



Early Stakeholder Outreach — Three OAC Chapter 3745-27 Rules:

- **3745-27-01 Definitions**
- **3745-27-03 Exemptions and Variances**
- **3745-27-17 Wording of Financial Instruments**

Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.

What do these OAC Rules cover?

The definitions in Ohio Administrative Code (OAC) Rule 3745-27-01 are used in the solid waste and infectious waste regulations:

- Throughout the rules in OAC Chapter 3745-27.
- Throughout the industrial solid waste landfill rules in OAC Chapter 3745-29 as referenced in OAC Rule 3745-29-01.
- Throughout the solid waste residual landfill rules in OAC Chapter 3745-30 as referenced in OAC Rule 3745-30-01.

OAC Rule 3745-27-03 covers the following:

- Paragraph 3745-27-03(A) lists the specified circumstances under which certain activities and facilities are not subject to OAC Chapters 3745-27, 3745-29, 3745-30 and 3745-37.
- Paragraph 3745-27-03(B) references to the Director's exemption authority under ORC 3734.02(G).
- Paragraph 3745-27-03(C) references to the variance provisions under ORC 3734.02(A).

OAC Rule 3745-27-17 establishes the wording of financial assurance instruments for solid waste facilities as required under the following rules:

- OAC 3745-27-15 Financial assurance for solid waste facility or scrap tire transporter closure.
- OAC 3745-27-16 Financial assurance for solid waste facility post-closure care.
- OAC 3745-27-18 Corrective measures financial assurance for a sanitary landfill facility.
- OAC 3745-27-67 Mobile scrap tire recovery facility registration and operation.
- OAC 3745-27-69 Applicability of requirements for a scrap tire monocell facility.
- OAC 3745-29 for industrial solid waste landfills through references to OAC 3745-27-15 and 3745-27-16.
- OAC 3745-30 for residual solid waste landfills through references to OAC 3745-27-15 and 3745-27-16.

Who is regulated by these rules?

These rules apply to owners and operators of solid and infectious waste facilities subject to OAC Chapters 3745-27, 3745-29, and 3745-30. This includes the following:

How can I provide input?

The Agency is seeking stakeholder input on the OAC Rules 3745-27-01, 3745-27-03, and 3745-27-17. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business July 7, 2017. Please submit input to:

Michelle Mountjoy
P.O. Box 1049
Columbus, OH 43216-1049
michelle.mountjoy@epa.ohio.gov

What if I have questions?

Please contact Holly Hillyer at (614) 728-5348 or holly.hillyer@epa.ohio.gov.

Early Stakeholder Outreach — OAC Rules 3745-27-01, 3745-27-03, and 3745-27-17

- Solid waste landfills, including industrial waste and residual waste landfills.
- Solid waste incinerators and solid waste energy recovery facilities.
- Scrap tire facilities.
- Scrap tire transporters.
- Infectious waste generators.
- Infectious waste treatment facilities.

Why are these rules being sent out for Early Stakeholder Outreach?

OAC Rules 3745-27-01, 3745-27-03, and 3745-27-17 are scheduled for their five-year review under ORC section 106.03. Ohio EPA Division of Materials and Waste Management (DMWM) is seeking early stakeholder input on revisions to these rules to gain feedback on opportunities to improve these rules. As part of the rule-making process, Ohio EPA would like to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by the rules.

The first step in the ORC section 106.03 five-year review is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. In response to EO 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

Learn more at an Ohio EPA hosted webinar.

You are invited to join an Ohio EPA hosted webinar from 10:30 a.m. to 11:30 a.m. on Thursday June 22, 2017, to answer questions regarding this Early Stakeholder Outreach on these rules, the general rule-making process, the opportunities for stakeholder involvement, and to listen to stakeholder suggestions. For information on how to participate in the webinar contact Michelle Mountjoy at: michelle.mountjoy@epa.ohio.gov.

What changes are being considered?

Ohio EPA foresees at a minimum making minor wording clarifications and citation updates and consideration of stakeholder suggestions. Among the necessary citation updates are possible removal of definitions and references regarding composting and solid waste transfer facilities since these rules are now found in the compost program Chapter 3745-560 and transfer facility program Chapter 3745-555.

What input is the Agency seeking?

Ohio EPA is seeking specific input on OAC Rules 3745-27-01, 3745-27-03, and 3745-27-17.

The following questions may help guide you as you develop your comments:

- What is not working about an identified rule?
- What options are available for improving the identified rule?
- Are there considerations the Agency should take into account when developing or revising the rule?
- Is there any information or data the Agency should be aware of when developing program concepts or rule language?

Ohio EPA would especially like to hear from businesses and municipalities on how they may be impacted by these rules:

- Would this regulatory program have a positive impact on your business? Please explain how.
- If you feel that this rule has an adverse impact to business, as defined in section 107.52 of the Ohio Revised Code, please provide a summary of the estimated cost of compliance with the rules. Specifically, please identify the scope of the impacted business community; identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance); and quantify, to the best of your ability, the expected adverse impact from the regulation. The adverse impact can be quantified in terms of dollars, hours to comply, or other factors.

What is the rulemaking schedule?

After consideration of stakeholder input, Ohio EPA will prepare recommendations to either retain rules without change or to amend rules. The Agency's next step is then to release a draft version of any amendments to these OAC Rules for interested party review and comment.

Early Stakeholder Outreach — OAC Rules 3745-27-01, 3745-27-03, and 3745-27-17

A complete summary of [Ohio EPA's rule-making process](http://epa.ohio.gov/Rules.aspx) is available at <http://epa.ohio.gov/Rules.aspx>. Future steps will also include formally filing to the rules with the Joint Committee on Agency Rule Review (JCARR). At that time, JCARR will include the proposed rule on their meeting agenda and take public testimony. Visit JCARR's website for meeting dates and agenda items at <https://www.jcarr.state.oh.us/>.

How can I track the program and rule-development progress?

Stakeholders are encouraged to sign up for the Agency's electronic mailing list which provides automatic updates about various topics. Registered users will receive progress updates and be notified when new information is posted on the program website (epa.ohio.gov/dmwm/dmwmnonhazrules.aspx). To sign up, go to ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage.

Contact

For more information, contact Holly Hillyer at (614) 728-5348 or holly.hillyer@epa.ohio.gov.