



Re: Interested Party Review – Solid Waste Facility Rules

Dear Interested Parties:

The Division of Materials and Waste Management is in the process of conducting a review of the regulations for solid waste facilities. This review is being conducted to satisfy requirements mandated by Ohio Revised Code (ORC) Section 106.03 which requires all state agencies to review each of their rules every five years to determine whether or not to continue the rules without change, amend the rules, or rescind the rules. DMWM has reviewed the current effective rules and has made the preliminary determination to amend these rules. The following rules are being released for interested party review:

<u>Rule #</u>	<u>Title:</u>
3745-27-02	Permit to install.
3745-27-04	Regulation of select wastes.
3745-27-10	Ground water monitoring program for a sanitary landfill facility.
3745-27-15	Financial assurance for solid waste facility or scrap tire transporter closure.
3745-27-16	Financial assurance for sanitary landfill facility post closure care.
3745-27-18	Corrective measures financial assurance for a sanitary landfill facility.
3745-27-19	Operational criteria for a sanitary landfill facility.
3745-27-20	Prohibitions and closure.

DMWM welcomes interested party comment on these rules and the preliminary determination to amend the rules.

All of the OAC Chapter 3745-27 rules in this package govern sanitary landfills/MSW landfills facilities in Ohio. These regulations address the permit to install; financial assurance for closure, post-closure, and corrective measures at a sanitary landfill facility; operations at a sanitary landfill facility; and prohibitions and closure at a sanitary landfill facility. OAC Rule 3745-27-04: Regulation of select waste distinguishes regulation of industrial solid waste landfills under OAC Chapter 3745-29 and residual solid waste landfills under OAC Chapter 3745-30 from MSW landfills subject to OAC Chapter 3745-27.

Some of OAC Chapter 3745-27 rules in this package are applicable to solid waste facilities other than MSW landfills:

- OAC Rule 3745-27-02: Permit to Install, is applicable to any solid waste facility or infectious waste treatment facility required to obtain a permit. This procedural rule includes clarification regarding submittal of permit applications and defines “establishment” and “modification” of a facility which triggers the statutory obligation for a permit.
- OAC Rule 3745-27-04: Regulation of select waste, distinguishes regulation of industrial solid waste landfills under OAC Chapter 3745-29 and residual solid waste landfills under OAC Chapter 3745-30 from MSW landfills subject to OAC Chapter 3745-27.

- OAC Rule 3745-27-15: Financial assurance for solid waste facility or scrap tire transporter closure, applies to all solid waste facilities and scrap tire transporters obligated to comply with financial assurance requirements.

Rule Number	Rule Title	Preliminary Five-Year Rule Review Determination
3745-27-02	Permit to install.	Amend
3745-27-04	Regulation of select waste.	Amend
3745-27-10	Ground Water Monitoring Program for a Sanitary Landfill Facility.	Amend
3745-27-15	Financial assurance for solid waste facility or scrap tire transporter closure.	Amend
3745-27-16	Financial assurance for sanitary landfill facility post closure care.	Amend
3745-27-18	Corrective measures financial assurance for a sanitary landfill facility.	Amend
3745-27-19	Operational criteria for a sanitary landfill facility.	Amend
3745-27-20	Prohibitions and closure.	Amend

Where can I get a copy of the draft rules?

You may view the draft rule at <http://www.epa.ohio.gov/dmwm/dmwmnonhazrules.aspx>, or call (614) 644-2621 to obtain a copy. As part of the rulemaking process, Ohio EPA is required to prepare and submit a Business Impact Analysis (BIA) form to Ohio's Common Sense Initiative (CSI) Office. Ohio EPA is also making this form available at this time for public review and comment.

When are my comments due?

Please submit your comments by November 16, 2015.

Where should I send my comments?

Please send your comments to:

Michelle Mountjoy
Ohio EPA, DMWM
PO Box 1049
Columbus, OH 43216-1049

You may also send your comments by fax at (614) 728-5315 or e-mail michelle.mountjoy@epa.ohio.gov

Who can I talk to about the rules?

For questions regarding the rule language or review schedule, you may contact Dan Harris at (614) 728-5377 or Michelle Mountjoy at (614) 728-5372. Please include a phone number where you can be contacted during the hours of 8:00 am to 5:00 pm.

What should I consider as I prepare my comments?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. Estimate potential burden or costs, and explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline.

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

Sincerely,

Terrie TerMeer, Chief
Division of Materials and Waste Management