

Draft Report

**ISSUE PAPER 3
DISTRICT SITING STRATEGY**

Hamilton County Solid Waste Management
District

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R. W. BECK

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Letter of Transmittal
Certificate of Engineer
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Attachment A – Hamilton County Solid Waste Management District - Current Siting Strategy

Attachment B – Clark County Solid Waste Management District - Current Siting Strategy



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ISSUE PAPER 3

DISTRICT SITING STRATEGY

1.2 Purpose

The purpose of this issue paper is to evaluate the strengths and weaknesses of the Hamilton County Solid Waste Management District's (District) current solid waste facility siting strategy and explore potential siting strategy options:

- Retaining the current siting strategy;
- Applying all or portions of the existing siting strategy to the privately owned solid waste facilities; and,
- Supplementing the existing siting strategy with District education on solid waste facility operations and siting.

1.3 Current Siting Strategy

According to the 1996 Plan update:

“The purpose of the siting strategy is to provide a fair and objective mechanism by which solid waste management facilities may be sited. The siting procedure is mandatory for all new and expanded District-owned, contracted or financed facilities (District facilities). The District will serve as an information resource during the siting of private solid waste facilities if requested by any of the affected parties. Additionally, if requested by all affected parties and approved by the District Board, the District will provide mediation services.

The final decision on sites for District facilities will be made by the District Board of Directors (Hamilton County Board of Commissioners). It will be based on the following principles and process, as well as the recommendations of a task force and the District Manager.”

1.3.1 Principles

In the District's initial and 1996 Plan update, the following principles were identified for applying the siting strategy process to District facilities:

- Full public involvement from the earliest stages of the siting process, shall be encouraged and actively solicited;
- During preliminary site evaluations, all potential sites shall be considered;
- Site selection must be a process fully open to all in order to foster a sense of trust;

- The potential impact upon property values and quality of life for individuals and neighborhoods adjacent to a solid waste facility must be fully acknowledged;
- Quality of life has value that must be considered during the siting process, the development of facility operational procedures, and enforcement of operational requirements;
- The siting process, whenever possible, must be voluntary and competitive;
- Negotiations between facility owners and neighbors is the preferred method to resolve issues;
- Prior to any decision there must be full research and disclosure of all facts and proposals;
- The need for the proposed facility, its impacts, and the results of not siting the facility must be considered by all parties in the negotiations;
- The District must plan, and act, in advance of need, i.e., avoid crisis management;
- It is essential that all parties have access to information and that mediation be used for dispute resolution;
- The word "public" has many, often separate, meanings including governments, neighborhoods, and neighbors; and
- All final decisions shall rest with the District Board of Directors.

1.3.2 Site Selection Process

The selection of sites for new District facilities begins with the approval by the District Board of a District facility. The Site Selection process is then comprised of the three following stages:

- Establishment of Siting Task Force;
- Review of District Ranking Criteria and Available Sites; and
- Selection of Sites.

A brief overview of these three stages is provided below, and the complete siting strategy is provided in Attachment A.

1.3.2.1 Stage 1 -- Establishment of the Siting Task Force

Considerations for Stage 1 include:

- **Appointment of Siting Task Force:** The Board of Directors will appoint the members of the Task Force.
- **Formation of a Public Participation Group (PPG):** The Board of Directors will appoint members to this group with membership open to the general public. The purpose of the PPG will be to ensure an avenue by which the concerns of the general public may be directed to the Task Force.

- **Mediation:** Formal affirmation by the Task Force that mediation will be used, if necessary, to avoid and settle disputes.
- **Rules and Regulations of District:** The Task Force will review current District rules and regulations.
- **Rules and Regulations of Ohio and U.S. EPA:** The Task Force will review current Ohio and U.S. EPA regulations.
- **Review Siting Criteria:** The Task Force will review Ohio EPA and District siting criteria.
- **Operational Guidelines:** The Task Force and District staff will develop operational guidelines for facilities.
- **Background Information:** The District will obtain and compile data on political jurisdictions, available land use data, population density, transportation routes, and other background information.
- **Data on Resources:** The District or representative (consultant) will obtain and compile data on such subjects as rivers, streams, wetlands, watershed boundaries, floodplain and aquifer boundaries, public waste systems, historical or archeological sites, and information on other criteria such as parks and conservancy districts, airports, natural areas, wildlife areas, and threatened species habitats.
- **Maps and Reports:** The District will illustrate data on maps and develop reports for use by the Task Force.
- **Siting Exclusionary Criteria:** The Task Force will apply the Ohio EPA siting exclusionary criteria.
- **Potential Sites:** The Task Force applies District siting criteria to areas of the District not deemed exclusionary. These criteria will be applied separately for each facility. This Task Force will identify potential sites within the areas not excluded.

1.3.2.2 Stage 2 -- Review of District Criteria and Available Sites

The major tasks of Stage 2 are as follows:

- **Community Notification:** The Task Force will transfer information and explanation of site selection process to those communities where potential sites for future solid waste management facilities exist.
- **Public Meetings:** Public meetings will be conducted by the Task Force to explain Ohio EPA exclusionary criteria and District ranking criteria.
- **Bidding:** Communities, as represented by their duly elected officials, may offer sites.
- **Weighting and Scoring:** The Task Force will select weighting values for the District Criteria.

- **Expand Task Force:** Representatives from the political jurisdictions most directly affected shall be added to the Task Force by the District Board of Directors.
- **Focus PPG:** The PPG representative will provide the avenue by which the concerns and opinions of potential site neighbors can be expressed to the Task Force.
- **Review of Scoring:** The Task Force will review scoring, based upon additional information provided through the public meetings, expanded Task Force, and public participation group.
- **Recommendations:** The Task Force will recommend preferable sites to the District Board of Directors.

1.3.2.3 Stage 3 -- Selection of Sites

The major tasks of Stage 3 are as follows:

- **Board Review:** District Board of Directors will review the recommended sites and public comments.
- **Site Selection:** District Board of Directors will select sites.

Siting Criteria

During the implementation phase of the District's Solid Waste Management Plan, the District shall require the use of siting criteria for all new and expanded District facilities. These criteria will assist in narrowing a number of possible general areas to potential sites for further consideration under Stage 2. The criteria are divided into exclusionary and ranking categories. The exclusionary criteria are those which are mandated by Ohio EPA regulations. The ranking criteria are those which were established by the District.

Exclusionary Criteria

Exclusionary criteria shall be applied in accordance with applicable Ohio EPA rules and regulations as well as the provisions of Chapter 3734 of the Ohio Revised Code.

District Criteria

The District criteria are divided into four general categories: environmental criteria; suitability criteria; socio-political criteria; and nuisance criteria. These criteria will be applied to all solid waste facilities

Comparison of Potential Sites

Potential sites will be ranked relative to one another to assist the Task Force in developing its recommendations to the District Board of Directors. The system will compare the suitability of sites for a particular type of facility.

Since the District criteria are broad-based in nature, and apply to the siting of all types of solid waste facilities, a scoring system will be used. This system will allow the

Task Force to develop a ranking on a facility-specific basis. This methodology permits some factors to be given greater influence than others.

After determining the weight factor for each of the criteria, an impact rating will be assigned. The impact ratings are site-specific and provide a relative measure of how the various criteria will be affected for each site.

Mitigation factors are those aspects which lessen the impact rating. These mitigation factors may come about as a result of guidelines for operational procedure for each type of facility, or as part of the compensation package agreed upon during the bidding process. These mitigation factors are divided into three general categories: operations and management; design; and compensation.

For each criteria the Weight Factor (A), will be multiplied by the difference between the Impact Rating (B) and the Mitigation Factor (C) to determine the Net Impact (D). The formula is as follows:

$$A \times (B - C) = D$$

The Net Impact scores will be totaled to provide an Overall Impact. This process will be duplicated for each potential site.

The Task Force will consider the Overall Impact, and then select sites. These sites will be recommended to the District Board of Directors for its consideration.

Mediation Process

Non-binding mediation will be used to help avoid and resolve conflicts, disputes, and impasses associated with siting of solid waste facilities. A mediator or otherwise disinterested third party will be brought into the siting process to assure all sides that their views and inputs will be fairly considered. The mediator will act as a link for opposing interests, fostering communications, and encouraging cooperation. The mediator will clarify issues and concerns, offer constructive suggestions, possible compromises, and potential solutions.

1.4 Strengths and Weaknesses of the Current Siting Strategy

R. W. Beck is not able to conclusively assess the strengths and weaknesses of the District's current siting strategy since no District facility has been developed since the establishment of the District in 1988.

However, based on our work in other communities, it appears that the process is well thought out and comprehensive, and the District criteria address many facility siting concerns that are not addressed by State regulation or local zoning. In addition, conversations with certain stakeholders yielded positive feedback about the District's siting strategy and the role of the District in siting solid waste management facilities.

Conversely, other key stakeholders indicated that the District’s siting strategy was deficient because it did not apply to private-sector facilities, which eliminates the consideration of certain environmental, suitability, socio-economical and/or nuisance criteria from being considered when solid waste management facilities are sited.

1.5 Strategies for Addressing Siting Strategy Weakness

Two additional strategies were considered to address the identified weakness in the current siting strategy. They include:

- Applying all or portions of the existing siting strategy to the privately owned solid waste facilities; and,
- Supplementing the existing siting strategy with District education on facility siting.

1.5.1 Applying All or Portions of the Existing Siting Strategy to the Privately Owned Solid Waste Facilities

Some solid waste management districts have included privately-owned solid waste facilities in the siting strategy process. To apply the siting strategy to all solid waste facilities in Hamilton County, the District would need to make, publish and enforce rules in accordance with Division (D) of Section 3734.53 of the Ohio Revised Code which would read:

“No person, municipal corporation, township, or other political subdivision shall construct, enlarge or modify any solid waste transfer, disposal, recycling, or resource recovery facility until general plans and specifications for the proposed improvement have been submitted to and approved by the Hamilton County, Ohio Board of County Commissioners as complying with the Solid Waste Management Plan of the Hamilton County Solid Waste Management District.

General plans and specifications shall be submitted to the attention of the Hamilton County Solid Waste District Coordinator.

No person, municipal corporation, township, or other political subdivision shall construct, modify or enlarge any solid waste transfer, disposal, recycling, or resource recovery facility that does not comply with the Hamilton County, Ohio Solid Waste Management Plan, as determined by the Board of County Commissioners of Hamilton County, Ohio.”

An example of a solid waste management district that did require privately-owned facilities to comply with their siting strategy is the Clark County Solid Waste Management District (Clark County).

Clark County adopted a rule that requires all solid waste facility developers to submit plans and specifications for their proposed facility to Clark County for review.

Developers are asked to provide information in a format that will facilitate evaluation of the proposed facility relative to siting considerations that are not addressed by State regulations or local zoning, which Clark County refers to as *Clark County-Level Interests*. The list of Clark County-Level interests is included in the copy of the entire Clark County Siting Strategy, which is provided in Attachment B.

1.5.1.1 Clark County Process Outline

The process and timeframe Clark County uses for determining if a proposed facility conforms with *Clark County-Level Interests* is as follows:

APPROXIMATE DAY	ACTION
1	District Coordinator (DC) receives the proposal in a format consistent with the <i>County-Level Interests</i> . (If the information provided to the District is not in the format requested, the Developer will be advised to amend the submission to provide the required information and the process will begin when the information is received.)
7	DC provides summary of proposed facility to the Board. The Board determines if a relevant <i>County-Level Interest</i> exists which requires further review. If they determine that there is not a <i>relevant County-Level Interest</i> that requires further review, they may elect to stop the siting review at this point. If it is determined that a relevant <i>County-Level Interest</i> exists which requires further review, the Board will set a time and date (within approximately 10-15 days) to receive comment from all stakeholders in order to identify <i>relevant areas of potential impacts</i> . They may also request written comment from other agencies, staff, TAC, SWPC, political jurisdictions, or experts in the field in order to consider their opinions as well in order to identify the <i>relevant areas of potential impacts</i> .
21	The Board holds a public meeting to receive comments from all stakeholders in order to identify <i>relevant areas of potential impacts</i> .
28	The Board, having received comments from all stakeholders and all others requested, identifies a list of <i>relevant areas of potential impacts</i> for further evaluation.

The Board directs the DC to gather information and initiate an evaluation of each *relevant area of potential impacts*.

The Board may also request information and opinions from other appropriate agencies, staff, or experts.

90 DC presents all findings to the Board for their review. (DC may request an extension at this point, if necessary, to gather more information before making a final presentation of the findings.) The Board sets a date and time (approximately 7-10 days) to make a determination.

97 The Board, based on information presented by all stakeholders, may choose, at this point, to determine that no relevant County-level concern regarding *relevant potential impacts* of the proposed development exists and the process would be complete.

If the Board determines that County-level concerns regarding *relevant potential impacts* may constitute impacts by the proposed facility that are *significant and adverse* to the local community, the Board will make a *preliminary determination of noncompliance* with the Plan and notify the Developer. They will also set a date and time for a public meeting (approximately 20-30 days) in order to make a final determination.

120 If the Board determines that the *relevant potential impacts* do not constitute impacts by the proposed facility that are *significant and adverse* to the local community, then the Board may determine that the facility complies with the Solid Waste Management Plan.

If the Board has determined that County-level concerns regarding *relevant potential impacts* are likely to result in *significant adverse impacts* on the local community in Clark County, the Board will conduct the most appropriate course of action, including but not limited to:

1. Request an extension and authorize further study (this must be agreed upon by the Developer as well);
2. Negotiate with the proposed facility Developer; or

3. Explicitly disapprove of the site for the development.

Note: If (for any reason) changes are made to the proposal after the facility has been approved by the Board, the Board reserves the right for further evaluation and reconsideration subject to the Process Outline described here.

1.5.1.2 Clark County Siting Strategy Results

The Clark County siting strategy was implemented when Danis-Clarko attempted to develop a solid waste disposal facility in Clark County. The new landfill was initially proposed by Clarko Sanitary Landfill, Inc. in 1988 and was to be located in German Township. Clarko Sanitary Landfill, Inc. merged with Danis Construction to become Danis-Clarko. The proposed landfill development generated significant opposition, and, in 1998, the Clark County Solid Waste Management District determined that this location did not comply with *Clark County-Level Interests* identified in the siting strategy. Danis-Clarko sued the County Commissioners contending that they could not objectively review the landfill plans because they had publicly opposed the landfill. Danis-Clarko also sued the Clark County Solid Waste Management District, alleging that it did not follow Ohio law in the development of its solid waste management plan.

Both suits were eventually dismissed. However, as of 1999, Clark County paid over \$1.5 million in legal fees and to date, no landfill has been sited in Clark County.

1.5.2 Supplementing the Existing Siting Strategy with District Education on Solid Waste Facility Operations and Siting

Another role that the District could play in the siting of solid waste management facilities is to contract with a solid waste trade association such as the Solid Waste Association of North America (SWANA) to conduct informational sessions on solid waste facility operations and siting requirements for citizens who reside near existing or proposed solid waste management facilities. Through this process, concerned citizens will be provided with the tools to objectively assess the impact that a solid waste facility would have on their community and their own quality of life.

These meetings could also be used to identify criteria that participants consider to be siting concerns that are not addressed by state and local zoning regulations, as well as conditions that may facilitate support for a solid waste management facility. This information would be shared with the solid waste facility developers, but use of this information would not be mandated.

1.6 Siting Strategy Options – Strengths and Weaknesses

Option	Strengths	Weaknesses
<p>Option 1 Status Quo</p>	<ul style="list-style-type: none"> ■ Requires consideration of all potential District sites. ■ Requires extensive public involvement. ■ Includes flexible scoring system which allows for consideration of concerns specific to a particular facility type and for weighting of some concerns as more significant than others. ■ Considers exclusionary criteria as well as district criteria. ■ Is relatively expedient. ■ Likelihood of expensive legal battles is minimized. 	<ul style="list-style-type: none"> ■ Does not include a public education component – so while public concerns are voiced, they may not be based on factual information. ■ Does not include facilities to be sited by private entities.
<p>Option 2 Apply All or Part of Current Strategy to Private Facilities</p>	<ul style="list-style-type: none"> ■ Requires consideration of all potential sites. ■ Requires extensive public involvement. ■ Includes flexible scoring system which allows for consideration of concerns specific to a particular facility type and for weighting of some concerns as more significant than others. ■ Considers exclusionary 	<ul style="list-style-type: none"> ■ Does not include a public education component – so while public concerns are voiced, they may not be based on factual information. ■ May prolong the process considerably – potentially discouraging private entities from constructing needed facilities.

Option	Strengths	Weaknesses
	<p>criteria as well as district criteria.</p> <ul style="list-style-type: none"> ■ Addresses siting considerations/concerns for all potential facilities, including private facilities. 	<ul style="list-style-type: none"> ■ May increase the likelihood of high legal fees being paid by the District. ■ May redirect District staff time from waste reduction programs to administering the siting strategy.
<p>Option 3 Supplementing the Existing Siting Strategy with District Education on Facility Siting</p>	<ul style="list-style-type: none"> ■ Same strengths as in Option 1 ■ Educational component may ensure that public concerns are based on information, not misinformation. 	<ul style="list-style-type: none"> ■ Does not include facilities to be sited by private entities. ■ Citizens that are concerned about facility siting may not participate.

1.7 Key Issues

The following are key questions which require input from the Policy Committee:

1. Should the existing siting strategy be modified?
2. Are there any additional strengths and weaknesses in the two modification strategies that should be included in the analysis?
3. Are there any other siting strategy modifications that should be considered?
4. Should the District's siting strategy be applied to privately-owned solid waste facilities?
5. Should the District's siting strategy be supplemented with District education on solid facility operations and siting?

ATTACHMENTS

Appendix A

HAMILTON COUNTY SOLID WASTE MANAGEMENT DISTRICT

CURRENT SITING STRATEGY

Purpose

The purpose of the siting strategy is to provide a fair and objective mechanism by which solid waste management facilities may be sited. This strategy seeks to address the concerns of all interested parties. The final decision on sites for facilities will be made by the District Board of Directors (Hamilton County Board of Commissioners). It will be based on this process, as well as the recommendations of a task force and the District Manager.

The siting procedure is mandatory for all new and expanded District-owned facilities. For purposes of this plan, expanded is defined as an expansion of existing facilities which requires the submittal of a new permit application to the Ohio EPA. Revisions will be made to the siting strategy to incorporate changes in law or legal interpretations.

Principles

Flexibility will be required in the siting process. While affording this latitude, the following principles will be the basis for applying the process.

- Full public involvement from the earliest stages of the siting process shall be encouraged and actively solicited.
- During preliminary site evaluations all potential sites shall be considered.
- Site selection must be a process fully open to all in order to foster a sense of trust.
- The potential impact upon property values and quality of life both for individuals and neighborhoods adjacent to a solid waste facility must be fully acknowledged.
- Quality of life has value that must be considered during the siting process, the development of facility operational procedures, and enforcement of operational requirements.
- The siting process, whenever possible, must be voluntary and competitive.
- Negotiations between facility owners and neighbors is the preferred method to resolve issues.

- Prior to any decision there must be full research and disclosure of all facts and proposals.
- The need for the proposed facility, its impacts, and the results of not siting the facility must be considered by all parties in the negotiations.
- The District must plan, and act, in advance of need, i.e., avoid crisis management.
- It is essential that all parties have access to information and that mediation be used for dispute resolution.
- The word "public" has many, often separate, meanings including governments, neighborhoods, and neighbors.
- All final decisions shall rest with the District Board of Directors.

Site Selection

The selection of sites for new District-owned solid waste management facilities begins with the approval by the District Board of a District-owned contracted or financed solid waste management facility. The Site Selection process will be comprised of the three following stages:

- Establishment of Siting Task Force
- Review of District Ranking Criteria and Available Sites
- Selection of Sites

Stage 1 -- Establishment of the Siting Task Force

Stage 1 encompasses more than the formation of a Siting Task Force which will conduct the siting process. In addition to members of the Task Force being appointed, decisions regarding mediation will be made, and the pertinent preliminary information that the Task Force will use to make its recommendations will be compiled.

The District will provide the Task Force with support and assistance in making site recommendations for facilities through extensive public involvement. The efforts under Stage 1 will involve the completion of 12 major tasks. These tasks are as follows:

1. Appointment of Siting Task Force: The Board of Directors will appoint the members of the Task Force. The Task Force will include but not be limited to representatives of the following:
 - Hamilton County Township Trustees Association
 - Hamilton County Municipal League
 - City of Cincinnati
 - District-wide environmental organizations
 - Business community

- Public
- District Policy Committee Representative
- Health Department Representative(s)
- County Commissioners
- PPG Representative

These individuals will comprise the core of the Siting Task Force. Other members will be added when the process becomes more site specific. No member of the Task Force can have a monetary interest in a facility which would be considered by the Task Force. It is anticipated that at least one representative from the waste industry will be included. The District will provide staff assistance and consultants as required and approved by the District Board of Directors.

2. Formation of a Public Participation Group (PPG): The Board of Directors will appoint members to this group with membership open to the general public. The purpose of the PPG will be to ensure an avenue by which the concerns of the general public may be directed to the Task Force. The representative of the PPG will advocate the concerns, interests, and visions of those citizens. This group shall also have access to District resources. A representative of this group will be assigned to the Siting Task Force as described above.
3. Mediation: Formal affirmation by the Task Force that mediation will be used, if necessary, to avoid and settle disputes.
4. Rules and Regulations of District: The Task Force will review current District rules and regulations.
5. Rules and Regulations of Ohio and U.S. EPA: The Task Force will review current Ohio and U.S. EPA regulations.
6. Review Siting Criteria: The Task Force will review Ohio EPA and District siting criteria.
7. Operational Guidelines: The Task Force and District staff will develop operational guidelines for facilities.
8. Background Information: The District will obtain and compile data on political jurisdictions, available land use data, population density, transportation routes, and other background information.
9. Data on Resources: The District or representative (consultant) will obtain and compile data on such subjects as rivers, streams, wetlands, watershed boundaries, floodplain, aquifer boundaries, public waste systems, historical or archeological sites, and information on other criteria such as parks and conservancy districts, airports, natural areas, wildlife areas, and threatened species habitats.
10. Maps and Reports: The District will illustrate data on maps and develop reports for use by the Task Force.

11. Siting Exclusionary Criteria: The Task Force will apply the Ohio EPA siting exclusionary criteria.
12. Potential Sites: The Task Force applies District siting criteria to areas of the District not excluded under Task 11 of Stage 1. These criteria will be applied separately for each facility. This Task Force will identify potential sites within the areas not excluded under Task 11.

Stage 2 -- Review of District Criteria and Available Sites --

The major tasks of Stage 2 are as follows:

1. Community Notification: The Task Force will transfer information and explanation of site selection process to those communities where potential sites for future solid waste management facilities exist.
2. Public Meetings: Public meetings will be conducted by the Task Force to explain Ohio EPA exclusionary criteria and District ranking criteria. Residents and property owners within 0.5 miles of the site(s) will be notified, invited, and encouraged to attend Task Force meetings. Notification will occur only once. Potential areas which were identified in Stage 1 will be reviewed. District criteria and how they have been applied will be explained. Bidding process by which communities may offer, or bid, to have facilities sited in their communities will be explained.
3. Bidding: Communities, as represented by their duly elected officials, may offer sites. Any group, community, private entity, or land owner may initiate this offering, or bidding process. This offer may not be vetoed outright by others. If no offers are presented, the Task Force will review potential areas for sites.
4. Weighting and Scoring: The Task Force will select weighting values for the District Criteria. The weighting values are facility specific with the value for identical criteria remaining the same for each site. Criteria will be scored for each site on a comparative basis.
5. Expand Task Force: Representatives from the political jurisdictions most directly affected shall be added to the Task Force by the District Board of Directors.
6. Focus PPG: The PPG representative will provide the avenue by which the concerns and opinions of potential site neighbors can be expressed to the Task Force.
7. Review of Scoring: The Task Force will review scoring, based upon additional information provided through the public meetings, expanded Task Force, and public participation group.
8. Recommendations: The Task Force will recommend preferable sites to the District Board of Directors.

Stage 3 -- Selection of Sites

The major tasks of Stage 3 are as follows:

- Board Review: District Board of Directors will review the recommended sites and public comments.
- Site Selection: District Board of Directors will select sites.

Siting Criteria

General

During the implementation phase of the District's Solid Waste Management Plan, the District shall require the use of siting criteria for all new and expanded District-owned facilities. These criteria will assist in narrowing a number of possible general areas to potential sites for further consideration under Stage 2. The criteria are divided into exclusionary and ranking categories. The exclusionary criteria are those which are mandated by Ohio EPA regulations. The ranking criteria are those which were established by the District.

Exclusionary Criteria

Exclusionary criteria shall be applied in accordance with applicable Ohio EPA rules and regulations as well as the provisions of Chapter 3734 of the Ohio Revised Code.

District Criteria

The District criteria are divided into four general categories: environmental criteria; suitability criteria; socio-political criteria; and nuisance criteria. These criteria will be applied to all solid waste facilities. These criteria include but are not limited to the following:

Environmental Criteria

- Endangered Species - Sites should minimize the affect on the habitat of known rare or endangered species.
- Screening - To the extent practical natural screens such as trees and topography should be used when selecting sites.
- Aquifer Location - Aquifers should be considered when locating facilities. The potential impacts on aquifer and public water supplies should be evaluated.
- Well Head Exclusion Zone - Preferred sites should not be located within a well head protection zone of a public potable well.
- Air Quality - Sites should minimize adverse impacts on air quality. Such factors as buffer zone distances, natural air currents, prevailing winds, and facility design should be considered with relation to air quality especially for landfills and composting facilities.
- Archeology - Sites should not impact known archeological or historical locations.

Suitability Criteria

Suitability criteria encompass those aspects having to do with the location, size, shape, use, and accessibility of the site.

- **Site Location** - While still satisfying other criteria, the facility should be located as close as possible to the waste generation areas to minimize the transportation of waste. For areas with widely dispersed waste generation, a system of facilities may be more economical, using transfer stations to service a single solid waste management facility or siting more than one waste management facility. Environmental and/or public opinion factors may outweigh the economic savings of a close location and require a more remote site.
- **Traffic** - Sites should minimize congestion and adverse safety effects of facility traffic on the existing traffic flows in the vicinity of the site. Turning functions, site distance from areas of heavy traffic congestion, facility traffic volume, noise, and aesthetics are examples of factors to consider.
- **Accessibility** - The facility should be easily accessible from major roadways. The number and type of trucks and transfer vehicles which will be using the facility should be considered. Transporting waste through residential or commercial areas should be minimized. Good access from appropriate roads will minimize impact on residential streets, reduce impact on normal traffic flow, and lower transportation time and expense. Also, the facility should be located at a reasonable distance from waste generation or other related waste management facilities to minimize transportation.
- **Site Size and Shape** - Sites should be large enough for the facility buildings and structures, construction areas and open space buffer areas. There should be sufficient space to accommodate such elements as optimum vehicle movement, parking areas, queuing space, and private vehicle/truck separation.
- **Land Availability** - Sites should be readily available for acquisition at a reasonable cost. Site acquisition should not require condemnation of properties.
- **Single Ownership** - Sites should be comprised of a single piece of property in order to limit the number of parties involved.
- **Existing Land Use** - Sites should be located a reasonable distance away from residential, community, and commercial development. However, the site should be conveniently located.
- **Existing Zoning** - Sites should be compatible with existing zoning.
- **Access to Utilities** - Sites should have ready access to required utilities. These will include electricity for both purchase and sale of power (as appropriate), potable water, process water, wastewater disposal, and telephone. Utilities should have adequate capacity to supply the facility with its design requirements.
- **Access to Markets** - Convenient access to the markets for materials recovered at a facility may be an important factor, depending upon the type of facility and the materials. Market determination is usually based on the market value of the material and the transportation cost to that specific market.

- Topography - Sites should have topographic characteristics which are compatible with the type of facility being sited.
- Soils - Soils of the site must be adequate to support structures, roads and highways without adverse impacts or excessive costs. Some soils types and properties may make development of a site difficult due to excessive costs or difficulty in providing adequate structural support.
- Airports - Federal Aviation Administration (FAA) regulations require that certain solid waste facilities be situated no less than specified distances from airports. Preferable sites should adhere to these FAA regulations.

Socio-Political Criteria

- Impact on Surrounding Areas - Sites should cause minimal environmental or economic impacts on surrounding areas. Public opinion can be a major factor in the relative importance this criterion.
- Public Attitude - Sites should minimize public opposition by maximizing the sites conformance to the District's suitability and environmental criteria.
- Governmental Cooperation - Sites should be located within the District or within the jurisdiction of the facility owner to reduce intergovernmental conflicts.
- Public Participation - The process of selecting a site should be an open process with encouragement of public involvement, ample opportunity for public comment, and review of documents, plans, and potential impacts.

Nuisance Criteria

- Noise - Sites should have a minimum adverse impact on noise levels in surrounding residential or other noise-sensitive areas. Noise levels may result from traffic to and from the facility, construction and operation of the facility. Attempts should be made to maintain background or ambient levels.
- Dust - Depending upon facility type, if dust is a factor to be considered, topography and prevailing winds should be considered.
- Odor - Where odor may be a problem, potential sites should be situated so as not to exacerbate the problem due to common temperature inversions, topography or prevailing winds.

Comparison of Potential Sites

General

Potential sites will be ranked relative to one another to assist the Task Force in developing its recommendations to the District Board of Directors. The system will compare the suitability of sites for a particular type of facility.

Since the District criteria are broad based in nature, and apply to the siting of all types of solid waste facilities, a scoring system will be used. This system will allow the Task Force to develop a ranking on a facility specific basis. It permits some factors to be given greater influence than others.

After determining the weight factor for each of the criteria, an impact rating will be assigned. The impact ratings are site specific and provide a relative measure of how the various criteria will be affected for each site.

Mitigation factors are those aspects which lessen the impact rating. These mitigation factors may come about as a result of guidelines for operational procedure for each type of facility, or as part of the compensation package agreed upon during the bidding process. These mitigation factors are divided into three general categories: operations and management, design, and compensation. These factors include but are not limited to the following:

Operations and Management -- Hours of Operation

- Traffic Routing.
- Traffic Safety Devices.
- Traffic Safety Enforcement.
- Street Cleaning.
- Nuisance (e.g. odor control, dust, litter control).
- Wheel Washing.
- Right for Local Inspection.
- Commitment to Ongoing Communications with Neighbors.

Design

- Landscaping/Berming.
- Final Land Use Plan.
- Local Ordinance Compatibility.
- Fencing.
- Development of Non-fill Areas.

Scoring and Ranking

For each criteria the Weight Factor (A), will be multiplied by the difference between the Impact Rating (B) and the Mitigation Factor (C) to determine the Net Impact D. The formula is as follows:

$$A \times (B - C) = D$$

The Net Impact scores will be totaled to provide an Overall Impact. This process will be duplicated for each potential site.

The Task Force will consider the overall impact and then select sites. These sites will be recommended to the District Board of Directors for its consideration.

The District will meet with neighbors and community representatives associated with the potential sites. The District will provide written detail on the specifics of the proposed facility including purpose, design, construction, capacity, operational procedures, and performance guarantees. Also, the District will make available information on similar facilities and access to technical consultants.

Mediation Process

Non-binding mediation will be used to help avoid and resolve conflicts, disputes, and impasses associated with siting of solid waste facilities. A mediator or otherwise disinterested third party will be brought into the siting process to assure all sides that their views and inputs will be fairly considered. The mediator will act as a link for opposing interests, fostering communications, and encouraging cooperation. The mediator will clarify issues and concerns, offer constructive suggestions, possible compromises, and potential solutions.

A mediator should be used when the parties need help in establishing communications. The mediator may be used under circumstances which follow:

- When excessive personal time on the part of Task Force members or District would be demanded.
- When the direction of a negotiated outcome is contrary to current District policy.
- When the parties need help in establishing communication.
- When special group process skills are needed.
- When sensitive information is involved.
- When fresh ideas/potential solutions are needed.
- When negotiations are threatened by disagreements within groups.
- When a process is not working.

A mediator will be selected by the District, with the recommendation of the Task Force, at the beginning of the siting process. This will help assure that the siting process is evenly and fairly addressed. One basis on which the mediator will be selected is impartiality.

The mediation process will be helpful for difficult issues. The preferred way to avoid an impasse is to have a mediator address issues before conflict arises. The District Manager will develop lines of communication with interested parties and will coordinate the selection process. It may be advisable for the District Manager to play as minor a role as possible to assure overall acceptance of the mediator. The Chair of the District Board of Directors will define the role of the District Manager.

The Manager will need to identify the various interest groups and incorporate them into the selection process.

Siting of Private Facilities

As previously addressed, the District's siting strategy will only be applied to District-owned facilities. The District will serve as an information resource during the siting of private solid waste facilities if requested by any of the affected parties. Additionally, if requested by all affected parties and approved by the District Board, the District will provide mediation services.

Appendix B

**CLARK COUNTY SOLID WASTE MANAGEMENT
DISTRICT**

CURRENT SITING STRATEGY

General Acknowledgments

One role accepted by the District is to consider the impact of any new solid waste facility siting on the overall community. District Rule 1-796 presently provides that:

“No person, municipal corporation, township, or other political subdivision shall construct, enlarge, or modify any solid waste transfer, disposal, recycling, or resource recovery facility until general plans and specifications for the proposed improvement have been submitted to and approved by the Clark County, Ohio Board of County Commissioners as complying with the Solid Waste Management Plan of the Clark County Solid Waste Management District.”

“General plans and specifications shall be submitted to the attention of the Clark County Solid Waste District Coordinator at the Garfield Building, 25 W. Pleasant Street, Springfield, Ohio 45506.”

“No person, municipal corporation, township, or other political subdivision shall construct, modify or enlarge any solid waste transfer, disposal, recycling, or resource recovery facility that does not comply with the Clark County, Ohio Solid Waste Management Plan, as determined by the Board of Commissioners of Clark County, Ohio.”

The District’s authority to require a developer to obtain the Board’s approval of general plans and specifications for a proposed facility pursuant to District Rule 1-796 was the subject of a federal court challenge in 1998. In rejecting the developer’s challenge, the court determined that the Board has the authority to adopt and enforce District Rule 1-796, and that the Board is vested with broad discretion regarding whether to approve or disapprove general plans and specifications for a proposed solid waste facility. It is the Board’s intention, therefore, to continue the requirement that no one may construct, enlarge or modify a solid waste facility within the District unless and until the developer of the proposed facility has obtained approval of general plans and specifications by the Board. The Board reserves the right to disapprove general plans and specifications for a proposed solid waste facility for any articulated reason that supports a determination that disapproval is in the best interests of the

community, and will not have a significant adverse impact on implementation of the District's solid waste management plan.

While the Board has broad discretion to disapprove general plans and specifications for a proposed solid waste facility, it is the intent of the siting review procedure set forth below that the Board shall not approve general plans and specifications for a proposed solid waste facility unless the proposed facility complies with the District's solid waste management plan as demonstrated by the Board's determination that the proposed facility is not likely to have any *significant adverse impacts* on the local community in Clark County. The specific interests of the county level of government that are addressed in the siting review procedure are not intended to supersede any exercise of local authority over a proposed solid waste facility, but are in addition to any such exercise of local authority.

The siting review process set forth below has been carried over from the District's 1996 Solid Waste Management Plan. The siting review process was applied to a proposed new sanitary landfill in 1998, which resulted in a determination by the Board of Commissioners that the general plans and specifications for the proposed landfill should not be approved. Since then, there have been no significant changes in the solid waste needs or composition of the District. The District does not need additional solid waste management capacity to demonstrate its ability to manage local solid wastes for the planning period specified in this amended Solid Waste Management Plan.

The District will attempt to approach any facility siting review cooperatively, and will attempt to maintain an open channel of communication with all stakeholders in the process in order to examine relevant issues of concern to the public.

The Board shall have the discretion to approve or disapprove general plans and specifications for the proposed construction, enlargement or modification of a solid waste facility located within the District, based upon the Board's determination of impacts on the local community in Clark County with respect to any of the following *County-level Interests*:

- Consistency with the Mission, Central Strategies and projections contained in the District's Solid Waste Management Plan;
- Effects on financing the implementation of the District's Solid Waste Management Plan;
- The local economy (e.g. cost/benefit analysis of waste disposal costs, revenues/expenditures, job creation etc.);
- Licensing and inspection responsibilities of the Combined Health District;
- Enforcement responsibilities of local law enforcement and emergency response officials;
- Clark County's Comprehensive Plan;
- Availability of needed solid waste services;
- Related-infrastructure (e.g. thoroughfares);

- Local quality of life issues (e.g. noise and litter);
- Local political subdivisions;
- Local property values;
- Important historic or cultural features;
- Long-term and post-closure benefits or effects of the proposed facility; and
- Any other social or economic matter that may affect the local community, provided that the Board of Commissioners, in evaluating these interests and the other interests identified above, shall not address facility design issues that are within the exclusive purview of the Ohio Environmental Protection Agency.

Applicability

The District will maintain rule-making authority to require solid waste facility developers to submit plans and specifications for their proposed facility to the District for review. Developers will be asked to provide information in a format that will facilitate evaluation of the *County-level Interests*. Information relative to the *County-level Interests* (listed above) would be appropriate for submission. Developers should not submit information that is not directly related to the District's evaluation of the *County-level Interests*, such as materials that are required by Ohio EPA concerning the proposed facility's compliance with engineering design criteria, because including such extraneous information in the application for siting approval may delay performance of the siting review process. The District is proposing to amend District Rule 1-796 in order to clarify the requirements for submitting general plans and specifications. The amended Rule provides as follows:

“No person, municipal corporation, township, or other political subdivision shall construct, enlarge or modify any transfer, disposal, recycling, resource recovery or other solid waste facility within the Clark County, Ohio, Solid Waste Management District until general plans and specifications for the proposed improvement have been submitted to and approved by the Clark County, Ohio Board of County Commissioners as complying with the Solid Waste Management Plan of the Clark County Solid Waste Management District.”

“General plans and specifications shall be submitted to the attention of the Clark County Solid Waste District Coordinator at the Garfield Building, 25 W. Pleasant Street, Springfield, Ohio 45506. Such general plans and specifications shall include all information necessary for the Board of Commissioners to evaluate the County level interests identified in the siting review process contained in the District's Solid Waste Management Plan. General plans and specifications submitted to comply with this Rule shall not include information that is required to determine the proposed facility's compliance with engineering design criteria or which address issues

that do not directly relate to the County level interests identified in the District's Plan. The submission of any such extraneous material may be cause for the Board to require the developer to submit revised general plans and specifications which contain information that is appropriate for the siting review process."

"No person, municipal corporation, township, or other political subdivision shall construct, enlarge or modify any transfer, disposal, recycling, resource recovery or other solid waste facility within the District that does not comply with the Clark County, Ohio Solid Waste Management Plan, as determined by the Board of Commissioners of Clark County, Ohio."

Any proposed construction, enlargement or modification of a solid waste facility located within the District is subject to the Clark County siting review process. The siting review process is designed to take approximately 90-120 days. However, the District reserves the right to extend the process by appropriate amounts of time (up to 60 days), if necessary, for gathering additional information or if further review and evaluation are needed. The District recommends that the Developer complete the siting review process prior to submitting a Permit to Install application to the Ohio EPA so that the developer will have an opportunity to identify and respond to any County level concerns before the developer invests significant time and resources in the Ohio EPA permitting process.

Contact

The Clark County Solid Waste District Coordinator (DC) will serve as the primary contact for local governments, developers, regulators and the public.

Responsible for Implementation

The Board will have general responsibility for the completion of any siting review process. The Board retains discretionary power to utilize the District Technical Advisory Council (TAC), Solid Waste Policy Committee (SWPC), staff, other county and/or state officials and/or technical experts for assistance and advice in the process.

Process Outline

APPROXIMATE DAY	ACTION
1	District Coordinator (DC) receives the proposal in a format consistent with the <i>County-level Interests</i> . (If the information provided to the District is not in the format requested, the Developer will be advised to amend the submission to provide the required information and the process will begin when the information is received.)

- 7 DC provides summary of proposed facility to the Board.
The Board determines if a relevant *County-level interest* exists which requires further review. If they determine that there is not a *relevant County-level interest* that requires further review, they may elect to stop the siting review at this point.
If it is determined that a relevant *County-level interest* exists which requires further review, the Board will set a time and date (within approximately 10-15 days) to receive comment from all stakeholders in order to identify *relevant areas of potential impacts*. They may also request written comment from other agencies, staff, TAC, SWPC, political jurisdictions, or experts in the field in order to consider their opinions as well in order to identify the *relevant areas of potential impacts*.
- 21 The Board holds public meeting to receive comments from all stakeholders in order to identify *relevant areas of potential impacts*.
- 28 The Board, having received comment from all stakeholders, and all others requested, identifies a list of *relevant areas of potential impacts* for further evaluation.
The Board directs the DC to gather information and initiate an evaluation of each *relevant area of potential impacts*.
The Board may also request information and opinions from other appropriate agencies, staff, or experts as well.
- 90 DC presents all findings to the Board for their review. (DC may request an extension at this point, if necessary to gather more information before making a final presentation of the findings.) The Board sets a date and time (approximately 7-10 days) to make a determination.
- 97 The Board, based on information presented by all stakeholders, may choose, at this point, to determine that no relevant County-level concern regarding *relevant potential impacts* of the proposed development exists and the process would be complete.
If the Board determines that County-level concerns regarding *relevant potential impacts* may constitute impacts by the proposed facility that are *significant and adverse* to the local community, the Board will make a *preliminary determination of noncompliance* with the

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Plan and notify the Developer. They will also set a date and time for a public meeting (approximately 20-30 days) in order to make a final determination.

If the Board determines that the *relevant potential impacts* do not constitute impacts by the proposed facility that are *significant and adverse* to the local community, then the Board may determine that the facility complies with the Solid Waste Management Plan.

If the Board has determined that County-level concerns regarding *relevant potential impacts* are likely to result in *significant adverse impacts* on the local community in Clark County, the Board will conduct the most appropriate course of action, including but not limited to:

1. Request an extension and authorize further study (this must be agreed upon by the Developer as well);
2. Negotiate with the proposed facility Developer;
or
3. Explicitly disapprove of the site for the development.

Note: If (for any reason) changes are made to the proposal after the facility has been approved by the Board, the Board reserves the right for further evaluation and reconsideration subject to the Process Outline described here.