



Guide to Reviewing the Draft Multi-Program Rules

As a part of the Division of Solid and Infectious Waste Management's effort to improve regulatory clarity and reduce duplication, the division is undertaking a gradual reorganization of its rules. As the second step in this reorganization, the division has drafted new Chapter 3745-520, which will be the program chapter of rules applicable solely to "New" Construction and Demolition Debris (C&DD) facilities.

Important Note: This rule package also includes "multi-program" rules which will have applicability to facilities in addition to C&DD facilities.

What are "multi-program" rules?

The multi-program chapters consolidate, in a single location, similar or identical requirements that are currently duplicated in numerous program chapters under existing rules. Now, these requirements will be found in one multi-program chapter and referenced, where appropriate within each individual program (e.g., solid waste, transfer facilities, composting facilities, C&DD landfills, and infectious waste facilities) chapter.

(Example: Currently each individual program (e.g., solid waste, C&DD) chapter contains ground water monitoring requirements. Under the contemplated reorganization, instead of duplicating similar or identical ground water monitoring requirements within every individual program chapter where ground water monitoring requirements apply, those ground water monitoring requirements will be found in **one** readily-identifiable location. Each program chapter will directly cite the applicable multi-program ground water monitoring rule or rules when such a requirement in the multi-program ground water monitoring chapter applies.)

What chapters are multi-program chapters?

The multi-program chapters that are being released for interested party review at this time are those multi-program chapters needed by OAC Chapter 3745-520 "Regulation of New Construction and Demolition Debris Facilities"; which includes the following:

- OAC Chapter 3745-500 – General administration.
- OAC Chapter 3745-501 – Licensing.
- OAC Chapter 3745-506 – Ground water monitoring.
- OAC Chapter 3745-510 – Site investigation.
- OAC Chapter 3745-511 – Design.
- OAC Chapter 3745-512 – Construction.

How I determine when multi-program chapters apply to me?

The rules in the multi-program chapters apply only when a program chapter, such as OAC Chapter 3745-520 "Regulation of New Construction and Demolition Debris Facilities" references them, or if OAC Chapter 3745-520 references another rule that in turn references them.

Where should I start my review of the draft multi-program rule package?

You should first start by reading OAC 3745-520 "Regulation of New Construction and Demolition Debris Facilities." This review should begin with OAC 3745-520-01 "New construction and demolition debris

facility – applicability,” and you should then continue reading through the New C&DD program chapter rule by rule. Within the New C&DD program chapter, you will find references to the multi-program rules as they are needed. When referenced, you should review the multi-program rule to determine its context, applicability, and content.

Why are there other chapters of draft rules being released with draft OAC Chapter 3745-520 and do they apply to me?

- As explained in greater detail above, there are other chapters of draft rules that are being released for interested party comment along with the New C&DD rules. These chapters contain general rule requirements that apply to several different types of disposal facilities, including New C&DD facilities.
- The rules in the multi-program chapters apply only when a program chapter, such as OAC Chapter 3745-520 “Regulation of New Construction and Demolition Debris Facilities” references them, or if OAC Chapter 3745-520 references another rule that then, in turn, references them.

(**Example:** Rule 3745-520-03: “New construction and demolition debris facility - general obligations.” requires the owner or operator to obtain a license through a direct reference to the multi-program Chapter 3745-501: “Licensing.” In rule 3745-501-10, the rule requires signature of the license application and references a rule 3745-500-50: “Signatures,” contained within another multi-program chapter, Chapter 3745-500: “General Administration.” Since the program chapter references a multi-program chapter that has a rule that subsequently references a rule in another multi-program chapter, the owner or operator is required to comply with each referenced rule.)

What if OAC Chapter 3745-520 never references a rule in one of the other draft multi-program chapters?

If the New C&DD rule never references a rule in one of the other draft multi-program chapters, then the multi-program rule does not apply to New C&DD facilities. Interested parties for the New C&DD facility program are welcome to review and comment on all the draft rules, even those that do not apply to New C&DD facilities.

If I am not subject to the New C&DD rules, should I still review the multi-program rules?

Yes. The multi-program rules being released for review and comment will apply not just to owners or operators of New C&DD facilities, but to other program chapters as well. Any operator of a solid waste facility, C&DD facility, infectious waste facility, etc., (i.e. anyone subject to program chapters other than the New C&DD chapter) should review the multi-program rules.

How can I compare what the current rule requirements are with the draft rule requirements?

Ohio EPA has created a new organization for the New C&DD rules and its associated multi-program chapters. Ohio EPA recommends that interested parties review draft OAC 3745-520 “Regulation of New Construction and Demolition Debris Facilities” and its associated multi-program chapters for what they are – a brand new set of regulations.