



Business Impact Analysis RESCINDED PACKAGES

Agency Name: Ohio Environmental Protection Agency (Ohio EPA) _____

Regulation/Package Title: C&DD Ground Water Monitoring Fee Rule _____

Rule Number(s): 3745-520-50 _____

Date: _____

Rule Type:

Rescinded

This form is intended for rule packages in which every rule in the package is being rescinded. This does not include rules required to be submitted as “Rescind and New” by the Legislative Service Commission because they are being amended by more than 50 percent.

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 Please describe in plain language the regulation that is being rescinded.

Ohio Administrative Code (OAC) Rule 3745-520-50 is the regulation pertaining to the fee for the purpose of funding and conducting ground water monitoring at construction and demolition debris (C&DD) disposal facilities. ORC 3714.071 provides the director of Ohio EPA the authority to adopt a rule establishing the fee on the disposal of C&DD for the purpose of funding ground water monitoring.

This rule establishes a fee of five cents per cubic yard or ten cents per ton on the amount of construction and demolition debris (C&DD) disposed at C&DD disposal facilities.

2. Why is the regulation being rescinded?

Please be specific (ORC change, request of stakeholders, etc.)

Ohio EPA received input from stakeholders during the interested party period suggesting that the rule be rescinded. The Agency considered the cost of compliance associated with the rule, the current balance in the C&DD ground water monitoring fund, as well as the proposal to file the rule as unchanged, and determined that the rule should be rescinded until the money in the fund is further utilized for prioritized ground water monitoring at C&DD facilities.

3. Please describe in general terms the adverse impacts to business (including currently impacted industries) in the existing rule(s).

The ground water monitoring fee rule has a direct impact on all owners and operators of construction and demolition debris disposal facilities in the state of Ohio, with the nature of the adverse impact being associated with the cost of calculating, collecting, and remitting the ground water monitoring fee.

In 2013, 38 Ohio construction and demolition debris disposal facilities reported disposal of over 24.2 million tons of C&DD and remitted \$333,719.22 for the ORC 3714.071 ground water monitoring program. Nine facilities remitted less than \$1,000; five facilities between \$1,000-2,000; eight facilities between \$2,000-5,000; eight facilities between \$5,000-10,000; five facilities between \$10,000-20,000; and three facilities over \$20,000 with the single highest remittance being \$86,900.

The cost of collecting and remitting this fee is dependent upon each individual facility's additional labor costs to calculate and collect the fee and the method of remitting the fee. Since the C&DD owner or operator already gathers the tonnage or volume data, calculates, collects, and remits other distinct statutory fees (See ORC 3714.07), the additional cost of collecting and remitting the fee established by OAC Rule 3745-520-50 is minimal. Rescission of this rule would eliminate all costs of compliance.

4. Are there other regulations (either existing or to be created) which will replace the regulation being rescinded or which will now apply because this regulation is being rescinded? This can include rules, statute, federal regulations, or industry standards etc.

No.

5. Does the rescission of this regulation eliminate flexibility or create more adverse impacts for stakeholders? If yes, please describe stakeholder outreach and justify the impacts.

No.