

Composting Rules Webinar

Five Year Rule Review

Ohio Administrative Code (OAC)

3745-500, 3745-501, 3745-503 and 3745-560

Five Year Rule Review

- Review Date: ORC section 119.04
- ORC section 106.03
 - Agency shall determine whether a rule should be:
 - Created
 - Rescinded
 - Amended
 - Retained without change
 - OAC Chapter 3745-560, 3745-500, 3745-501, and 3745-503

Ohio EPA's Rule Process

- Early Stakeholder Outreach



- Interested Party Review



- Original Filing with JCARR



- Final Filing



- Effective Rules

Rule/rule process questions?
Contact: Michelle Mountjoy at
michelle.mountjoy@epa.ohio.gov

Early Stakeholder Outreach

- Fact Sheet
- Thirty day comment period
- Outreach prior to rule development
- No formal responsiveness summary from Ohio EPA



Division of Materials and Waste Management
September 19, 2016

Early Stakeholder Outreach — Composting Rules: Composting Program Chapter 3745-560, Chapter 3745-500, Chapter 3745-501, and Chapter 3745-503

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 Chapters 3745-27-560, 3745-500, 3745-501, and 3745-503 cover?

Ohio Administrative Code (OAC) Chapter 3745-560 is the composting program chapter containing forty rules specific to composting facilities and compost quality standards. [OAC Chapter 3745-560](#) also requires compliance with the following OAC Chapters or rules contained in these chapters:

- [OAC Chapter 3745-500](#). This chapter contains thirteen administrative and procedural rules. These include definitions, general procedures for permit and licensing issuance, denial, revocation, etc., variances, and exemptions that may apply to various solid waste programs.
- [OAC Chapter 3745-501](#). This chapter contains eight general solid waste licensing and procedural rules.
- [OAC Chapter 3745-503](#). This chapter contains four financial assurance and procedural rules. These include the available types of financial assurance instruments and wording of instruments.

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

OAC Chapters 3745-560, 3745-500, 3745-501, and 3745-503 were promulgated in 2012 and will be due for their five-year review in 2017. Ohio EPA Division of Materials and Waste Management (DMWM) is seeking early stakeholder input on revisions to the composting 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. The 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.

[Learn more at an Ohio EPA hosted webinar.](#)

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How can I provide input?

The Agency is seeking stakeholder input on the OAC Chapters 3745-27-560, 3745-500, 3745-501, and 3745-503. 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 October 19, 2016. Please submit input to:

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

What if I have questions about the rules?

Please contact Angel Arroyo-Rodriguez at (614) 728-5336 or angel.arroyo-rodriguez@epa.ohio.gov.



Interested Party (IP) Review

- Draft Rules
- Thirty day comment period
- Business Impact Analysis (BIA)
- eNotification

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Environmental Protection Agency (Ohio EPA)

Regulation/Package Title: _____

Rule Number(s): _____

Date: _____

Rule Type:

New

Amended

5-Year Review

Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.
Please include the key provisions of the regulation as well as any proposed amendments.
2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

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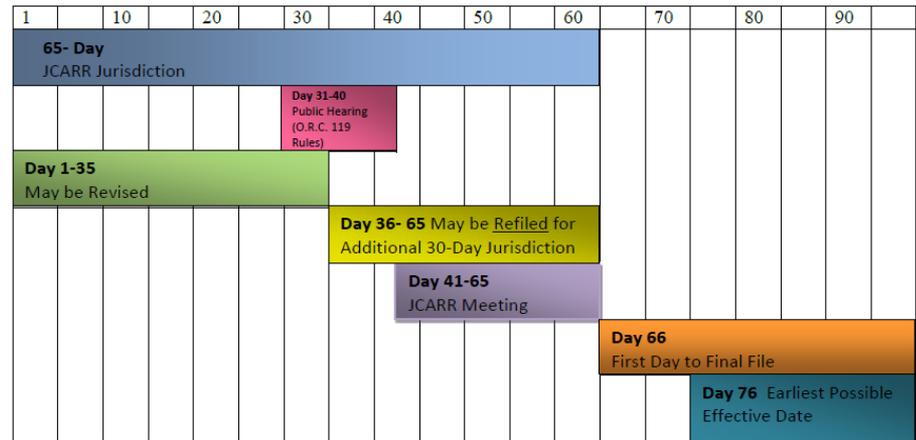
CSIOhio@governor.ohio.gov



Original Filing

- Draft rules proposed to the Joint Committee on Agency Rule Review (JCARR)
- Ohio EPA Responsiveness Summary
- Ohio EPA Public Hearing
- Hearing Summary
- JCARR Hearing

JCARR Rule Processing Timelines



JCARR No Change Rule Processing Timeline



Final Filing

- Post JCARR Jurisdiction
- Establish an effective date
 - Ten days (ORC 119.04)
- Establish a five year review date
- Final Public Notice and final rules on Register of Ohio
 - <http://www.registerofohio.state.oh.us/>



Expected Changes

- At a minimum
 - Updates to quality standards testing methods
 - Updated citations (other rules)
 - Language clarification
- User suggested
 - Keeping up with the composting industry
 - Fix what is no longer working

Types of Comments

- Specific rule language issues
 - Language that is not clear
 - Excessive referencing loops
 - Location is not intuitive to find
- Conceptual issues
 - Changing how things are done

A Few Concepts

- Current regulatory framework, does it still work? Consider alternative framework?
- How can the rules be improved to facilitate food scraps composting or increase diversion?
- Should registration or siting criteria be different for in-vessel technologies?

Providing Comments

- Explain what is not working about the rule concept you think must be changed
- Identify options available for improving it
- List any considerations the Agency must take into account when revising a concept
 - Ex. Coordinating with other agencies, other stakeholders
- Identify information or data that must be studied

Providing Comments (continued)

- What is the impact of this regulatory program in your business or municipal operation?
- If adverse impact:
 - Identify the type of business or operation affected
 - Identify nature of adverse impact
 - Provide summary of estimated cost of compliance with rules

Thank You!