



**Division of Materials and Waste Management**

**Re: Interested Party Draft of Rules regarding Solid Waste Transfer Facilities**

Dear Interested Parties:

The Division of Materials and Waste Management is offering an opportunity to comment on rules to administer the solid waste transfer facility program. As a part of the Division of Materials and Waste Management's effort to improve regulatory clarity and reduce duplication, the division is undertaking a gradual reorganization of the various facility rules currently found in OAC Chapter 3745-27 into new individual program chapters and associated multi-program chapters. The draft transfer facility Chapter 3745-555 would be the program chapter for the transfer facility rules. The intent is to rescind the current transfer facility rules found in OAC Chapter 3745-27 to be replaced with the new transfer facility program Chapter 3745-555.

This draft transfer facility program Chapter 3745-555 is the second step in this reorganization. The first step occurred April, 2012 with the establishment of the reorganized composting program OAC Chapter 3745-560. In addition to the promulgation of OAC Chapter 3745-560, the three multi-program chapters listed below were created. These multi-program chapters are utilized by the composting program and envisioned to be used for the transfer facility program.

- OAC Chapter 3745-500: General Administration
- OAC Chapter 3745-501: Licensing
- OAC Chapter 3745-503: Financial Assurance

**What does the solid waste transfer facility rule package include?**

This draft rule package includes:

- The transfer facility program Chapter 3745-555 consisting of twenty-seven rules
  - 3745-555-01 Solid waste transfer facility – applicability
  - 3745-555-02 Solid waste transfer facility – definitions
  - 3745-555-10 General obligations for owners, operators, and applicants
  - 3745-555-20 Variances, exemptions, alternatives, alterations, and administrative changes
  - 3745-555-110 Parks
  - 3745-555-120 Natural areas
  - 3745-555-130 Domiciles
  - 3745-555-140 Floodplains
  - 3745-555-150 Surface waters
  - 3745-555-200 Engineered components
  - 3745-555-210 Waste handling floor design
  - 3745-511-215 Conveyance pipes
  - 3745-511-216 Leachate holding tanks
  - 3745-555-300 Permit to install application procedures and requirements

3745-555-310 Transfer facility permit to install application  
 3745-555-320 Permit to install issuance  
 3745-555-400 License application requirements and procedures  
 3745-555-500 Construction and construction certification requirements  
 3745-555-510 Waste handling floor construction  
 3745-555-520 Building to enclose waste handling area  
 3745-555-610 Operation of a solid waste transfer facility – general requirements–  
 3745-555-615 Maintaining a log of operations  
 3745-555-620 Access  
 3745-555-650 Waste handling  
 3745-555-670 Annual report  
 3745-555-690 Operations of a transfer facility that accepts exclusively source-separated yard waste  
 3745-555-700 Closure of a transfer facility

- The following five draft rule amendments to multi-program OAC Chapter 3745-500:
  - OAC Rule 3745-500-02 (amendment to update definitions rule)
  - OAC Rule 3745-500-03 (amendment to update incorporation by reference rule)
  - OAC Rule 3745-500-120 (amendment to update rule on procedures for permit and licensing actions)
  - OAC Rule 3745-500-210 (amendment to update variance rule)
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- Ten rules of the new multi-program Chapter 3745-512
  - 3745-512-01 Construction - applicability
  - 3745-512-02 Construction - definitions
  - 3745-512-17 Alternative construction material evaluation and reporting
  - 3745-512-30 Construction activities – general requirements
  - 3745-512-50 Construction certification
  - 3745-512-51 Procedure for concurrence of construction certification
  - 3745-512-55 Failed tests and alterations
  - 3745-512-60 Repair of damaged or failed engineered components
  - 3745-512-450 Conveyance pipes
  - 3745-512-460 Tanks

### **What are “multi-program” rules?**

The multi-program chapters consolidate, in a single location, similar or identical requirements that are currently duplicated in numerous program chapters under existing rules. Now, these requirements will be found in one multi-program chapter and referenced, where appropriate within each individual program.

Chapter 3745-555 references the four existing multi-program chapters and the two new draft rule chapters listed below. In addition to comments on the draft transfer facility program chapter, the Agency is also seeking comments on the OAC Chapter 3745-555 references to both existing and new multi-program chapters.

- Existing OAC Chapter 3745-500: General administration. The transfer facility program Chapter 3745-555 contains direct references making specific rules in multi-program OAC Chapter 3745-500 regarding general administrative procedures applicable to transfer facilities.
- Existing OAC Chapter 3745-501: Licensing. The transfer facility program Chapter 3745-555 contains direct references to the OAC Chapter 3745-501 making this multi-program licensing chapter regarding general licensing procedures applicable to transfer facilities.

- Existing OAC Chapter 3745-502: Solid Waste Disposal Fees. The transfer facility program Chapter 3745-555 contains direct references to the OAC Chapter 3745-502 making this multi-program chapter regarding solid waste disposal fees applicable to transfer facilities.
- Existing OAC Chapter 3745-503: Financial Assurance. The transfer facility program Chapter 3745-555 contains direct references to the OAC Chapter 3745-503 making this multi-program chapter regarding general financial assurance mechanisms and documentation applicable to transfer facilities.
- New draft Chapter 3745-512: Construction. The transfer facility program Chapter 3745-555 contains direct references to the draft Chapter 3745-512. Chapter 3745-512 will establish the basic framework for facility construction but only those general construction rules associated with transfer facilities are being considered for this rule package.

### **Does Chapter 3745-555 apply to me?**

Chapter 3745-555 **WILL APPLY** to any person who establishes or operates a solid waste transfer facility in the state of Ohio. The intent is to rescind the current transfer facility rules found in OAC Chapter 3745-27 to be replaced with the new transfer facility program Chapter 3745-555.

### **If I operate or plan to establish a solid waste transfer facility, where should I start my review of the draft rule package?**

Your review should begin with Rule 3745-555-01 “Solid waste transfer facility – applicability,” and continue reading through the transfer facility program chapter rule by rule.

You should also review any multi-program rules that are referenced within the transfer facility program Chapter 3745-555. The Agency is seeking comments on whether the Chapter 3745-555 references to existing and new multi-program chapters are appropriate for transfer facilities.

### **Interested in or subject to the composting program OAC Chapter 3745-560? You should review and comment on the draft amendments to multi-program OAC Chapter 3745-500 included in this rule package.**

The composting program OAC Chapter 3745-560 contains references to existing multi-program OAC Chapter 3745-500. This draft transfer facility rule package includes changes to multi-program OAC Chapter 3745-500. The Agency is seeking interested party comments regarding any impacts of these multi-program OAC Chapter 3745-500 changes upon composting program OAC Chapter 3745-560.

While the composting program OAC Chapter 3745-560 also references existing multi-program OAC Chapters 3745-501 and 3745-503, the draft transfer facility rule package only references these existing multi-program chapters and does not include any amendments to these multi-program rules.

### **If I have no interest in transfer facility regulation, but have questions on how multi-program rules might impact other existing program rules, should I comment now?**

The focus of this rule package is specifically to obtain interested party comment on the draft transfer facility program Chapter 3745-555 and the applicability of the associated referenced multi-program chapters. The Agency welcomes comments now from any interested parties, stakeholders or citizens regarding this rule package, including the multi-program chapters. You will have future opportunities to comment on the applicability of the multi-program rules to your specific program if and when the Agency amends the program chapter of your particular interest.

The Division of Materials and Waste Management is seeking input from you on these draft rules by March 28, 2014. You may view the draft rules at

<http://www.epa.ohio.gov/dmwm/dmwmnonhazrules.aspx> or call (614) 644-2621 to obtain a copy.

Please submit your comments to:

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Thank you for your interest and we look forward to hearing from you.

Sincerely,

Pamela S. Allen, Chief

Division of Materials and Waste Management