



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Interested Party Review – Financial Assurance Rule

Dear Interested Parties:

The Division of Materials and Waste Management is in the process of conducting a review of the regulation for the wording of solid waste financial assurance instruments, OAC rule 3745-27-17. This review is being conducted to satisfy requirements mandated by Ohio Revised Code (ORC) Section 119.032 which requires all state agencies to review each of their rules every five years to determine whether or not to continue the rules without change, amend the rules, or rescind the rules.

This proposed rule revision is in response to the adoption of new composting and multi-program rules. DMWM filed and made the new composting and multi-program rules (OAC Chapters 3745-500, 3745-501, 3745-503, and 3745-560) effective on April 2, 2012. The new rule applicable to composting facilities, OAC rule 3745-503-20 (wording of the financial assurance instruments), is slightly different from 3745-27-17 applicable to other solid waste facilities. This proposed OAC 3745-27-17 rule revision would clarify that an operator using an existing single financial assurance document that covers multiple solid waste facilities, specifically including a compost facility, may continue using that existing financial assurance document. In such case, the operator need not obtain a separate financial assurance document for compost facilities meeting the slightly different wording required in OAC rule 3745-503-20.

The Division of Materials and Waste Management (DMWM) revised the financial assurance rules as follows:

<u>Rule #</u>	<u>Title:</u>
3745-27-17	Wording of financial assurance instruments.

Major changes to this rule include an added paragraph for each financial assurance mechanism to the end of the rule to allow the wording specified in 3745-27-17 to satisfy the wording requirements set forth in 3745-503-20.

Where can I get a copy of the draft rules?

You may view the draft rule at http://www.epa.ohio.gov/dsiwm/pages/draft_rule.aspx, or call (614)644-2621 to obtain a copy.

When are my comments due?

Please submit your comments by September 7, 2012.

Where should I send my comments?

Please send your comments to:

Michelle Braun
Ohio EPA, DMWM
PO Box 1049
Columbus, OH 43216-1049

You may also send your comments by fax at (614)728-5315 or e-mail michelle.braun@epa.ohio.gov

Who can I talk to about the rules?

For questions regarding the rule language or review schedule, you may contact Fanny Haritos at fanny.haritos@epa.ohio.gov. Please include a phone number where you can be contacted during the hours of 8:00 am to 5:00 pm.

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.

Thank you for your interest and we look forward to hearing from you.

Sincerely,

Pamela S. Allen, Chief
Division of Materials and Waste Management