

December 19, 2006

**In response to interested party comments, DSIWM to make adjustments for revising C&DD rules.**

Ohio EPA Division of Solid and Infectious Waste Management (DSIWM)

Ohio EPA Division of Solid and Infectious Waste Management (DSIWM) has been considering the comments received during interested party comment period that concluded on November 1, 2006, for draft Ohio Administrative Code Chapter (OAC) 3745-520 regarding construction and demolition debris disposal. The comments are providing valuable information for DSIWM to use for planning how to proceed.

This document is intended to give some feedback to the interested parties from DSIWM regarding a few of the themes contained in the comments. The themes are:

- Existing C&DD facility owners and operators that will not be expanding their facilities have expressed the desire to be able to continue to use OAC Chapter 3745-400, revised to incorporate the appropriate changes.
- Interested parties have expressed the desire to see a separate permitting program that would be clearly applicable to only those C&DD facilities required to obtain a permit.
- Interested parties have expressed the need for the applicability of the rules to C&DD facilities to be easier to understand.

DSIWM is planning to move ahead with the following ideas to address the above comment themes.

1. Revise the existing OAC Chapter 3745-400 to apply only to C&DD facilities with no plans to expand the limits of construction and demolition debris placement beyond what was authorized in 2005. The revisions to OAC Chapter 3745-400 would include the changes required by HB 397, HB 432, HB 66, other changes needed to comply with ORC Chapter 119, the Legislative Service Committee requirements, and other revisions specific to existing C&DD facilities with no proposal to expand the limits of C&DD placement. *Please note: The term "limits of construction and demolition debris placement" is defined in OAC Chapter 3745-400-01(X), and includes areas where C&DD has already been disposed, ALDA, and ILDA.*
2. Revise draft OAC Chapter 3745-520 to apply only to owners and operators that are required to obtain a permit for their C&DD facilities in

accordance with HB 397. *Please note: ORC 3714.051(A)(2) states that no person shall establish a new C&DD facility without first obtaining a permit and ORC 3714.01(G) defines “new facility” to include an existing facility that is proposing to expand the facility beyond the approved limits of C&DD placement.*

3. By separating these two types of C&DD facilities into two separate chapters the applicability of each chapter will be simplified. In addition, DSIWM will work to revise and simplify the language of the applicability rules in both chapters.

DSIWM realizes that the above ideas address only a few specific themes contained in the interested party comments. However, since the above ideas will make significant changes to both chapters necessary, DSIWM believes that it is important to provide the interested parties with this information at this time.

If you have any comments or questions about the information contained in this document, e-mail [joany.snider@epa.state.oh.us](mailto:joany.snider@epa.state.oh.us) or send a letter to:

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DSIWM plans to provide opportunities for interested parties to participate in the rule making process prior to DSIWM filing proposed C&DD rules with JCARR. These opportunities may include use of the DSIWM web site to distribute information and requests for interested party feedback to DSIWM on specific topics. Ohio EPA encourages all interested parties to subscribe to the C&DD [Listserv](#) to receive e-mail notification of new postings on the DSIWM web site.