

Solid Waste Landfills

The Division of Solid and Infectious Waste Management (DSIWM) is seeking your input on the current solid waste landfill program and the associated rules.

O.R.C. 119.032 requires us to review each of our rules¹ every five years and determine whether to continue them without change, amend them, or rescind them. The landfill rules need to be reviewed by 2011, and we have decided to start the process now. As part of this 5-year rule review process, we will also be evaluating whether the landfill program and the associated rules meet Governor Strickland's Common Sense Business Regulation approach². Receiving your comments now will help us understand those areas where you believe we should focus our attention.

Ohio EPA is interested in comments and suggestions for improvements to the landfill program and its associated rules from all interested parties. The Agency is especially interested in comments based on actual experiences. This effort is the first step in Ohio EPA's effort to improve the landfill program. Ohio EPA hopes to continue its dialogue with interested parties throughout this effort.

Where can I get a copy of the existing rules and information about the program?

You can view information about the landfill program at:

http://www.epa.ohio.gov/dsiwm/pages/3745_27.aspx for the Municipal Solid Waste (MSW) landfill rules (Ohio Administrative Code (OAC) Rule 3745-27-01 through 3745-27-09, 3745-27-11 through 3745-27-14) and the Scrap Tire rules (OAC Rule 3745-27-69 through 3745-27-75).

http://www.epa.ohio.gov/dsiwm/pages/3745_29.aspx for the Industrial Solid Waste (ISW) landfill rules (OAC 3745-29).

¹ Prior to the scheduled review date of a rule, an agency must review the rule to determine all of the following:

- (1) Whether the rule should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted;
- (2) Whether the rule needs to be amended or rescinded to give more flexibility at the local level;
- (3) Whether the rule needs amendment or rescission to eliminate unnecessary paperwork, or whether the rule incorporates a text or other material by reference and, if so, whether the text or other material incorporated by reference is in compliance with the required procedures and standards stated in section 121.72, 121.74, 121.75, or 121.76 of the Revised Code;
- (4) Whether the rule duplicates, overlaps with, or conflicts with other rules. In making this review, the agency must consider the continued need for the rule, the nature of any complaints or comments received concerning it, and any relevant factors that may have changed in the subject matter affected by the rule.

² On February 12, 2008, Governor Strickland signed Executive Order 2008-04S "Common Sense Business Regulation."² With this Executive Order he called upon state agencies to simplify their rules, treat those affected by the rules as customers and partners, and streamline inefficient and drawn-out regulatory processes. The Executive Order calls for a top to bottom review of current regulations, eliminating those that are unnecessary or needlessly burdensome while establishing regulatory performance standards that will make Ohio a more competitive place to do business.

http://www.epa.ohio.gov/dsiwm/pages/3745_30.aspx for the Residual Solid Waste (RSW) landfill rules (OAC 3745-27-30).

To view all of DSIWM's rules, please visit <http://epa.ohio.gov/dsiwm/pages/rules.aspx> . You may also call Michelle Braun at (614) 728-5372 and she can help you find what you need.

When are my comments due?

Please submit your comments by **December 31, 2009**.

Where should I send my comments?

Send your comments to:

Michelle Braun
Ohio EPA – DSIWM
P.O. Box 1049
Columbus, Ohio 43216-1049
(614) 728-5372
michelle.braun@epa.state.oh.us

What should I consider as I prepare my comments?

You may want to use the following questions to help organize your thoughts about the landfill program and its associated rules:

1. What is working; what isn't working? Tell us what you think is needed, missing, unnecessary, or needs improvement. Offer suggestions for improvement.
2. Which, if any, of the rules should be modified, and why?
3. Which, if any, of the rules should be addressed in guidance rather than regulation, and why?
4. Are there any specific areas of the program where Ohio EPA could provide better guidance?

You may want to use the following questions to help organize your feedback about whether the program and its associated rules meet the intent of the Governor's Executive Order on common sense business regulation:

1. Does the rule unnecessarily duplicate federal regulations, national standards, or already exist in this or another agency's regulations?
2. Is the rule outcome-based?
3. Can Ohio EPA and those subject to the rule apply it consistently?
4. Are the desired outcomes of the rule based on the best information, including scientific and technical data that can be reasonably obtained?
5. Is the rule easy to understand and comprehend?
6. Is the rule a reasonable balance between the regulatory objective and the burden

imposed by the regulatory activity?

7. Is the **PROCESS** to administer the rule is the quickest and least burdensome means of accomplishing the outcome?

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. If you estimate potential burden or costs, 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 identified.