



Early Stakeholder Outreach — Solid Waste Disposal Fees OAC Rules 3745-502-01, 3745-502-02, 3745-502-03, 3745-502-04, 3745-502-05

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.

What does OAC Chapter 3745-502 cover?

The following rules in Ohio Administrative Code (OAC) Chapter 3745-502 cover requirements for collecting, remitting, and reporting fees for generating and disposing of solid waste.

3745-502-01 Definitions

3745-502-02 Requirements for Collecting, Remitting, and Reporting State Disposal and Environmental Protection Fees

3745-502-03 Requirements for Collecting, Remitting, and Reporting Solid Waste Management District Disposal and Generation Fees

3745-502-04 Requirements for Collecting, Remitting, and Reporting Host Community Fees

3745-502-05 C&DD Disposal Fee at Municipal Solid Waste Facility-Multiple Townships or Municipal Corporations

Why are these rules being sent out for Early Stakeholder Outreach?

The rules identified in this fact sheet are scheduled for their five-year review pursuant to Ohio Revised Code (ORC) 106.03. Ohio EPA Division of Materials and Waste Management (DMWM) is seeking early stakeholder input on revisions to these landfill rules to gain feedback on opportunities to improve these rules. As part of the rule-making process, Ohio EPA would like to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by the rules. Ohio EPA is offering your organization the opportunity to comment on these rules before the division formally proposes them.

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. In response to EO 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule 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 changes are being considered?

DMWM has conducted a preliminary review of the rules and is considering making the following changes to the current fee rules in OAC Chapter 3745-502:

- Removing duplicative definitions for terms that are defined the same in the multi-program definitions rule, OAC 3745-500-02.

How can I provide input?

The Agency is seeking stakeholder input on the rules. 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 December 6th, 2019. Please submit input to:

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What if I have questions?

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

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- Re-structuring the rule numbers to allow for the creation of an applicability rule. This rule would be the new OAC 3745-502-01 and house the applicability and exclusions for the entire chapter instead of being duplicated in each subsequent rule. Definitions would move to OAC rule 3745-502-02, the state fee would be in OAC rule 3745-502-03, the solid waste management district disposal and generation fee in OAC rule 3745-502-04, the host community fee rule would move to OAC rule 3745-502-05, and the construction and demolition debris fee at a municipal solid waste facility in multiple townships or municipal corporations would be the new OAC rule 3745-502-06.
- Clarifying how fees are assessed on yard waste and food waste that arrives at a solid waste transfer facility destined for a solid waste composting facility.
- Adding a provision that excludes auto shredder residue from the fee requirements when the material is being used as an approved alternative daily cover at a municipal solid waste landfill.

Who will be 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. Solid waste management districts, municipal corporations, and townships are also impacted because they receive money from the collection of solid waste fees.

What is the rulemaking schedule?

After consideration of stakeholder input, Ohio EPA will prepare recommendations to either retain rules without change or to amend rules. The Agency's next step is then to release a draft version of any amendments to these rules 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 include formally filing the 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 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, please visit ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage.

What input is the Agency seeking?

The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving an identified concept? What options are available for improving the existing rules?
- Are there considerations the Agency should take into account when updating the existing rules? Are there considerations the Agency should take into account when developing a specific concept?
- Is there any information or data the Agency should be aware of when developing program concepts or rule language?

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

- Would changes to the regulatory program have a positive impact on your business? Please explain how.
- Would changes to the regulatory program 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).

Contact

For more information, contact Michelle Mountjoy at michelle.mountjoy@epa.ohio.gov or (614) 728-5372.