

**Minutes**

Administrative Rules Board  
Thursday, April 16, 2015, 10:30 a.m.  
Administrative Headquarters  
2079 E. Ninth Street, 4<sup>th</sup> Floor – Committee Room B

1. CALL TO ORDER

The meeting was called to order at 10:31 a.m.

2. ROLL CALL

Attending:

- Robert Triozzi, Law Director
- Ruchi Asher, Assistant Law Director (alternate for Nora Hurley)
- Chuck Cavano, Office of Budget & Management (alternate for Chris Murray)
- Michael King, Special Counsel – County Council
- Darlene White, Deputy Director of Law for Risk Management

3. REVIEW AND APPROVAL OF MEETING MINUTES – 4/02/15 meeting

Darlene White motioned to approve the minutes for the April 2, 2015 meeting, as written; Chuck Cavano seconded the motion. The minutes were unanimously approved.

4. PUBLIC COMMENT RELATED TO THE AGENDA

Diane Bickett, Director of the Cuyahoga County Solid Waste District, presented comments related to the Department of Development’s Minimum Demolition and Maintenance Standards rule. She requested that the rule include language limiting disposal of waste to facilities that are licensed by the Ohio EPA. She further recommended that recycling of debris should be limited to facilities that are either certified by, or in the process of becoming certified by the Recycling Certification Institute (RCI). RCI administers a voluntary certification program that is endorsed by the Ohio EPA. Chuck Cavano asked questions related to the need for the proposed rule, as opposed to implementing the rule’s requirements through the program participant’s contract. Bob Triozzi asked whether the City of Cleveland adheres the same types of disposal standards. He expressed his support for the implementation of uniform, county-wide disposal standards.

5. ITEMS FOR 1<sup>ST</sup> READING

Resolution No.	Requesting Entity	Rule Title	Temporary or Permanent Adoption
ARB2015-0014	Department of Development	<i>Property Demolition Program – Minimum Demolition and Maintenance Standards</i>	Permanent

Paul Herdeg, Department of Development, presented the Demolition Standards rule. He explained that the County statute creating the Demolition Program requires the creation and implementation

of program standards. Paul informed the Board that the proposed rule was drafted through consultation with several local stakeholders, include the County Landbank, the City of Cleveland, and the First Suburbs Consortium.

In response to the rule’s posting, comments were submitted by both public and private entities. The Board of Health asked that the Department add a provision to address the disposal of abandoned septic tanks. Paul responded that there exists a well-established procedural standard on this issue, and that it will be incorporated into the rule. The Department also received comments related to the extent to which the County’s standards will go beyond State requirements in the disposal and recycling of demolition debris. The Department is currently considering the cost and benefit of implementing requirements that mandate disposal at Ohio EPA-certified facilities, and recycling at facilities that are either RCI-certified or in the process of becoming certified. This approach would address a “gray area” in State regulations, which do not impose restrictions on demolition debris stored on contractors’ private property for future use, or on recycling facilities. He informed the Board that the Landbank has expressed concerns over the cost implications of more stringent disposal standards. The Department of Development will consider and make a decision on the disposal requirements and draft the final rule accordingly. Paul stated that it is the Department’s intention to finalize and submit to the Board for second reading at the April 23<sup>rd</sup> ARB meeting.

Mike King asked questions related to enforcement mechanisms. Paul described the Department’s monitoring process and how it will relate to reimbursement. Darlene White inquired about the notification process for program participants and contractors that are in violation of the program requirements.

6. ITEMS FOR 2<sup>ND</sup> READING & APPROVAL - *none*

7. MISCELLANEOUS BUSINESS

a. Discussion – Rules of Procedure

Lindy Burt reviewed the latest round of revisions made to the Board’s Rules of Procedure. There were no additional changes requested. The Board agreed that the rules were in final draft form. Mike King motioned that the Board initiate the approval process for its Rules of Procedure, and that they be posted for comment, as written; Chuck Cavano seconded the motion. The motion was unanimously approved.

b. Rules Currently Posted for Public Comment – *none*

8. PUBLIC COMMENT UNRELATED TO THE AGENDA

There was no further public comment.

9. ADJOURNMENT

Darlene White motioned to adjourn; Mike King seconded the motion. The motion to adjourn was unanimously approved at 11:03 a.m.