enhance on any particular rules or create a rule? Her big concern is that a rule not having any detrimental impact on the water streams and creeks, particularly the Whitewater River which is the cleanest river in Ohio with exceptional water quality and it must be kept this way.

Ms. Lutz stated that she has been advised by Dr. Mike Miller, who is the professor from the department of biological sciences with the University of Cincinnati, on the board of supervisors with Hamilton County Soil and Water, and the President of Rivers Unlimited, to see a rule placed on facilities such as landfills that they should not have any impact on fish and micro-invertebrate life through a waterway which would come from biodiversity monitoring and would like to share some of his language.

Ms. Lutz stated that she feels that if anything is addressed, one of the main things should be to protect the water.

Ms. Magness stated that she would like to know if they are releasing into tributaries and if they are, if that is within our ability as a rule making body to stop them from releasing into tributaries. Ms. Lutz stated to add for increased monitoring.

Ms. Lutz stated that Dr. Miller had some great ideas with retention ponds and other methods.

**Rules Subcommittee Meeting**

**October 22, 2021**

**Page 8**

Mr. Gedert gave an example of Ohio EPA's regulations and an impact on a river.

Ms. Lutz stated that the proposed future landfill on Bond Road is only four-tenths of a mile of the Whitewater River. It runs right into Fox Run Creek.

Mr. DiPuccio stated that until we can understand what we can do, we can discuss a lot of potentials and past history, but if it is something that the District cannot do anything about, we need to focus our efforts on where we can have an impact.

Mr. Gedert stated that he would like to discuss leachate containment. He is curious how this is handled in the reporting, violation, and corrections. Mr. DeJonckheere stated that the way landfills are engineered, there is a three-foot layer of clay which is compacted and has a low permeability which has to be witnessed by an engineer. On top of that, there is a 60 mil plastic synthetic liner. The whole landfill is pitched to one or several sumps but that leachate is pumped out of the bottom of the landfill and sent either through sewers or trucked to a wastewater treatment plant so that water is not discharged.

Mr. Gedert stated that he wondered if it was ponding and discharged, or it was sent to the wastewater treatment plant. Mr. DeJonckheere stated that the two municipal solid waste landfills do not have leachate ponds on site; that is more of an arid environment design where you count on evaporation as a means of disposal. In wet weather environments, it gets trucked to a wastewater treatment plant.

Mr. DiPuccio stated that landfills generate leachate, transfer stations can generate leachate, and compost facilities generate it; All the facilities we talk about; if there is waste coming onto a site, it has the potential to generate leachate.

Mr. DiPuccio stated that there are two areas, even at landfills, they attempt to minimize the generation to begin with and there is a whole containment management system; its collection to its final disposal. In this area, we cannot use evaporation ponds; it just doesn't work. Other areas have it and some landfills will have them on site and treatment systems as well and the discharge may or may not to a public sewer.

Ms. Magness stated that regarding the leachate, as we become more informed about forever chemicals, pfas that's concentrated forms in leachate, she is curious what kind of testing or pre-treatment requirements are there and are those adequate because the material of the sludge is going to Metropolitan Sewer District (MSD) for treatment. MSD was not designed for four-inch rains so there are heavy rains, MSD is not treating that sludge and it is going to the landfill untreated. It is potentially going straight to the river.

Mr. DiPuccio stated that he did not think this is a topic we could possibly address because it is in its infancy right now in terms of regulatory programs. Mr. DiPuccio stated we are backing up in terms of what these chemicals are, how they might be treated, and what regulatory programs might come into place. What landfills leachate has been identified as one source. Pfas is everywhere. Period. It's found in leachate, discharges, maybe in your own wastewater from your house that gets discharged to a public sewer and there are some other chemicals that they are finding out that are extremely widespread and every person from their own residence is generating some level of that. This is still in the discovery research stage and there is new information coming out every day.

Ms. Magness stated that her concern is leachate requirements and pretreatment and is that adequate considering where it is going and the facility not designed for massive rains.



## Rules Subcommittee Meeting

October 22, 2021

Page 9

Mr. Gedert stated that landfills that are under our purview are contributing to the problem. It is a huge issue in its infancy but we are a contributor so what can we do? Mr. Gedert stated that he does not have an answer to this. Mr. Gedert asked if there could be a pre-treatment prior to Municipal Solid Waste (MSW)?

Mr. DeJonckheere stated that he was not the expert on their leachate management system; this is the Surface Water issue and it is an NPDES permit and ~~our~~ the arrangement between MSD and Rumpke; but will say that MSD will stop Rumpke from discharging if there is a rain event that is coming and stated that they will store the leachate in tanks on site. Ms. Magness stated that she would like to look into it further.

Ms. Chin asked Ms. Balz to get someone from MSD for the next meeting for these specific questions.

Mr. DiPuccio stated that the general areas were: surface water, air, and ground water and all three are regulated under Ohio EPA to some extent; actually, both under Federal and State laws.

Mr. DiPuccio stated that our ability to do anything in addition to what those existing laws are may be restricted.

Mr. DiPuccio stated that both Mr. Gedert and Ms. Magness want to understand what those regulations are and how adequate they are. He does not know how to define that. What every regulatory program regardless, you can always do more.

Mr. Gedert stated that he thinks this is the Subcommittee's task over the next few meetings is to define how adequate those rules are. Ms. Magness stated that there are varying requirements from state to state. Mr. DiPuccio stated that in his experience, they seem to be fairly consistent across the United States; there is different techniques because of different geographic locations and climates.

A brief discussion ensued regarding regulations in different states.

Ms. Lutz stated that she feels like some people on the Subcommittee feel like we do not have the authority to enforce rules but understand that we do have the authority.

Mr. DiPuccio stated that he thought Ms. Lutz was asking what is the extent of the authority to enforce rules. Ohio has given the District that authority and some districts have instituted some rules and regulations, so we are saying how extensive is that and if we start butting up against or conflicting with other regulatory authorities (Ohio EPA, Zoning, etc.) but, the District could override local township zoning.

Ms. Balz stated the questions she has are: what is the extent of the authority and is a recycling facility a solid waste facility. Ms. Balz also stated that she will try and get Ohio EPA requirements and will reach out to MSD.

Mr. DeJonckheere stated that stormwater has to go somewhere but you can put a permit on it to make sure they fall within certain parameters before it gets discharged. With stormwater, you are looking at ~~septic~~ **sediment** controls to prevent **muddy waters** from being discharged.

Ms. Chin asked Mr. Long if there was anything he would like to add regarding stormwater. Mr. Long stated that these types of facilities tend to have industrial regulatory authority under NPDES as opposed to general which is what the County permitting system has. It is kind of a two-fold example; sediment and erosion control and the earthwork regulations that the Soil and Water Conservation District has as part of the Stormwater District. Generally speaking, these types of industries, not just landfill industries, but other industrial permits are coinciding with general permits. There is a two-pronged approach and everything he has heard today is on par with the types of controls that we can see.

Mr. DiPuccio thanked Mr. Long.

**8. LEGAL SUPPORT**

Ms. Chin stated she was present for specific questions coming out of today's meeting and hopefully someone from MSD will be at the next meeting to answer the questions raised today.

Mr. Johnson stated as far as legal support is concerned, we will be requesting information from the Prosecutor's Office but the Policy Committee does have the authority to reach outside and hire additional legal advice or opinions. If Ms. Chin and her office feels that would be in the best interest for us to do that, is this something this Subcommittee would support?

Mr. Gedert stated that he would support it if it was recommended.

**9. NEXT STEPS**

Ms. Balz stated she could do another doodle poll. Ms. Magness asked what the timeline was. Mr. DiPuccio stated he would give it at least four weeks if we were going to get some of these questions answered and schedule someone from MSD to be here. Mr. Gedert stated four weeks would be Thanksgiving and asked if three weeks would work.

The Subcommittee concurred that three weeks from today would work for the next meeting. Ms. Balz stated she would set up a doodle poll and asked if two hours was enough time. The Subcommittee concurred.

Mr. DiPuccio asked if the Subcommittee wanted to set up the next meeting at the end of each meeting or have a set schedule. Mr. DiPuccio suggested to hold off on doing a regularly scheduled until we get into the meat and receive more information on what our authority is.

**10. PUBLIC COMMENTS**

Mr. DiPuccio stated that each person providing public comments will have two minutes to speak.

Ms. Lutz stated that her advisors through Oxbow wanted to address the fact that they would like a rule enacted that any new landfill or expanded landfills would not be a detrimental influence on the environmental justice in the siting of them.

Ms. Jones asked what that meant. Ms. Lutz stated that the demographic of the area of peoples age, races, income and taking that into consideration.

Mr. Mara stated that he was here as an observer on behalf of Oxbow, Inc. He is a member of the board of directors of Oxbow which is his capacity. Mr. Mara wanted to make sure the Subcommittee understands that Oxbow owns approximately 1,300 acres at the mouth of the Great Miami River. Most of it is on the Indiana side but Oxbow does own land in Hamilton County.

Mr. Mara stated that their preserve is an unusually high quality preserve; it is mostly flood plain and wetlands and it is important particularly for migratory birds. Our land butts with Hamilton County Park District land, which is the Shawnee Lookout Park, long the Great Miami River.

Mr. Mara stated that the two ownerships of Oxbow and Hamilton County combined is about 4,000 acres of land and is an extremely important nature preserve that is all downstream from the Bond Road site.

## Rules Subcommittee Meeting

October 22, 2021

Page 11

Mr. Mara stated that they are worried about the impact on this nature preserve which is why they are interested.

Mr. Mara stated that he would urge the Subcommittee to move fast to the extent possible because at some point, if rules are not adopted regarding expansion of the landfills, siting of new landfills, things will happen that the Subcommittee will not know or have power to create new regulations or rules regarding that.

Mr. Mara stated that the Subcommittee needs to make aggressive progress on this subject. He worries when he starts hearing about the next meeting being in four or six weeks and urged the Subcommittee to move faster and stated that the need is more urgent.

Mr. Mara stated that with regard to the social justice question, he would simply add that this is increasingly important and a concern that impactful facilities are located near the concentrations of people that are disadvantaged either due to age, their minority group, or because they are less affluent. People in years past have said to put the “dump” closer to the people that are less affluent, so the subject of social justice means just be cognizant of this happening and not just dumping on people that have very little power.

Mr. DiPuccio thanked Mr. Mara.

Ms. Davis stated that she was sent something regarding the proposed empowering rule from Ms. Lutz prior to the meeting and asked if she sent it to the Subcommittee. Ms. Lutz stated that it was just sent to Ms. Davis, Rivers Unlimited, and Oxbow.

Ms. Davis stated that she did a lot of legal research on this but she also researched process and the process the Subcommittee is taking is not a good process; it is extraordinarily long. This should be bifurcated into two things; 1) Do you want to empower the Board of County Commissioners to approve or disapprove landfills. That doesn't take hardly any research, any work, etc. The solid waste district already authorized them, you want to approve them so the first step of business is to say, the first rule you make is all landfills and solid waste facilities or prospective owners must submit their plans and it is not elaborate language; everybody uses the language of the statute.

Ms. Davis stated that you know it's legal because it is the statute and you say, ok, we are giving this power to the Board of County Commissioners; here is the rule that says everybody has to file plans with them.

Ms. Davis stated that all the other stuff that is being talked about is important but that is a long process and a deep dive and hard work. That should go and be incorporated into your solid waste planning revisions and the longer-term meetings, but this Subcommittee needs to immediately; she is surprised that no one asked who wants to empower the Board of County Commissioners today to start accepting applications from all facilities and it could have been passed today and the Board could have approved it next week or wait until the Policy Committee votes.

Ms. Davis stated that this is the first step. Then the Subcommittee can dive into everything else. The Subcommittee should really send this to them because she told me she worked with Oxbow, Rivers Unlimited, talked to dozens of residents, and talked to Ms. Davis. She put this together and sent this and she thinks this is what she wanted the Subcommittee to talk about.

Ms. Davis stated that she went through and revised the language to get it exactly what the law said and she wanted the Subcommittee to vote on this today. At the end of this stack, this rule it only says that the Board of County Commissioners will, and she came up with 16 different items that she wanted the Board to consider

## Rules Subcommittee Meeting

October 22, 2021

Page 12

whenever an application is put through. That is one rule and it is very clear cut. All of these rules except she thinks two came from materials that she found. Some of them came from Oxbow and others which she included in her priority.

Mr. DiPuccio stated that thanked Ms. Davis. Ms. Davis stated that she would like the Subcommittee to look at it.

Ms. Davis stated that the Subcommittee should be back here next week to vote on this rule that she proposed.

Mr. DiPuccio asked the person on Zoom to identify themselves prior to speaking.

Ms. Wynn introduced herself and stated she was working with the group in the area of Bond Road landfill. Ms. Wynn stated that Ms. Reese was asking about a timeline. She encouraged urgency about these issues addressed.

Ms. Wynn stated that when it comes to Ohio EPA rules, there was a discussion about when those rules are followed because currently, it's alarming the number of EPA violations that have mounted and she wants to make sure that this is addressed.

Mr. DiPuccio thanked Ms. Wynn.

Mr. DiPuccio asked Mr. Johnson if anyone else wanted to speak. Mr. Johnson stated that it did not look as though there was anyone else that wanted to speak. Mr. Johnson stated that Ms. Dannemiller made a comment: Concern about the issue of dust control that was mentioned earlier. The material used can impact the environment, soil, air, and water. She is specifically worried that fracking waste, which can be radioactive and often tainted with PFAS.

Mr. DiPuccio thanked Ms. Dannemiller.

Ms. Magness stated that due to the pace she was hearing with the public comments, asked what EPA's timeline was moving on the Bond Road Landfill. Ms. Balz stated that there was no action that EPA was taking. Ms. Magness stated that there were no changes and no action that was going to occur in the next two months. Ms. Balz stated that there is no permit application to expand the landfill. Mr. DiPuccio stated that there was nothing at this point. Ms. Magness stated that there is nothing that is going to happen between now and the next meeting. Mr. DiPuccio stated that not that we know of with Ohio EPA. Ms. Magness asked if we could ask Ohio EPA if we could be notified if anything comes before them that this Subcommittee needs to act before they approve anything.

Ms. Balz reiterated to Ms. Magness that she wants to ask if there is anything happening with the Bond Road Landfill and have Ohio EPA to notify the Subcommittee if it does. Mr. DiPuccio asked Ms. Balz to put the Subcommittee on their notification list.

Ms. Chin stated that Mr. DeJonckheere is normally notified on this type of thing but this would be a second level.

Mr. Johnson asked Ms. Magness if this was specific to solid waste or if she was asking for any type of permit for Bond Road. Ms. Magness stated she wanted any permit for Bond Road.

### 11. UPCOMING SUBCOMMITTEE MEETING

The next Solid Waste Rules Subcommittee meeting will be held on November 10, 2021. The meeting will be a hybrid of in person for Subcommittee members/staff and Zoom for others wishing to attend virtually. The

**Rules Subcommittee Meeting**

**October 22, 2021**

**Page 13**

meeting will begin at 12:00 p.m. at 250 William Howard Taft Road, 1<sup>st</sup> Floor, Cincinnati, Ohio 45219. Meeting information will be sent at a later date.

**12. ADJOURNMENT (Target Time – 3:00 p.m.)**

Ms. DiPuccio asked for a motion to adjourn. Mr. Gedert moved; Ms. Magness seconded. All were in favor and the meeting was adjourned at 2:34 p.m.