

Early Stakeholder Outreach

for Transfer Facility Rules and associated Multi-Program Rules

Rules 3745-27-21 through 3745-27-24, and

Multi-Program OAC Chapters 3745-500, 3745-501, and 3745-503

What does OAC 3745-27-21 through 3745-27-24 cover?

Ohio Administrative Code (OAC) rules 3745-27-21 through 3745-27-24 provides the requirements for proposed and existing solid waste transfer facilities.

Why is the Agency Seeking Early Stakeholder Outreach?

Ohio EPA Division of Materials and Waste Management (DMWM) is seeking early stakeholder input on revisions to OAC rules 3745-27-21 through 3745-27-24 to gain feedback on opportunities to improve these rules.

OAC rules 3745-27-21 through 3745-27-24 are scheduled for their five year review under Ohio Revised Code (ORC) 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in the ORC section 119.032 five year review process is for Ohio EPA to identify whether a rule needs to be amended, rescinded, or created. Ohio EPA then will file the rules with the Joint Committee on Agency Rule Review (JCARR), the secretary of state, and the Legislative Service Commission (LSC).

The first step in the rule-making process is for Ohio EPA to identify whether a rule needs to be amended, rescinded, or created. In response to Executive Order 2011-01K, Ohio EPA has included an additional step to ensure stakeholders are brought into the review 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?

- DMWM is suggesting that the transfer facility rules be reorganized into the new rule format and given their own new program chapter, OAC chapter 3745-555. This change would allow the rules to utilize the

new multi-program rules [OAC chapters 3745-500 (administrative rules), 3745-501 (licensing rules), and 3745-503 (financial assurance)] for a more user-friendly and intuitive structure. For more information on DMWM's reorganization and the multi-program rules, please visit:

<http://epa.ohio.gov/LinkClick.aspx?fileticket=N8ca92pf4jY%3d&tabid=2574>

- DMWM suggests updating the definition of transfer facility to be consistent with the most recent definition of transfer facility found in the solid waste fee rule [OAC rule 3745-502-01(S)(8)].
- Increasingly, transfer facilities are multi-purpose facilities doing more than just transferring municipal solid waste into larger vehicles for transport to landfills for disposal. Facilities may pull recyclables out of the waste stream. Facilities may serve as collection points for segregated loads of recyclables, organics and yard wastes to compost facilities, and various other materials not intended for disposal. DMWM seeks input on prohibited wastes [OAC rule 3745-27-23(P)] and other operational requirements given the multi-purpose function of transfer facilities.
- DMWM seeks input on requiring new permitted transfer facilities to conduct transfer of waste in a building (not outside).
- DMWM suggest revising the siting criterion regarding the "regulatory floodplain" would be changed to the "100-year floodplain" in accordance with the State Solid Waste Management Plan.
- To provide more flexibility, DMWM suggests that the contingency plan would no longer part of the permit and instead addressed as an operational requirement.
- DMWM suggests allowance of alternative daily log forms, including electronic forms.
- DMWM suggests a requirement that scales shall be used at all transfer facilities to measure incoming and outgoing loads.

Early Stakeholder Outreach for the Solid Waste Transfer Facility Rules

- DMWM suggests removal of the deadline to submit the closure certification report when converting a transfer facility to a recycling facility.

Who is regulated by this rule?

OAC rules 3745-27-21 through 3745-27-24 only apply to solid waste facilities specifically permitted and licensed as transfer facilities. Solid waste transfer facilities are dedicated facilities restricted to the transfer and temporary storage of wastes destined to go to a solid waste disposal facility such as a municipal solid waste landfill.

What is the rulemaking schedule?

Ohio EPA's plan is to take the feedback received on the transfer facility concepts and prepare a draft version of the rules for interested party review. Ohio EPA will then file the rules with JCARR as proposed rules in the fall of 2012 and will be under review by JCARR for a 65 day jurisdiction period. They will be heard at 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/>.

What Stakeholder Input is the Agency seeking?

The Agency is seeking stakeholder input on DMWM's suggestion of reorganizing the transfer facility rules in the new multi-program rule structure and giving them their own program chapter (3745-555) in the Administrative Code.

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 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 suggestions or desire more information on the transfer facility program, you may contact Annette DeHavilland at 614-728-5373 and annette.dehavilland@epa.ohio.gov.

How do I provide input on this suggestion?

DMWM requests stakeholder input on this suggestion until March 17, 2012.

Please submit input to:

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