



MEMORANDUM

TO: Rob Brundrett
FROM: Elyse Akhbari
DATE: July 20, 2017
RE: Alternative Daily Cover Fee Exemption Amendment

I. Alternative Daily Cover

In the most recent Budget Bill, the Ohio Legislature passed an amendment related to the Ohio Environmental Protection Agency's use of fees levied on "alternative daily cover" also known as "ADC." ADC is cover material, other than earthen material, placed on the surface of the active face of a municipal solid waste landfill at the end of each operating day. Its use is to control vectors, fires, odors, blowing litter, and scavenging. Examples of previously-approved ADC material has included contaminated soil, foundry sand, slag, and certain industrial residuals (i.e. filter cakes).

II. Regulation of ADC

Before material may be used as ADC, the Director of Ohio EPA must approve the material in question. Proposed material is typically approved if the material is non-organic, and the owner or operator can demonstrate to the satisfaction of the Director that the proposed material provides protection that is comparable to six inches of soil and is protective of human health and the environment. The owner or operator must obtain written approval to use solid waste for daily cover prior to utilizing the solid waste.

ADC is typically categorized as a "solid waste." As such, under the previous iteration of Ohio Revised Code Chapter 3734, it had many different fees associated with its use. These fees included:

- **State fees:** \$4.75 per ton of ADC;
- **Local fees:** Between \$1.00 and \$2.00 per ton of ADC generated and disposed of within a solid waste management district *or* an amount between \$2.00 and \$4.00 per ton of solid waste generated outside the district; and
- **Township fees:** \$0.25 per ton paid to the township hosting the solid waste landfill.

III. R.C. 3734.578 Amendment

Pursuant to a lobbying effort by OMA and others seeking to reuse and repurpose ADC, the recently passed Budget Bill expands the affordability of using approved ADC by excluding the ADC from local and state fees. The language of the Amendment reads:

Sec. 3734.578. Fees applicable to solid waste under this chapter do not apply to solid waste that the director of environmental protection approves for use as alternative daily cover in accordance with rules adopted under section 3734.02 of the Revised Code and that is used as alternative daily cover in accordance with those rules.

IV. Positive Impact for Manufacturers

This Amendment is a positive development for industries throughout the State who generate materials that could possibly be used as ADC. This includes a wide variety of materials such as bottom ash, geosynthetics, and coal combustion residuals, among others. Because of this new Amendment, companies who produce such materials can seek to reuse these materials for use as ADC without being responsible for the somewhat onerous fees that typically accompany solid waste disposal. Combined, businesses can save between \$6.00 and \$9.00 per ton of ADC generated and reused at a solid waste landfill.

Additionally, the Amendment encourages manufacturers to find new ways to repurpose such materials in a way that could generate new business relationships, cut down on on-site waste storage, and perhaps even eliminate the need to “dispose” of materials in a traditional sense. The hope is that innovative industry leaders will look to repurpose materials generated from their manufacturing practices, and benefit from the fee exemption in coming up with new and different ways to use ADC.

Businesses who believe they may be currently generating ADC-approvable materials should contact Ohio EPA regarding potential approval and look for new relationships in their area with landfill owners and operators who may be interested in reuse of that material. The following link has additional information regarding ADC requests and contact information. http://www.epa.ohio.gov/portals/34/document/guidance/gd_654.pdf

V. Additional Reuse and Resale Opportunities

Organizations interested in additional reuse and resale opportunities should also look to take advantage of the recently launched Ohio Materials Marketplace (OMM). Begun by Ohio EPA, the OMM is a collaboration between public and private organizations. The online service allows Ohio businesses, not-for-profits and government organizations to advertise via an online platform and acquire potentially useful products and materials that might otherwise be destined for disposal in landfills. More than 260 organizations have already signed up for the program, and just this week the first transaction using the OMM took place. More information can be found in the following press release from Ohio EPA: <http://www.epa.state.oh.us/News/OnlineNewsRoom/NewsReleases/TabId/6596/ArticleId/1164/1>

[anguage/en-US/ohio-epa-announces-first-transaction-via-ohio-materials-marketplace.aspx](http://www.ohio-materials-marketplace.org/anguage/en-US/ohio-epa-announces-first-transaction-via-ohio-materials-marketplace.aspx).

Interested parties can also look for opportunities and information regarding postings at:
<http://www.ohio-materials-marketplace.org/>.