



Early Stakeholder Outreach — Fees Collected at Solid Waste Facilities and Infectious Waste Facilities

Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.

The five rules in Ohio Administrative Code (OAC) Chapter 3745-502 outline the requirements for collecting, remitting, and reporting fees by solid waste facilities. OAC Rule 3745-28-07 outlines the requirements for infectious waste host fee collection, remitting, and reporting by infectious waste facilities.

Why is the Agency seeking Early Stakeholder Outreach?

The five rules in OAC Chapter 3745-502 and OAC Rule 3745-28-07 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in the ORC section 119.032 five year review process is for Ohio EPA to identify whether a rule needs to be amended, rescinded, created, or retained without change. Ohio EPA will ultimately file the rules 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 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?

Ohio EPA has made the determination that amendments to the rules listed in the Table 1 below are not necessary at this time, and plans to file this determination to retain the rules without change to JCARR.

Who is regulated by these rules?

Owners and operators of solid and infectious waste management facilities such as solid waste landfills, solid waste transfer facilities, and infectious waste treatment facilities are regulated by the rules listed in Table 1. Solid waste management districts, municipal corporations, and townships are also impacted because they receive money from the collection of solid waste fees.

How can I provide input?

The Agency is seeking stakeholder input on the proposed concepts included in the ESO document. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business July 16, 2014. Please submit input to:

Michelle Braun
P.O. Box 1049
Columbus, OH 43216-1049
michelle.braun@epa.ohio.gov

What if I have questions?

These rules can be found on Ohio EPA's website for electronic downloading at:

<http://epa.ohio.gov/dmwm/dmwmnonhazrules.aspx>

Please contact Ernie Stall at (614) 728-5356 or ernest.stall@epa.ohio.gov.

Early Stakeholder Outreach —Solid and Infectious Waste Fees

Table 1:	
Fees collected by solid waste facilities	
OAC 3745-502-01	Solid waste fee - definitions.
OAC 3745-502-02	Requirements for collecting, remitting, and reporting state disposal and environmental protection fees.
OAC 3745-502-03	Requirements for collecting, remitting, and reporting solid waste management district disposal and generation fees.
OAC 3745-502-04	Requirements for collecting, remitting, and reporting host community fees.
OAC 3745-502-05	Construction and demolition debris disposal fee at municipal solid waste facility - multiple townships or municipal corporations.
Fees collected by infectious waste facilities	
OAC 3745-28-07	Infectious waste host fees

What input is the Agency seeking?

The Agency is seeking stakeholder input on the suggested determination to retain the fee rules without change. General comments and specific factual information must be submitted by the July 16, 2014 deadline. The following questions may help guide you as you develop your comments.

- Is retaining the rules without change appropriate? Should the Agency consider any alternative approach?
- What options are available for improving the rules?
- Are there considerations the Agency should take into account when reviewing whether to rescind, amend, or retain the rules without change?
- Is there any information or data the Agency should be aware of when reviewing whether to rescind, amend, or retain the rules without change?

Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted by the program.

- Would retaining the rules without change have a positive impact on your business? Please explain how.
- Would retaining the rules without change have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).

What's the next step?

After the July 16, 2014 comment deadline and consideration of stakeholder input, Ohio EPA will prepare a draft determination on whether to rescind, amend, or retain the rules without change. The Agency's next step is then to release a draft determination on whether to rescind, amend, or retain the rules without change for interested party review and comment.

A complete summary of [Ohio EPA's rule-making process](#) is available at <http://epa.ohio.gov/Rules.aspx>. Future steps will also include formally filing the fee rules with the Joint Committee on Agency Rule Review (JCARR). At that time, JCARR will include the proposed rule on their meeting agenda and take public testimony. Visit JCARR's website for meeting dates and agenda items at <https://www.jcarr.state.oh.us/>.

How can I track the program and rule-development progress?

Stakeholders are encouraged to sign up for the Agency's solid waste landfill electronic mailing list which provides automatic updates about various topics. Registered users will receive progress updates and be notified when new information is posted on the program website (epa.ohio.gov/dmwm/dmwmnonhazrules.aspx). To sign up, go to ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage.