

## **Early Stakeholder Outreach for Wording of Financial Assurance Instrument Rules 3745-27-17**

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### **What does OAC 3745-27-17 cover?**

Ohio Administrative Code (OAC) 3745-27-17 provides the wording for the financial assurance instruments required for the closure of solid waste facilities by ORC 3734.02(A)

### **Why is the Agency Seeking Early Stakeholder Outreach?**

The Ohio EPA Division of Materials and Waste Management (DMWM) is seeking early stakeholder input on revisions to rule 3745-27-17 to gain feedback on areas of concern regarding this rule.

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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.

### **What is being suggested?**

The intent is to allow owners and operators to continue to use one financial assurance document to provide financial assurance for multiple solid waste facilities including compost facilities.

Addition of language is being considered that would allow the wording of the current mechanisms under rule 3745-27-17 to satisfy the new requirements for the wording of a composting financial assurance mechanism under OAC 3745-503-20.

### **Who is regulated by this rule?**

Solid waste facilities that are required to maintain financial assurance are regulated by this rule; however, solid waste facilities that own a composting facility and utilize one financial assurance mechanism for both will be

the only ones affected by the proposed changes.

### **What is the rulemaking schedule?**

Ohio EPA's plan is to file this rule with the Joint Committee on Agency Rule Review (JCARR) as a proposed amendment to the existing rule in early 2012.

Ohio EPA plans to make the new composting and multi-program rules (OAC Chapters 3745-500, 3745-501, 3745-503, and 3745-560) effective in April 2012. Once rule 3745-503-20 (wording of the financial assurance instruments) becomes effective, it will no longer be possible to use the one mechanism for a solid waste and composting facility until the changes to 3745-27-17 become effective.

### **What Stakeholder Input is the Agency seeking?**

The Agency is seeking stakeholder input on DMWM's suggestion of revising rule 3745-27-17 to continue to allow the use of one financial assurance mechanism for both a composting facility regulated under 3745-560 and a solid waste facility regulated under 3745-27.

The Agency wants to hear from interested stakeholders who may be impacted by these rule revisions. General comments and specific factual information are welcome. Ohio EPA is specifically asking for stakeholders to identify the following:

- Do these rules impact your business?
- Do these rules have 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).
- Are there any alternative rules (or specific provisions within the rule) that the Agency should consider?

### **What should I consider as I prepare my**

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#### **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. 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.

#### **How can I provide input on the rules?**

If you have questions about DMWM's suggestion or desire more information on the financial assurance

program, you may contact Fanny Haritos at 614-728-5343 and [fanny.haritos@epa.ohio.gov](mailto:fanny.haritos@epa.ohio.gov).

#### **How do I provide input on this suggestion?**

DMWM requests stakeholder input on this suggestion until March 7, 2012.

Please submit input to:

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