



Early Stakeholder Outreach for the Industrial Solid Waste Rules: Rule Chapter 3745-29

What does Rule Chapter 3745-29 cover?

Ohio Administrative Code (OAC) Chapter 3745-29 establishes the industrial solid waste program and requirements for permitted and licensed industrial solid waste landfills.

Why is the Agency seeking Early Stakeholder Input?

The Ohio EPA Division of Materials and Waste Management (DMWM) is seeking early stakeholder input on whether revisions to OAC Chapter 3745-29 are necessary at this time.

OAC Chapter 3745-29 is scheduled in 2012 for its five year review under Ohio Revised Code section 119.032. The first step in the ORC section 119.032 five year review process is for Ohio EPA to identify whether a rule needs to be amended, rescinded, or created. If it is determined that the rule does not need to be amended or rescinded, Ohio EPA may file notice of “no change” with a new 5-year review date with the Joint Committee on Agency Rule Review (JCARR), the secretary of state, and the Legislative Service Commission (LSC).

In response to Executive Order 2011-01K, Ohio EPA is taking additional steps 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 on whether revisions to the rule are needed at this time. .

What is being suggested?

DMWM is suggesting that OAC Chapter 3745-29 not be changed at this time. The Agency is considering giving notice of a “no change” determination to JCARR with a new review date in 2017. A new review date does not preclude rule changes earlier than 2017 but it means that the Agency does not need to revise OAC Chapter 3745-29 during 2012. The Agency is seeking stakeholder input on this approach.

Pursuant to the criteria under ORC 119.032, the Agency has not identified significant environmental problems with the current industrial solid waste program.

Who is regulated by this chapter?

OAC Chapter 3745-29 only applies to solid waste landfills specifically permitted and licensed as industrial solid waste landfills. Industrial solid waste landfills are dedicated landfills restricted to disposal of industrial solid wastes and prohibited from disposing of municipal solid wastes.

There are 6 licensed industrial solid waste landfills in Ohio disposing of industrial solid waste from industrial operations.

What is the rulemaking schedule?

Ohio EPA’s plan is to file these rules with JCARR as ‘no change’ in March 2012 and will be under review by JCARR for a 90 day jurisdiction period. They will be heard at the Joint Committee on Agency Rule Review (JCARR) before they are deemed effective as proposed. See the JCARR website for meeting dates and agenda items at <https://www.jcarr.state.oh.us/>. ORC section 119.032 provides a ninety day period after receipt of the Agency’s “no change” notice during which JCARR may take action to invalidate the rule.

What Stakeholder Input is the Agency seeking?

The Agency is seeking stakeholder input on DMWM’s suggestion of giving notice of a “no change” determination to JCARR with a new review date in 2017.

The Agency wants to hear from interested stakeholders who may be impacted by this approach of not amending OAC Chapter 3745-29 in 2012. We welcome general comments and specific factual information. Ohio EPA is asking stakeholders to identify if the suggested action:

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- Impacts your business?
- Has an adverse impact on your business? If so, please identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance).
- Would be unacceptable. Are there rules (or specific provisions within the rule) that the Agency should consider in 2012?

What should I consider as I prepare my comments?

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

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. Please submit your input by February 29, 2012.

Questions?

If you have questions about DMWM's suggestion or desire more information on the industrial solid waste landfill program, you may contact Dan Harris at 614-728-5377 and dan.harris@epa.ohio.gov.

How to provide input on this suggestion?

DMWM requests stakeholder input on this suggestion until February 29, 2012. Please submit input to:

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