



## Early Stakeholder Outreach — Construction & Demolition Debris Rules: 3745-400-13, 3745-400-14, 3745-400-16, 3745-400-17, 3745-400-18, and 3745-400-25.

*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 do these rules cover?

All six of these Ohio Administrative Code (OAC) Rules regulate construction and demolition debris (C&DD) disposal facilities. Two rules address post-closure care of the facility and four address financial assurance for the cost of conducting facility closure and post-closure care requirements. The six rules with links to the rules are provided in the following table:

3745-400-13	<a href="#">Financial Assurance for C&amp;DD Facility Final Closure</a>
3745-400-14	<a href="#">Wording of the Financial Instruments</a>
3745-400-16	<a href="#">Post-closure Care of a C&amp;DD Facility</a>
3745-400-17	<a href="#">Procedures for Issuance of an Order Extending the Post-closure Care Period</a>
3745-400-18	<a href="#">Financial Assurance for Post-closure Care of C&amp;DD Facilities</a>
3745-400-25	<a href="#">Five-year Transition for Final Closure and Post-closure Care Financial Assurance for C&amp;DD Facilities</a>

### How can I provide input?

The Agency is seeking stakeholder input on OAC Rules 3745-400-13, 3745-400-14, 3745-400-16, 3745-400-17, 3745-400-18, and 3745-400-25. 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 9, 2016. Please submit input to:

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### What if I have questions?

Please contact Dan Harris at (614) 728-5377 or [daniel.harris@epa.ohio.gov](mailto:daniel.harris@epa.ohio.gov).

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

These six rules were last promulgated or amended 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 these six C&DD rules to gain feedback on opportunities to improve the 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.

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The first step in the rule-making process is for Ohio EPA to identify whether 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.

You are invited to join an Ohio EPA hosted webinar at 10:30 a.m. on November 16, 2016, to answer questions regarding this Early Stakeholder Outreach on the C&DD rules, the general rule-making process, the opportunities for stakeholder involvement, and to listen to stakeholder suggestions. For information on how to participate in the webinar contact Michelle Mountjoy at: [michelle.mountjoy@epa.ohio.gov](mailto:michelle.mountjoy@epa.ohio.gov).

### Who will be regulated by these rules?

These six rules apply to owners and operators of licensed C&DD disposal facilities and C&DD disposal facilities in post-closure care.

### What changes are being considered and what input is the Agency seeking?

Ohio EPA suggests that many of these rules may be retained without change. Ohio EPA foresees at a minimum making minor wording clarifications and citation updates. At this time, the agency is seeking input on additional needed changes to improve the function of these rules. Comments on any parts of the rules are welcome, but the Agency would like to ensure to receive feedback on the following:

- Is the general regulatory framework in the current rules the most appropriate? Should the Agency consider any alternative framework?
- What is not working about an identified rule concept?
- What options are available for improving the identified concept?
- Are there considerations the Agency should take into account when developing or revising 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 from businesses and municipalities on how they may be impacted by these rules:

- Would this regulatory program have a positive impact on your business? Please explain how.
- If you feel that this rule has an adverse impact to business, as defined in section 107.52 of the Ohio Revised Code, please provide a summary of the estimated cost of compliance with the rules. Specifically, please identify the scope of the impacted business community; identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance); and quantify, to the best of your ability, the expected adverse impact from the regulation. The adverse impact can be quantified in terms of dollars, hours to comply, or other factors.

### What is the rulemaking schedule?

After the December 9, 2016 comment deadline and consideration of stakeholder input, Ohio EPA will prepare recommendations on each rule to either retain the rule without change or to amend the rule. The Agency's next step is then to release a draft version of any amendments to these six 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 will also include formally filing to the rules with the Joint Committee on Agency Rule Review (JCARR). At that time, JCARR will include the proposed rules 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](http://epa.ohio.gov/dmwm/dmwmnonhazrules.aspx)). To sign up, go to [ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage](http://ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage).

### Contact

For more information, contact Michelle Mountjoy at [michelle.mountjoy@epa.ohio.gov](mailto:michelle.mountjoy@epa.ohio.gov) or Dan Harris at [daniel.harris@epa.ohio.gov](mailto:daniel.harris@epa.ohio.gov).