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## Trash district to dump counties

### Rule would ban many from Stark landfills. Summit qualifies under separate provision

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Trash disposal in Northeast Ohio is about to take an unusual, confusing and potentially costly twist.

Tired of being the dumping ground for 13 percent of Ohio's garbage, the Stark-Tuscarawas-Wayne Solid Waste Management District is implementing a controversial new rule that blocks counties that recycle less trash than the district does from using its three landfills.

A Beacon Journal review of Ohio Environmental Protection Agency recycling data indicates that 17 counties in northern and eastern Ohio will probably fail to meet the Stark-Tuscarawas-Wayne recycling rate.

In addition to Summit, Portage and Cuyahoga, those counties are Ashtabula, Belmont, Jefferson, Carroll, Columbiana, Harrison, Mahoning, Lorain, Guernsey, Monroe, Morgan, Muskingum, Noble and Washington.

Being banned would cost the counties more to send their trash to landfills in other districts.

Some of the counties, however, including Summit and Portage, will still be able to ship to Stark-Tuscarawas-Wayne under a separate provision that counts access to recycling — the percentage of residents who have access to curbside or drop-off recycling programs. Counties that exceed Stark County's access rate of 58 percent would be allowed to take trash to Stark-Tuscarawas-Wayne landfills.

Summit County's rate is about 91 percent and the Portage rate is about 97 percent.

Cuyahoga does not qualify to bring its trash to the district under either the recycle amount or access provision.

The Stark-Tuscarawas-Wayne district's recycling rule is to take effect June 1. County or multicounty garbage districts that ship trash to American Landfill in Stark's Sandy Township, Countywide Recycling & Disposal Facility in Stark's Pike Township or Kimble Landfill near Dover in Tuscarawas were required to submit applications to the three-county district by Nov. 3.

"It's been more than a little confusing," said Yolanda Walker, executive director of the Summit-Akron Solid Waste Management Authority.

The recycle rule is "very arbitrary . . . and very unfair," she said.

Her agency must comply with state rules, and for another district to create a new set of rules "just does not make sense," she said. "The Stark-Tuscarawas-Wayne district is not a regulatory agency and we shouldn't have to answer to them. . . . That's not right."

Cuyahoga's application includes a long letter protesting the new rule. It also pointed out that Cleveland has a contract to dump at Countywide.

"We're playing the game, but we're not thrilled about it," said Pat Holland, executive director of the Cuyahoga County Solid Waste Management District.

Two-thirds of Cuyahoga County's trash — 1.1 million tons a year — goes into the Stark-Tuscarawas-Wayne landfills and Cuyahoga pays \$2.2 million in fees to the district, Holland said.

He expressed disappointment that the state has not stepped in to block the rule.

The Cuyahoga trash district has little say in where trash gets dumped — that's up to waste producers, local communities and trash haulers, Holland said. And the recycling numbers are estimates, especially in regard to industrial recycling.

David Held, executive director of the Stark-Tuscarawas-Wayne district, said nine applications covering 14 counties, including Summit, Portage and Cuyahoga, have been filed, and they are being reviewed.

Two districts — Mahoning County and Belmont-Jefferson — that have been shipping trash to Stark-Tuscarawas-Wayne have indicated that they will not apply under the new rule and their garbage can go elsewhere.

A few other garbage districts that usually ship to Stark-Tuscarawas-Wayne landfills also did not apply. Held said those districts may be waiting to see what will happen.

On Jan. 2, the Stark-Tuscarawas-Wayne district intends to post a list of counties that can continue to ship their trash to the three landfills, he said.

The district must determine whether its nine-member governing board will grant waivers to counties that do not qualify.

#### Analyzing data

Counties that want to use landfills in the the district had to provide 2005, 2006 and 2007 data that are also submitted to the Ohio EPA on the percentage of residential-commercial trash and the percentage of industrial waste that are recycled.

The two recycling rates, averaged over the three years, must meet or beat Stark-Tuscarawas-Wayne averages under the new recycling rule.

The Stark-Tuscarawas-Wayne averages are 12.4 percent for residential-commercial recycling and 70.3 percent for industrial recycling.

Both Summit and Cuyahoga counties beat the three-county district on residential-commercial recycling, but don't match Stark-Tuscarawas-Wayne on industrial recycling.

The new rule, adopted in late 2006, was challenged by the National Solid Wastes Management Association, a trade group based in Washington, D.C.

Stark Common Pleas Judge Richard D. Reinbold Jr. ruled that the provision is valid and the district is within its rights to reject waste if the shipping counties recycle less than the three-county district.

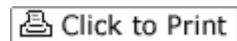
Reinbold's ruling has been appealed to the Ohio 5th District Court of Appeals and a decision is expected soon. Summit and Cuyahoga counties filed briefs with the court supporting the national association.

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