

**APPROVED MINUTES OF A REGULAR MEETING OF
HAMILTON COUNTY Solid Waste
POLICY COMMITTEE
In person & Zoom**

DATE: November 17, 2021

TIME: 1:30 p.m.

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

PRESENT: **Policy Committee Members**

Pierce Bruner, Student Representative
Tony DiPuccio, Generator Representative,
Denise Driehaus, County Commissioner, Chair
Bob Gedert, Public Member, Vice Chair
Karen Hurley, General Interest Member
Greg Kesterman, Hamilton County Public Health Representative
Sue Magness, Largest Municipality Representative
Raj Rajagopal, Township Representative
Larry Riddle, Rumpke

Staff

Michelle Balz, Solid Waste Manager
Gage Bradford, Community Specialist
Mary Cropenbaker, Business Outreach Coordinator
Elise Erhart, Outreach Specialist
Brad Johnson, Director
Ali Khodadad, Operations Manager
Mike Kramer, Assistant Director
Tom Mohr, Digital/Communications Manager
Cher Mohring, Community Outreach Coordinator
Susan Schumacher, Assistant Solid Waste Specialist, Clerk

Others in Attendance

Albin Bauer, Peters Kalail & Markakis
Nee Fong Chin, Prosecutor's Office
Sally Dannemiller
Craig Davidson, Hamilton County Public Health
Carrie Davis, Child Advocacy for Jobs & Equity
Chuck DeJonckheere, Hamilton County Public Health
Dean Ferrier, Rumpke
Matt Hittle, Ohio EPA
Kurt Grossman
Tim Mara, Oxbow
Gina Marsh, Chief of Staff for Commissioner Driehaus
Bryan Peak, Hamilton County Sheriff's Office
Billy Rumpke, Rumpke
Jim Thaxton, Rumpke
Kathy Trent, Waste Management

Policy Committee Meeting

November 17, 2021

Page 2

Matt Tietsort
Erica Turner, Ditch the Dump
Max Webster
Molly Yeager, Rumpke

1. CALL TO ORDER

Ms. Driehaus called the meeting to order at 1:35 pm.

2. CLERK'S REPORT

A. Approval of Minutes – September 15, 2021 Policy Committee Meeting

Ms. Driehaus asked if there were any corrections or additions. Hearing none, Ms. Driehaus asked for a motion to approve. Mr. DiPuccio moved to approve the minutes. Ms. Magness seconded. Mr. Gedert abstained. All others were in favor and the minutes were approved.

3. PUBLIC COMMENTS

Ms. Driehaus stated that the agenda had been redone so the public could make their comments and would not have to wait around until the end of the meeting.

Ms. Driehaus asked Ms. Balz if she wanted to add anything. Ms. Balz apologized for not being there in person due to being in close contact with a Covid positive individual . She said she would monitor for any public comments on Zoom.

Tim Mara

Mr. Mara introduced himself and stated he is on the Board of Directors of Oxbow and that Dr. Seymour, the President of Oxbow, could not attend and asked Mr. Mara to attend and explain why they are concerned.

Mr. Mara stated that his background and education is being a planner. One of the acronyms that is used in planning is "lulu" which stands for Locally Unwanted Land Use. If there ever was a lulu, it is a landfill. It is the lulu of lulu's and people do not like being near a landfill because it affects their quality of life; it is hard to enjoy your home when you smell a nearby landfill. It is hard to market your home to sell if people come to look at it and they smell the landfill.

Mr. Mara stated that in Oxbow's case, they have invested millions of dollars to acquire a large nature preserve that rivals in size of the large county and city parks in this area. They do not want that to be impacted by compromising our water quality.

Mr. Mara stated that there are over 200 species of birds that either live at the oxbow or come to the oxbow and migrate north and south seasonally. Water quality is critical to the enjoyment of the oxbow.

Mr. Mara stated that the rules you are considering are important to residents and to the environment. They give us an extra layer of protection from lulu's; it is not stopping them; it is giving an extra layer of refute which he thinks is important in siting a landfill.

Mr. Mara stated that the timing of rules adoption is critical. February 19 of this year, Rumpke sought OEPA approval for this landfill expansion. They can apply any day; they control when they apply; it's just that you adopt rules immediately or soon if you want to have them comply to the application.

Carrie Davis

Ms. Davis thanked the Committee for the change in the time public comments were done on the agenda.

Ms. Davis stated that it was not about Rumpke and that Rumpke does good all over the county; it's their impact but from management and permits pending, permits that are being renewed, so, no it is not just about Rumpke and Bond Road. Bond Road is important because we don't want to start another problem, we already have a problem we can't handle.

Ms. Davis stated that as a resident of Colerain Township, they have been dealing with Rumpke; the good things about them and the bad; it's not just about Rumpke; that we need to pass these rules now and get ahead of the game so all the landfill operators and solid waste facility managers have advance notice because you don't want to put stuff on people at the last minute.

Ms. Davis stated that she thinks it is imperative that we proceed expeditiously now that we have identified our powers of authority.

Kurt Grossman

Mr. Grossman introduced himself and stated that he was a taxpayer and citizen of Hamilton County. He stated he was here mostly to encourage you not to fail for what you need to do to protect all of us.

Mr. Grossman stated that he has not lived near a landfill and lives downtown but the way the laws are set up today, any waste management company can demand the right to set up a landfill anywhere in this county and you would not be able to stop it; you could not stop it. You need to change and have rules.

Mr. Grossman stated Ohio statute allows you to govern the maintenance, protection, and use of solid waste collection, storage, disposal, transfer, and various other facilities. You have not done that; you've had the ability to do that in the statute for years.

Mr. Grossman stated that he would like to pass out a proposed set of rules and distribute to the Policy Committee. Mr. Grossman stated that it is important to have rules so there is a body beyond just the minimum standards of the EPA to be sure that we protect our community. Rumpke's a good neighbor, they want to be a good neighbor, but they are not the only player. There are several others, and anybody could do this in any minute, and you could not stop them; you need to control this.

Mr. Grossman stated that Butler County's approach, in fact, they are dumping their waste here because they have rules to protect the community, but we don't have them. We don't even have a rule to require a tarp over an open landfill at night; when all the smells come up and they are not running back and forth to keep the smell down. Franklin County does; why don't we? It is simple things like this that are not possible for the operation of the landfill and the business that dumps that, but they are helpful for all of us and keeps us safer and more comfortable.

Mr. Gedert stated that he has a comment, and he does not expect an answer, but he has served on many other committees that public comments are anywhere from three to five minutes instead of two minutes and asked, for consideration in the future, to have more time for public comments than the short two minutes.

Ms. Driehaus stated that it was mirrored with the County Commissioner time limits and this is duly noted.

4. R3SOURCE REVENUE UPDATES/ANALYSIS

Ms. Balz stated that 2021 revenue over 2020 saw a \$114,000 increase in revenue which is not a huge jump but an increase over 2020.

5. POLICY COMMITTEE ITEMS

A. Rule Subcommittee Update

Mr. DiPuccio stated the Board of County Commissioners approved hiring outside legal counsel for the Rules Subcommittee and it is his understanding that a contract is completed or very near being completed with a contract in place by the end of this week.

Mr. DiPuccio stated that the Subcommittee has come back to the Policy Committee to request that the Policy Committee okay the Subcommittee to engage outside legal counsel but to also have staff engage with legal counsel to determine the authority the Policy Committee has so we can continue to move ahead with looking at the assessment on rules.

Mr. DiPuccio stated that this was a request and he would make a motion to ask the Policy Committee to have staff more engaged with us and also with outside legal counsel to give us direction on legal authority. Mr. Rajagopal asked what the expectation of the Subcommittee was and asked if they were going to have findings and recommendations and what the target date was to present this to the Policy Committee.

Mr. DiPuccio stated that the minutes outlined what the Subcommittee was charged to do: do an assessment as to whether any rules or regulations are needed. Based upon that assessment come back to the Policy Committee and get further direction depending on what the Subcommittee's recommendation was and whether we proceed ahead on potentially coming up with rules and regulations specific to the Hamilton County Solid Waste District.

Mr. Rajagopal asked if something would be available by the next meeting. Mr. DiPuccio stated that this was not his expectation, and the Subcommittee has only had two meetings and has only scratched the surface as far as educating ourselves about what the existing framework is out there for all these solid waste facilities.

Mr. DiPuccio stated that the Subcommittee had a presentation by Ohio EPA on solid waste planning and a presentation by MSD about how the leachate from RSL is handled.

Mr. Gedert stated that the Subcommittee submitted some rules that they have developed. Mr. DiPuccio stated that Mr. Gedert submitted rules and that he never saw the rules until right before the meeting. He did not agree to submitting the rules but had to include them in the record. There was no acceptance by the Subcommittee on those.

Mr. Gedert stated that rules had been submitted but not adopted and stated that he had rules he would like to propose for consideration. Mr. Gedert stated that there was discussion at the Subcommittee meeting as to the purpose of the Subcommittee; conduct research or develop rules and two of the three members believed the purpose was to develop rules and bring them forward to the Policy Committee.

Mr. Gedert stated that he does not believe the Subcommittee had the power to adopt rules but rather, to develop rules and bring them to the Policy Committee for consideration. If the Policy Committee adopts those rules, they can then be forwarded to the Board of County Commissioners for their consideration recognizing that any rules need legal review.

Mr. Gedert stated that he has a set of draft rules that have not been legally reviewed and would like to have these presented to the Policy Committee if that possible. Mr. Gedert stated that it was not a uniform opinion of the Rules Subcommittee, but it is the opinion of two of the members and they feel it is based on good research. Ninety-five percent of the language of these rules comes from Warren County Solid Waste

Policy Committee Meeting

November 17, 2021

Page 5

District's Plan and these rules have been in effect since 1994. Mr. Gedert stated that they feel like these rules are pretty solid and have not been reviewed by our legal counsel, but once legal counsel is hired, these rules will be directed to them for review.

Mr. Gedert stated that there were two paths he presented from Ms. Magness and himself. First, that these rules be submitted to legal counsel and the Subcommittee meeting take place after Thanksgiving to discuss these rules and make a decision to present the rules to the Policy Committee the first two weeks in December. Then pass these onto the County Commissioners if their satisfied, approved, and adopted by the Policy Committee on a fast track.

Mr. Gedert stated, or a second path could be for the Policy Committee to accept these rules at today's meeting on a motion.

Mr. Kesterman stated that his team has not seen the rules and that he has two members on the Subcommittee and asked if Mr. Gedert's proposed rules had been discussed with the Subcommittee. Mr. Kesterman stated that Mr. Grossman presented a new set of rules and Ms. Davis, at one point presented a set of rules, and another woman on the Subcommittee presented a set of rules so he knows that there are at least four sets of rules. Has the Subcommittee reviewed these sets of rules and provided a recommendation as to which set of rules or which pieces from those rules make sense?

Mr. Gedert stated that the only rules he has are the ones he presented to Ms. Balz for legal review and is unaware of the other rules Mr. Kesterman referenced. Mr. Gedert stated that his were more complete and ready for legal review because they come from a district plan that has been in existence for a long time. They are more complete because they have the full package that is needed and they meet the needs for public standing, the public standing for review of any submittal of modification and presentation of any type of landfill or other solid waste facility modification.

Mr. Kesterman stated that his personal concern is that there are four sets of rules, and everyone has not had a chance to read them which presents a concern.

Mr. Kesterman stated that he wanted to address the motion that was made. In the original minutes it authorizes the Subcommittee to get a legal opinion; it is important for him to know what legal bounds there are and what the ramifications of those mean.

Ms. Magness stated she understood and wished there was more time.

A discussion ensued regarding rules and time to further deliberate and look at the other rule options as well. Ms. Magness stated if she had some assurance from Rumpke that they were not going to submit permit requests until the beginning of 2022, then we could move a bit slower.

Ms. Driehaus asked if the rules Ms. Magness referenced were presented at the Subcommittee meeting. Ms. Magness stated yes.

Mr. Kesterman stated that back to the question of urgency, asked the Subcommittee if they presented this question to the county prosecutor regarding the need for urgency. If Rumpke submitted tomorrow, there is a months long process for getting plans approved including a public comment process. If plans were submitted today, for example, plans to change the landfill asked if that immediately prevents us from having rules in the future? Or can our rules still take effect all the way until Ohio EPA takes action? Mr. DiPuccio stated that this question has not been asked to legal counsel.

Mr. Kesterman stated that from watching the video from last month, Mr. Mara spoke about making sure this process is a transparent one and if two of his team members sit on a committee and were not a part of the creation of those rules and did not see them before the meeting, he would challenge that we are not being open and asked of the Subcommittee that as you continue to work, to make sure you are not excluding members and quite frankly, the public.

Mr. Gedert stated that he would challenge that statement and that their meetings are open to the public and very transparent. He does not see any hidden agendas, and everything has been transparent. Mr. Kesterman asked how the rules were submitted without his team's participation.

Mr. Gedert stated that the rules were created on his computer and no one was around. The rules were distributed and discussed in an open, public meeting and Mr. Kesterman's description was not accurate.

Mr. DiPuccio stated the Mr. Kesterman hit on this transparency issue; apparently, Mr. Gedert and Ms. Magness went off and created these rules or pulled them out of another plan. He brought this issue up in the Subcommittee meeting; there was no substantial discussion on the document at the Subcommittee level between us three; maybe Mr. Gedert and Ms. Magness or among Ms. Davis or whoever else has interest in these rules. Mr. DiPuccio stated that to say there was transparency and a discussion on the rules is completely ludicrous.

Mr. DiPuccio stated that the whole process if you bring that document was that Mr. Gedert and Ms. Magness went off and created the rules and brought them to the Subcommittee; only having been emailed to him that morning.

Mr. Gedert stated that the Subcommittee was asked by Mr. DiPuccio not to discuss the document; he was prepared to go through the document line by line and discuss it and expected edits and he asked them not to do so.

Mr. DiPuccio stated because it had not had any legal review whatsoever. These could have fifty percent, seventy-five percent, or zero percent not passing legal muster and we are going to talk about it? They may point out there is a need, but the County Commissioners cannot do anything about it and that is the whole point.

Mr. DiPuccio stated that the Subcommittee has not thoroughly researched this.

Mr. DiPuccio stated that transparency on this is very much lacking at the Subcommittee level, he doesn't know who else Mr. Gedert consulted and who else the rules were passed out to ahead of time before he presented them to the Subcommittee. If you took what you had in your files at home, but they look like the Warren County rules because he knows that plan.

Mr. Rajagopal asked if outside counsel would work with the County Prosecutor. Mr. Gedert stated that the work would default to the contracted attorney and Ms. Chin concurred. Ms. Driehaus asked if the County Prosecutor decided it would be best if outside counsel is being hired because it is such a niche subject. Ms. Chin stated that consultant was hired because it was decided this would be best to go with outside counsel.

Ms. Hurley stated that she is not a member of the Subcommittee but as an observer, came to the Subcommittee meeting because, as a Policy Committee member, she wanted to hear the discussion of these proposed rules and was quite upset when all discussion was closed down and the Prosecutor's

Policy Committee Meeting

November 17, 2021

Page 7

representative had to go out to even get a ruling on whether they could be shared with Mr. DiPuccio. Ms. Chin came back and said that as long as they were marked as “draft” they could be declared a public record and could be shared but by that time it was the end of the meeting.

Ms. Hurley stated that it wasn't that Mr. Gedert and Ms. Magness did not want discussion; they did want discussion. Ms. Hurley stated that they were not trying, from her observation to ram these through. They thought this was going to be a forum to work through these.

Ms. Hurley stated she feels this should be taken into consideration and feels that Mr. DiPuccio's demeanor at the meeting was that he was trying to close everything down and announced that he did not believe that rules were even necessary. It was a very contentious meeting.

Ms. Hurley asked that one of her questions as a Policy Committee member is what are the timelines and instructions? She heard from Jon Seymour, the President from Oxbow and the letter he shared with everyone, that timing is critical and they believe that if a permit comes in and these rules have not been approved, they will not apply.

Ms. Hurley stated that this is the urgency that is driving the people in Whitewater Township about it. That is sort of the urgency and thinks that as both Ms. Hurley and Mr. Gedert are citizen representatives on the Policy Committee, they are trying to listen to concerns of citizens who are really worried about this and trying to figure out how to expedite the process.

Ms. Hurley stated she did not know what all that means at this moment but thinks there shouldn't be recriminations about bad intent along the way. She thinks they are all trying to do what they can to honor the request but thinks it is a legitimate request from the people of the Township.

Mr. DiPuccio stated that it was completely lacking; the first step should be determining is there a need. If there is a need, is there a gap or are there additional regulations needed and they have never had that discussion. Mr. DiPuccio stated that they were starting off with what everyone agreed to and that was that they needed to educate themselves which was discussed at Policy Committee meetings. They need to educate themselves about the whole permitting process to better understand it and the rules and regulations and then identify what potential gaps there might be or additional regulations. Mr. DiPuccio stated that they have not gone to that step.

Mr. DiPuccio stated that the timeline is who you want to believe, different parties are saying different things. Mr. DiPuccio referenced an email from Ms. Magness that said that the Subcommittee should take a very deliberate look and not rush through this and now nothing's changed from a month or two ago and all of a sudden, it's we need to get this done right away.

Mr. DiPuccio stated that they have talked about this, and have passed by this, what he calls, education process, they bypassed the legal review, and all of a sudden, they have a document thrown out called draft rules.

Ms. Driehaus stated that for clarification that the formation of a Subcommittee was talked about, the expectation was to dig a little deeper into this issue related to rules and then make recommendations related to rules because we do not have them. The question is should we have them and that recommendation comes to the Policy Committee; the Policy Committee then recommends to the County Commissioners. Ms. Driehaus stated that this is the process that has been established and that is what we are trying to do here.

Ms. Driehaus stated that she thought there were two things driving; this consternation is timing and a lack of understanding of whether or not these rules could be in place post request for permit. These are the two things that are driving the anxiety of she thinks, the Subcommittee and in part, the Policy Committee.

Ms. Driehaus asked if the rules need to be in place prior to a permit being requested and if there are in place after a permit has been requested, would they apply which would be a question for legal counsel. A question for Rumpke would be whether or not there is an expectation of any sort of permit being requested by year's end or the beginning of next year and if not, she thinks, this would give the Subcommittee a little bit of a breather to have another meeting and continue this conversation and is wondering if she could get any clarity on either one.

Ms. Chin stated that on the legal clarity, this is being researched by the Prosecutor's Office and will ultimately be researched by outside counsel and stated that she could not give Ms. Driehaus that answer right now. Ms. Driehaus stated that we do have a difference of opinion here whether or not we can have rules apply after a permit is issued. Ms. Chin stated that she understood and stated that this issue just came up this morning.

Ms. Driehaus stated that this question has been asked for a while and we just need clarity and stated that today, Ms. Chin did not have the answer. Ms. Chin stated yes.

Ms. Magness stated that this was a question that was asked in the Subcommittee, but we haven't seen any minutes yet and until we get detailed minutes, we can't see the questions. She was hoping she was going to know who was going to answer each question.

Ms. Chin stated that when the rules were originally submitted at the Subcommittee meeting last week, there were several issues that were floating around. There were two members who met and drafted the rules and we didn't even see those rules until that morning. We have that issue going on and we are supposed to be transparent.

Ms. Chin stated that we had the first meeting and we were supposed to be gathering information and at the next meeting, rules were being submitted. With this, the rules were not vetted at her office or the technical staff with the Health District.

Ms. Chin stated that at that time, it was her understanding that there was a full list of the discussions to be made and comments to be made and in all fairness, she thinks those rules needed to be reviewed to see if these rules are good for Hamilton County or not. There are only 21 counties in Ohio that have rules. If the rules are not good for us, then why. This could open us up to lawsuits and all of these issues have not been looked at.

Mr. Riddle stated as far as he knows Rumpke has nothing pending but if something comes up next week, there is a whole list of regulations, prescribed public hearings, comment sessions, and a period of time for public input prior to any decision from Ohio EPA.

Mr. Riddle stated that from that standpoint, Jim Thaxton, Rumpke's counsel, submitted a letter today outlining some of those things and has to do with some of the urgency. There is no need for a sense of urgency and as he knows it today, there is nothing pending.

Policy Committee Meeting

November 17, 2021

Page 9

Mr. Riddle stated that his impression of what the Subcommittee was charged with was also, from a regulatory standpoint, what we allow it to do; Ms. Chin adequately provided some information for what is allowed and what isn't allowed and stated that he doesn't even know if that discussion has even been had in the Subcommittee or the Policy Committee.

Mr. Riddle stated that we have challenged our legal counsel and think she has provided it, but we didn't talk about it at the last meeting; maybe it was discussed at the first Subcommittee meeting but to Mr. Kesterman's point, it would be nice to have the legal review on these issues before we get too far out on a limb. It should be looked at and he didn't think we were there yet.

Mr. Kesterman stated in the interest of making sure that everyone is on the same page with Rumpke's plans, he is privy to other conversations, his understanding is Rumpke's plans at the Bond Road Site in the relatively near future, beginning sometime next year, is to make an addition of 22 acres to the landfill. Part of this is to resolve a leachate issue, part of that is to resolve other issues and asked Mr. Riddle if this was an accurate statement because he wanted to make sure everyone heard the same thing. Mr. Riddle stated that the work for next year would be infrastructure work. There is some work on the south side that they would want to advance but the majority of that work has already been approved.

Mr. Riddle stated that Rumpke already had the permit to go to 4,000 but requested it go back to the minimum requirement. It is not a question of applying for a new permit to expand more land, but Rumpke does have some work planned for infrastructure, etc.

Mr. Kesterman asked Mr. Riddle regarding the proposal Rumpke is working through right now with Ohio EPA, the next submission potentially is to expand the current limits of waste by plus or minus 20 acres but that is to deal with the leachate, but it is truly expanding into the new acres. There is in the future a plan to expand the limits of waste at that site and it is not on the table yet, but it is coming.

Mr. Kesterman stated that regarding the question of urgency, there is some and he wanted to balance all of that to make sure everybody hears that because he wasn't sure he would have known that without other conversations that have occurred.

Ms. Magness stated that this was the concern, and she is not hearing anything about not doing anything until the first of the year.

Mr. Riddle stated that he did not know anything Rumpke was going to do this year or before the first of the year. Ms. Magness asked if Mr. Riddle or someone from Rumpke could make that commitment to not submit any permits for any work in Hamilton County until after January 1. Mr. Riddle stated that Billy Rumpke and Jim Thaxton were both on Zoom and they may like to comment.

Mr. Rumpke stated that the 22-acre expansion to the south would be a new expansion permit with the primary goal to Mr. Riddle's point to fix some of the infrastructure relating to leachate. The exact timeline of that is still in flux but can say he is not wholly confident that Rumpke will not be able to get all the work done by January 1 but would expect it to be in the next three to four months but cannot really pin down an exact timeline on that.

Mr. Rumpke stated that since back in May, all of Rumpke's communication has been the Rumpke plans on putting in a small expansion permit to fix some of our infrastructure at that site.

Policy Committee Meeting

November 17, 2021

Page 10

Ms. Hurley stated that the Rumpke letter the Committee received today does state as a fact that if a permit is submitted and these rules are not in place, but they come into play while public hearings are going on it states as a fact that they would apply and thinks this is the big issue here under contention.

Ms. Hurley stated that until we hear either that Rumpke will not submit or some legal counsel tells us that this is; her sense is that we have to proceed as the worst case is true until we get a legal opinion and thinks we have to keep this process moving.

Ms. Hurley stated that it was her understanding that we can always reform once they are put into place and at this moment, we have a certain thing we are facing; we need to deal with that and maybe there is a lot of other issues that come up later that we can deal with and that's fine but to get the protection she feels is imperative at this point if we do not know what the legal guideline is.

Mr. Gedert stated that he wanted to add that at the Subcommittee meeting, they heard from Ohio EPA about the ability to create rules and the process of creation of rules and the rules that they submit are within the ability to create these rules. It is within the legal rights of the Policy Committee and County Commissioners to create these rules and it fits the descriptions presented by Ohio EPA.

Mr. DiPuccio asked, create which rules? Mr. Gedert stated that he was not a legal professional, but it fits the second description and the type of rules presented and the content of the rules fits the authority that was afforded to us by Ohio EPA.

Mr. DiPuccio stated that Ohio EPA does not review rules and regulations. Mr. Gedert stated that he feels it fits that description that was presented to us.

Mr. Gedert stated that he would like the Policy Committee to consider the possibility of the two-step process that he proposed: An emergency meeting of the Subcommittee to review these rules. There was mention of several sets of rules that have been entertained. But what was presented by the Subcommittee for the Policy Committee is one set of rules here. While there are others that have been written and he does have respect of the public, there is only one set of rules that have been presented through the Policy Committee.

Mr. Gedert stated that he did wish for the two-step rule of review of the Subcommittee and a second Policy Committee meeting in December so they can finalize and make a recommendation to the County Commissioners.

Ms. Chin stated that it seems like right now, if the rules are being accepted even voted on it appears the rules are mainly for Rumpke right now; they are Rumpke rules, and it is supposed to be across the board for any other landfills. They mentioned Waste Management earlier, but all the discussion is going towards Rumpke, so it is kind of one sided now.

Mr. Rajagopal stated that he did not agree with that and the rules the Subcommittee are for the whole County purpose.

Mr. Riddle stated that as an industry representative, there are other organizations in Hamilton County that provide solid waste disposal services; transfer stations, recycling centers, other forms of recycling centers and even transfer stations.

Policy Committee Meeting

November 17, 2021

Page 11

Mr. Riddle stated that these folks have been contacted and are aware. Ms. Trent is on the call, and he is sure they would like to have some input into this situation as well and will probably get it in a timely manner. He thinks rushing the rules as Mr. DiPuccio said may not be the best thing to do if you want good rules. Having legal counsel take a look at anything we do before we get too far ahead of ourselves would probably be the appropriate measure to take as opposed to rushing something through “because Rumpke may do something” and does not think that is going to happen. If something would happen the first of the year, it would take a long time for that process to work its way through the system.

Mr. Kesterman stated he has not seen any of the versions of rules and stated that many communities have compost facilities and asked if the Rules had any impact on these facilities. Mr. Gedert said that they did not. Mr. Riddle stated it did not.

Mr. DiPuccio stated that he disagreed with this and it encompasses all solid waste facilities which is one of the discussions they had; they were not going to target just landfills, transfer stations, etc.

Ms. Magness stated that it includes multiple facilities and at this point, it is unclear if any rules we make affects things in the past or not.

Mr. Gedert stated that by definition, it does not include compost.

Mrs. Driehaus stated that they are not even sure if anything they pass at this moment in time applies back to any regulations. Because they have not got that legal opinion.

Ms. Driehaus asked if the discussion was finished because she wanted to make a recommendation. Ms. Driehaus stated that she appreciated everyone’s comments and stated we do feel a sense of urgency. The community has reached out to members of the Policy Committee including herself and she feels compelled to respond to the concern.

Ms. Driehaus stated that we are capable of establishing rules through the Policy Committee to the Board of County Commissioners and in the past have not done this.

Ms. Driehaus stated that here we are in this moment in time; we have a concern from the residents. We have established a Subcommittee to vet this before it comes to the Policy Committee so a solid recommendation can be made to the Board of County Commissioners and to keep up with legal scrutiny and respond to the industry concerns and the residents’ concerns which is where we are.

Ms. Driehaus stated that, as Mr. Gedert has suggested is to have another Subcommittee meeting to further vet what is in front of them and leave it to the Subcommittee to determine whether it is this set of rules, although she thinks legal counsel should be reviewing them and if there is anything else legal counsel should review, that should happen before the Subcommittee meets so you have that piece of knowledge going in.

Ms. Driehaus stated that the Subcommittee meet with legal counsel and thoroughly discuss what is in front of you in order to make a recommendation to the Policy Committee which in turn, the Committee makes a recommendation to the Board of County Commissioners.

Ms. Driehaus stated that she feels like there is a timing issue here and she would prefer, if possible, we get this done before the end of the year. Ms. Driehaus stated that the Commissioner’s last meeting is December 16 and realizes this is a quick time frame but thinks there is some urgency to the issue and thinks the citizens deserve to have this move as quickly as we can on something like this.

Ms. Driehaus stated that she would welcome discussion on her recommendation especially from the Subcommittee members. Ms. Driehaus stated that actually, it was Mr. Gedert's recommendation. Ms. Driehaus asked if there were any questions on this time frame. Mr. Rajagopal asked if she was making a motion. Ms. Driehaus stated that she not sure she needed to make a motion other than we have a clear understanding amongst ourselves as to what the next step is for the Subcommittee because really, it is their next move that will get things moving.

Ms. Driehaus stated if the Subcommittee could meet within the next week or two and then have something to bring forward to the Policy Committee.

Mr. Gedert asked if Ms. Balz could do a doodle poll for Subcommittee members availability.

Mr. DiPuccio asked if December 16 was a County Commissioner meeting. Ms. Driehaus stated it was their final meeting of the year.

Mr. Kesterman stated that he would like a clear understanding of the impact of these rules. In the first meeting Chuck DeJonckheere with the Health District laid out what a solid waste facility was, and it is a lot more than what we think; it is compost facilities, transfer stations and several communities have their own transfer stations, so they do not have to haul their material to Rumpke. He would love to know the impact because the impact on a small community might be very different than a large landfill.

Mr. Kesterman stated to look at the broader picture; yes, we are talking about Bond Road, but we need to think about the entire county so just make sure we all have a better understanding of that.

Ms. Driehaus stated that it might be helpful, depending on what the Subcommittee decides to take up by way of rules, if the Policy Committee receives them and stated that she knows this is not necessarily something you would do but given the timing here; Ms. Driehaus stated that as the Subcommittee reviews things, if you could give the Policy Committee advance rules, that would be very helpful.

Mr. Gedert asked if it would be after the attorney reviews because there might be edits from the attorney. Ms. Driehaus stated yes and as it comes.

Mr. Kesterman asked why were the other three sets of rules being dismissed? He would love to know and wondered if they were good, bad, what is included. Ms. Driehaus stated we could have legal counsel vet them all.

Ms. Driehaus stated that there is a Subcommittee for a reason and there are four sets of rules for them to determine which is most appropriate. One is already being vetted but take a look at the others and maybe decide to get legal review and the Policy Committee is purview to that legal review.

Ms. Driehaus asked if everyone was amiable to this approach. The Committee concurred.

Assistant Solid Waste Manager

Ms. Balz stated that currently, there are seven full-time solid waste staff funded 100 percent with the solid waste department. We have added a few staff and a few programs over the past year and she directly supervises six staff members which is not ideal in addition to everything else she does.

Policy Committee Meeting

November 17, 2021

Page 13

Ms. Balz stated that in the past, there has been an assistant solid waste manager. If an assistant solid waste manager is re-added, then that role could take on managing two or three of the solid waste staff and she would supervise the remainder of the staff.

Ms. Balz stated that she brings this up now because it is an addition to the budget from what was approved in July and is something added to the budget that will go before the Board of County Commissioners but would like the Committee's feedback. If the Committee thinks this is a bad idea, staff will not move forward with posting the position but if the Committee approves the position, staff will move forward and post and hire for this position in 2022.

Ms. Balz stated that she was looking for feedback and if the Committee wanted to pass a resolution, that would be great as well.

Ms. Magness stated that she wanted an assistant too but her only concern was that we are adding a lot of staff now; we just added a position in July which wasn't anticipated.

Ms. Magness stated that while the District has the money right now, she has been around when the District did not have much money in leaner years and if we add these positions, we are stuck with potential layoffs which she would not like for something like that to happen. With having been on this Policy Committee for a number of years, she is a little concerned that our personnel budget is now higher than the Residential Recycling Incentive (RRI) budget which has never happened and is now over \$900,000 and yet the RRI program is stalled at \$900,000 which was never restored.

Ms. Magness stated that she thought a position audit should be performed because Ms. Balz has a lot of work on her plate.

Ms. Magness asked if the assistant manager position was a position that will be added or can current staff load be redistributed to give Ms. Balz more help.

Ms. Magness stated that she would like to know what the five-year cost is for this new position because it is going to put the budget out of whack in a bad year; changing the table of organization with two new full time staff members with benefits for eternity unless there are layoffs.

Mr. DiPuccio asked what the years were that the District had to cut back. Ms. Magness stated she couldn't remember the years but there were some years that the RRI and some programming was cut back. Ms. Magness stated that it is just much bigger than when she worked at the District, and she was here for eight years.

Ms. Magness stated that now, there were ten positions that we pay fifty percent and eight positions that we pay 100 percent and asked Ms. Balz if this was correct. Ms. Balz stated that the District pays seven positions 100 percent and regarding part time, it is not that we have part time staff, we are paying for part of Environmental Services staff which is something we have always done. Ms. Balz stated that we pay for a percentage of our Director, a percentage of the receptionist, a percentage of the Operations Manager, etc.

Mr. DiPuccio stated that his overview of this was the District has many more programs now than it did in the past which have gradually grown over the years. Mr. DiPuccio stated if more and more programs are added, grant programs are being done differently, staff has still continued with the RRI program which he is very familiar with since he instituted that. At the same time, staff is doing other things that were not done before

which is going back and evaluating each program saying how can we improve these programs, etc. and there are a lot more going on then there has been in the past year and gave examples.

Ms. Hurley stated that in looking through the documents Ms. Balz sent over regarding household hazardous waste and recycling infrastructure, she was really taken with the gap analysis throughout those and they are really important and it seems to her that through the Plan Update, there are going to be even more demands on staff.

Ms. Magness agreed but stated that during lean years, staff could be laid off. Mr. DiPuccio stated that fees could be raised.

Mr. Kesterman stated that working for an agency that has literally been crushed these past eighteen months, having the necessary support to do your job is critical and he has grown his agency by 100 people when he started and is at 150 now plus more as contractors, etc. Without that team, they would not have been able to respond.

Mr. Kesterman stated that he brings up this analogy; if staff is saying they are busy and they have the funding now; sometimes you have to make decisions that support staff before you lose valuable resources because people quit when they are not well supported.

Mr. Kesterman stated that he fully supports the proposal and stated that he knows it is a hard decision and knows that at some point he may not have funding to support 150 additional people at the health district but he needed help.

Mr. Kesterman stated that he would suspect if Ms. Balz is coming to the Committee asking for help, it is because she needs it.

Mr. Gedert stated that he agreed with everyone and somewhat disagreed with Ms. Magness and stated that he supports the hire request in the support and management of staff particularly because of the problems identified and the increased programming that have been identified in the reports that were shared with the Committee and are on the agenda. Mr. Gedert stated that this demands some programmatic changes and additional staff perhaps.

Mr. Gedert stated that he supports this but would add a different, unique perspective; earlier in the agenda, there was mention of revenue to the District from the Rumble Landfill and always cringes at that report because there are ever increasing revenues to the District.

Mr. Gedert stated that he feels the mission of this District is to reduce revenues, reduce waste going to a landfill and increase recycling programs.

Mr. Gedert stated that it is a counter message to the revenues needed to support these programs. Besides that, counter message, he believes he supports this request.

Ms. Driehaus entertained a motion to support the recommendation. Mr. Kesterman moved and Mr. DiPuccio seconded. Ms. Magness voted Nay. Everyone else was in favor and the motion was approved.

6. INFORMATONAL ITEMS

A. Household Hazardous Products Collection Update

Ms. Balz stated that the District had an excellent household hazardous products event on October 23, 2021. It went very smoothly and there were no issues, and huge kudos to Ms. Mohring for organizing such a flawless event and for all the staff that worked on a Saturday.

Ms. Balz stated that 47.69 tons of material was collected and 1,283 households attended but over 1,800 were registered to attend.

A brief question and answer session ensued.

B. Hamilton County Solid Waste Plan Update

Ms. Balz stated that prior to this meeting, two different analysis, Difficult to Manage Waste Streams and Residential Recycling Infrastructure were sent to Committee members, and she will give a presentation (available on website).

Ms. Balz stated that before her presentation, she wanted to mention that staff has been working with our DEI consultant, RedCon, and they are evaluating five of our program areas. That work is ongoing.

Ms. Balz stated that staff is also working with our solid waste consultant, Karen Luken with EESI and she is putting together some stakeholder input sessions right now and will be having two community sessions the first week in December. Ms. Balz stated that staff is trying to get input before we start writing and after as well.

Ms. Balz gave a brief PowerPoint presentation on Residential Recycling Infrastructure and stated that she would love to have a discussion now. She has a few questions to prompt discussion and certainly after you review them, if you have more ideas or things you want to add to them, there will be time later and to feel free to send her an email.

Mr. Gedert stated that regarding the questions, suggested to look at the non-subscription areas and work with model language for their next contract to pair the recycling with the waste for their subscription and offer contract language.

Mr. Gedert also recommended requiring county-wide; he does not think this is in place that every single single-family resident unit be required to contract for waste service. There are gaps in the county where single-family units are not contracting for waste service if their community does not contract for waste service and that is causing a theft of service in the business community. Single family households are taking their trash and going to a dumpster in a shopping center and dumping their trash in a commercial dumpster. Also, some, use their neighbor's trash to dispose of their trash.

Mr. Gedert stated that because of this, he thinks there should be a county-wide rule that every single family/structure should have a contract for waste.

Mr. Gedert suggested having a unified recycling message and gave examples. Mr. Gedert stated that it would benefit everyone.

Ms. Magness talked about multi-family barriers and stated that it should be included in this. Ms. Balz stated that multi-family recycling is included in the business sector analysis and the DEI and solid waste consultant are both looking at this.

A brief discussion and question/answer session ensued.

Ms. Balz stated that she still had the Difficult to Manage Waste Streams PowerPoint and realized we were running out of time. Ms. Balz stated that she would send the presentation to the Committee and they could let her know if there were questions.

C. Beyond 34 Update

Ms. Balz stated this was an item Ms. Hurley requested at the last meeting. Out of the Beyond 34 initiative, there were three working groups that were formed: 1) business working group, 2) residential recycling outreach group, 3) organics group.

Ms. Balz stated that Ms. Cropenbaker has been working on a waste audit tool kit that will have all the different how to do a waste audit, the types of audits, and videos.

Ms. Balz stated the residential recycling outreach working group has fallen flat and that the hope at the last meeting was to be able to get input from the organizations that were involved such as P & G and Coca Cola on the residential recycling campaign to be developed. A campaign has not been developed but staff is working on that now so hopefully, we get that input.

Ms. Balz stated that organics group was led by Robin Henderson from the City of Cincinnati and Jenny Lohmann from our office, but Jenny retired in June. Ms. Balz stated that Ms. Henderson has been working on those initiatives and they align very closely with the Great Lakes Cohort initiatives with NRDC that they have been involved in and there has been a lot of work on especially food rescue infrastructure.

Ms. Balz asked Mr. Gedert if he had anything to add. Mr. Gedert stated that Ms. Balz did a great job and stated that Beyond 34 was no longer funded through the Chamber; there is no funding channels and grants at the moment but he does envision that the three groups mentioned could gain funding through the infrastructure dollars that were approved through congress and these projects could be regenerated as funding becomes available which was the stopping point in the discussions in the past.

A brief discussion ensued.

D. Third Quarter Performance Measures

Ms. Balz asked r the Committee to review and let her know if they had any questions.

E. Environmental Enforcement Program

Ms. Balz stated that Attachment D showed activities since January of cases investigated and a map of where the complaints were in the county and asked if there were any questions.

Mr. Rajagopal discussed litter and cameras, and cameras stolen in Colerain Township. Mr. Gedert stated that there was infrastructure money for litter that was in streams that specifically led to the ocean. He believes these funds will be available six to nine months from now for cameras and litter abatement activities.

F. 2021 Awards

Ms. Balz stated that Mr. Bradford and Ms. Cherry were handling the awards this year. Mr. Bradford stated that as covid is still lingering, we will not be having an in-person awards ceremony; instead, we will be doing individual social media spotlights which includes write-ups for each winner which will start at the beginning of the year.

Policy Committee Meeting

November 17, 2021

Page 17

Mr. Bradford stated that the physical awards are coming from a local business that is 513Green Certified . It is really nice to see this relationship come full circle.

7. FUTURE AGENDA ITEMS

Mr. Gedert stated that he would be interested in an update of our accounting of methane emissions from all of the landfills in the county and would like to have a discussion. Mr. DiPuccio asked if this could be expanded to methane emissions in general. Mr. Gedert concurred.

8. POLICY COMMITTEE MEMBERS' COMMENTS

There were no Policy Committee member comments.

Ms. Driehaus reiterated that a Rules Subcommittee meeting will occur in the next 2 weeks with a Policy Committee meeting following before December 16 as this is the last Commissioners meeting in 2021.

10. UPCOMING DISTRICT MEETINGS

The next regularly scheduled Hamilton County Solid Waste Policy Committee meeting will be held on Wednesday, January 19, 2022. The meeting will be a hybrid of in person for Committee members/staff and Zoom for others wishing to attend virtually. The meeting will begin at 1:30 p.m. at 250 William Howard Taft Road, 1st Floor, Cincinnati, Ohio 45219. Meeting information will be sent at a later date.

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

Ms. Driehaus asked for a motion to adjourn. Ms. Hurley moved; Mr. Gedert seconded. All were in favor and the meeting was adjourned at 3:24 p.m.