



Early Stakeholder Outreach — Authorization to Stabilize Waste through Bulk Liquid Addition

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 OAC rules 3745-27-80 to 89 cover?

These existing ten rules establish the means by which a municipal solid waste landfill owner or operator can obtain authorization to introduce bulk liquids to the waste mass and the operational rules that would apply if authorized. Ohio adopted these rules in 2011 pursuant to U.S. EPA's Research, Development and Demonstration program which allows municipal solid waste landfill facilities to, in part, use innovative and new methods that vary from the federally prescribed liquids restrictions. The rules address:

[3745-27-80](#) Applicability and definitions

[3745-27-81](#) Application for authorization

[3745-27-82](#) Issuing, denying, extending, and reauthorizing authorization

[3745-27-83](#) Gas management system operation

[3745-27-84](#) Monitoring, notification, and reporting

[3745-27-85](#) Extending or establishing a new termination date

[3745-27-86](#) Terminating and suspending an authorization by the owner or operator

[3745-27-87](#) Terminating and suspending an authorization by the director

[3745-27-88](#) Monitoring, reporting, and financial assurance after termination

[3745-27-89](#) Gas management system design

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

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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?

The Agency is seeking feedback from stakeholders regarding whether the rules should be amended, rescinded, or retained without change. To date, there have been no requests submitted for authorization to stabilize waste in municipal solid waste landfills through liquid addition. On November 13, 2015, U.S. EPA [proposed revising the federal rule](#) to allow an approved state to increase the number of renewals from 3 to 6 which increases the total term of bulk liquid addition from 12 to 21 years. At this time, Ohio EPA does not anticipate making any substantive changes to these rules but would need to consider amendments consistent with any final federal rules.

How can I provide input?

The Agency is seeking stakeholder input on the rules addressing authorization to stabilize waste through bulk liquid addition. 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 February 26, 2016. Please submit input to:

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What if I have questions?

Please contact Annette DeHavilland at (614) 728-5373 or annette.dehavilland@epa.ohio.gov.

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Who will be regulated by these rules?

Municipal solid waste landfill owners and operators who submit a request for authorization to stabilize waste through liquid addition are subject to OAC 3745-27-80 through 3745-27-89. It is important to note that compliance with these rules is not required of all municipal solid waste landfills but only those municipal solid waste landfill owners and operators which seek and obtain authorization for liquid addition in accordance with these rules.

What input is the Agency seeking?

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

- Is the general regulatory framework the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving the liquid addition program?
- Are there considerations the Agency should take into account when updating the existing rules?
- 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 the liquid addition program.

- 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 February 26, 2016 comment deadline and consideration of stakeholder input, Ohio EPA will prepare changes to rules addressing authorization to stabilize waste through bulk liquid addition. The Agency's next step is then to release a draft version of the rules addressing authorization to stabilize waste through bulk liquid addition for interested party review and comment.

A complete summary of [Ohio EPA's rule-making process](http://epa.ohio.gov/Rules.aspx) is available at <http://epa.ohio.gov/Rules.aspx>. Future steps will also include formally filing to amend the rules addressing authorization to stabilize waste through bulk liquid addition 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/dmwmmnonhazrules.aspx). To sign up, go to ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage.

Contact

For more information, contact Annette DeHavilland at Annette.dehavilland@epa.ohio.gov or (614) 728-5373.