

Ohio

**Environmental
Protection Agency**



DSIWM Rule Reorganization

B. Scott Wilson
Business Analyst

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Introduction

- Housekeeping issues
- Purpose of this meeting
- My function in Ohio EPA - DSIWM
- My involvement with this project



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Review of existing rule structure

- Recalled my own experiences with DSIWM rules
 - As a Director of Environmental Health in Madison County
 - As a DSIWM employee dealing with internal and external customers
 - As a frequent speaker for Ohio EPA and Ohio EMA
- Reviewed Answer Place questions
- Evaluated comments from previous rule reviews
- Discussed rule structure with non-technical EPA staff



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Review of existing structure – what I found...

- The existing structure is very difficult to navigate
 - Many, many sublevels to each rule
 - Considerable number of unclear references to other rules
 - Many references are circular in nature
 - Confusing language and directions
- Example: 3745-27-10(D)(5)(a)(i)(b)(ii)(a) [ground water]
 - References reader back up the structure to 3745-27-10(D)(5)(a)(i)
 - Says you may not have to comply as written if another paragraph in the rules applies

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Review of existing structure – what I found...

- Rule titles and subject headings don't tell the full story
- Example: Chapter 3745-37
Licenses for Solid Waste, Infectious Waste Treatment, or Construction and Demolition Debris Facilities
 - Although not in the title, this chapter also discusses
 - Director's approved list of health districts
 - Required frequency of facility inspections
 - AMDWR Requirements

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Review of existing structure – what I found...

- The existing rules are significantly multi-subject
 - No single place contains all of the requirements for a particular subject
 - Example: 3745-27-19 Operations also contains construction provisions
 - Example: 3745-37 licensing rule, in addition to licensing, discusses
 - Director's approved list of health districts
 - Required frequency of facility inspections
 - AMDWR Requirements
- One requirement may be spelled out in detail in several places
 - Example: Detailed financial assurance requirements are found in many different rules and sub-rules



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Review of existing structure – what I found...

- Many rules contain conflicting language
 - Structure of some language is difficult to follow
 - May also result from updating rules that are difficult to navigate
- The existing numbering structure is extremely crowded
 - Significant lack of space to insert new rules
 - Results in either more sub-headings or out of order rules

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What problems does the current structure present?

- Issues for regulated community and regulators alike
- Compliance impacts
 - Lack of understanding can decrease ability to comply
 - Poorly structured rules can increase everyone's costs for doing business
- Impacts to consistency from regulatory bodies
 - Ohio EPA offices
 - Local health districts



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What problems does the current structure present?

- Increased likelihood of errors during rule revisions
- Increase in number of times a rule may be subject to revision
- Inability to specifically focus on a particular aspect of a program during required rule reviews



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The bottom line...

- Unnecessarily high costs attributable to rule structure

WE CAN DO BETTER...

- The physical structure of Ohio EPA's rules should not be an impediment good business



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The reorganization goal...

- Reduce rule structure as a cost factor for doing business in Ohio
- Make the rules easier to navigate
 - Simplify the structure
 - Make shorter, more concise rules with fewer references
 - Provide a consistent format
- Make the rules easier to understand
 - Simplify language where possible
 - Make more descriptive and accurate titles
 - Create single subject rules
- Streamline future rule review
 - Provide for more focused reviews



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The reorganization goal...

- Streamline future rule review
 - Provide for more focused reviews
 - Reduce errors during revisions
 - Eliminate repeated revision of any group of rules
- Improve regulatory consistency to provide for a level playing field for responsible business



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The reorganization – explained

- Simplified language wherever possible
- Reduced the number of sub rules [a “left shift”]
- Limited the number of references to other rules
- Eliminated circular references
- Created more accurate, descriptive titles



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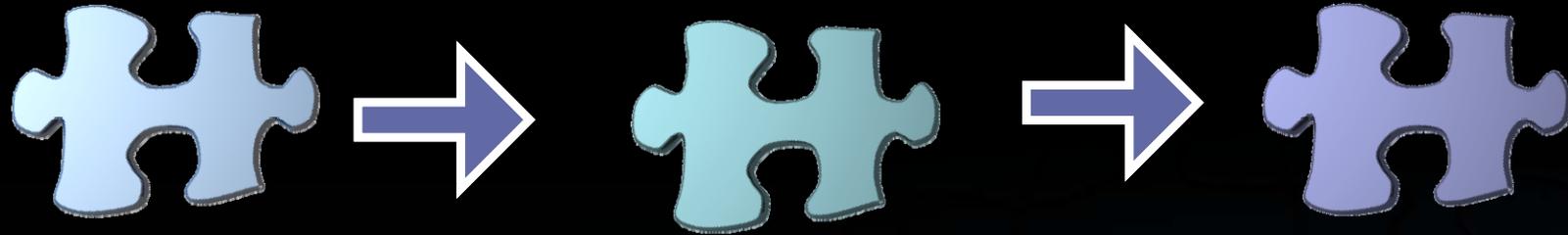
The reorganization – explained

- Created a consistent structure to use for all future rules
 - Single program chapters by program and/or facility type
 - Single subject rules within each chapter
 - Only includes requirements specific to subject facility type
 - Multi-program chapters
 - Single subject rules
 - Subjects that are applicable to multiple program types
 - Consistent organization of subjects within each single program or multi program chapter



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Navigating the new structure



Program Chapter

- Always the starting point
- applicability and basic regulations
- May be referred to MP rules for specifics

Multi-Program Rule

- Sent here for specific items common to many facilities
- Example: design specifications

Additional MP Rule

- Ideally no more than two jumps



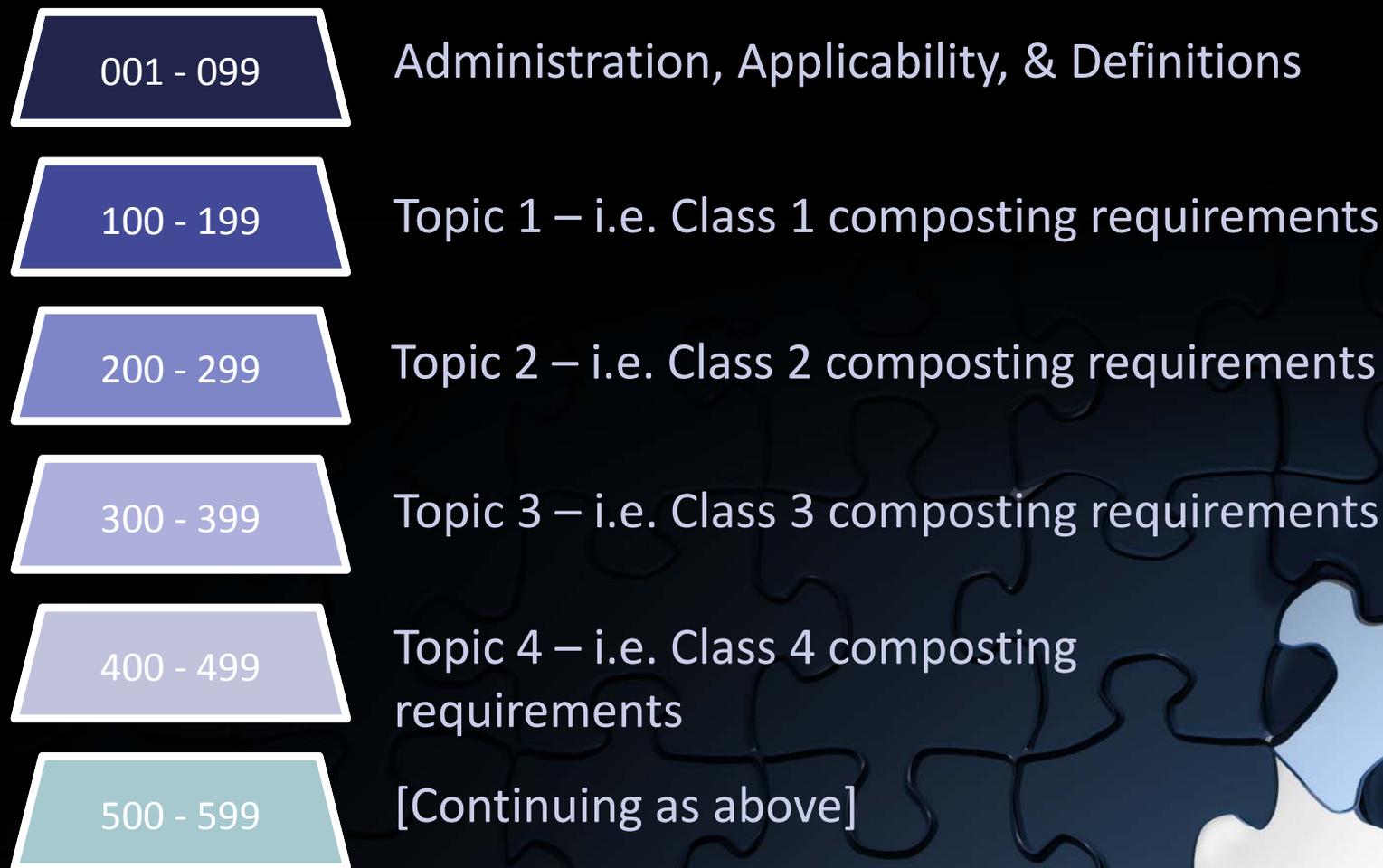
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Rule structure for program chapters



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Alternate rule structure for *non-landfill* program chapters



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The reorganization – the end result

- We simply can't continue using the existing rule structure
 - As we review and revise more rules, the existing problems will only get worse
- Yes – there are significantly more top level rules in the new structure. However...
 - This results from the “left shift” of what used to be rule subsections to individual rules
 - Actually fewer pages or rules due to replacement of redundant rule subsections with a single set of multi program rules
- The rules should be easier to navigate & understand



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The benefits...

- From an operational perspective
 - Improved regulatory consistency from Ohio EPA and local health district inspectors
 - Greater understanding of the requirements with potentially lower compliance staff costs
 - Less compliance trial and error
- From an administrative perspective
 - More focused rule review and revision
 - Technical requirements aside, potential to reduce regulatory costs



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The investment...

- This process is an investment in our future
- We realize the considerable resource investment required from all parties to make this structural shift
- By putting in the work now, we can all see a tremendous return on our investment for many years
- Bottom line: A more level playing field to promote responsible business in Ohio

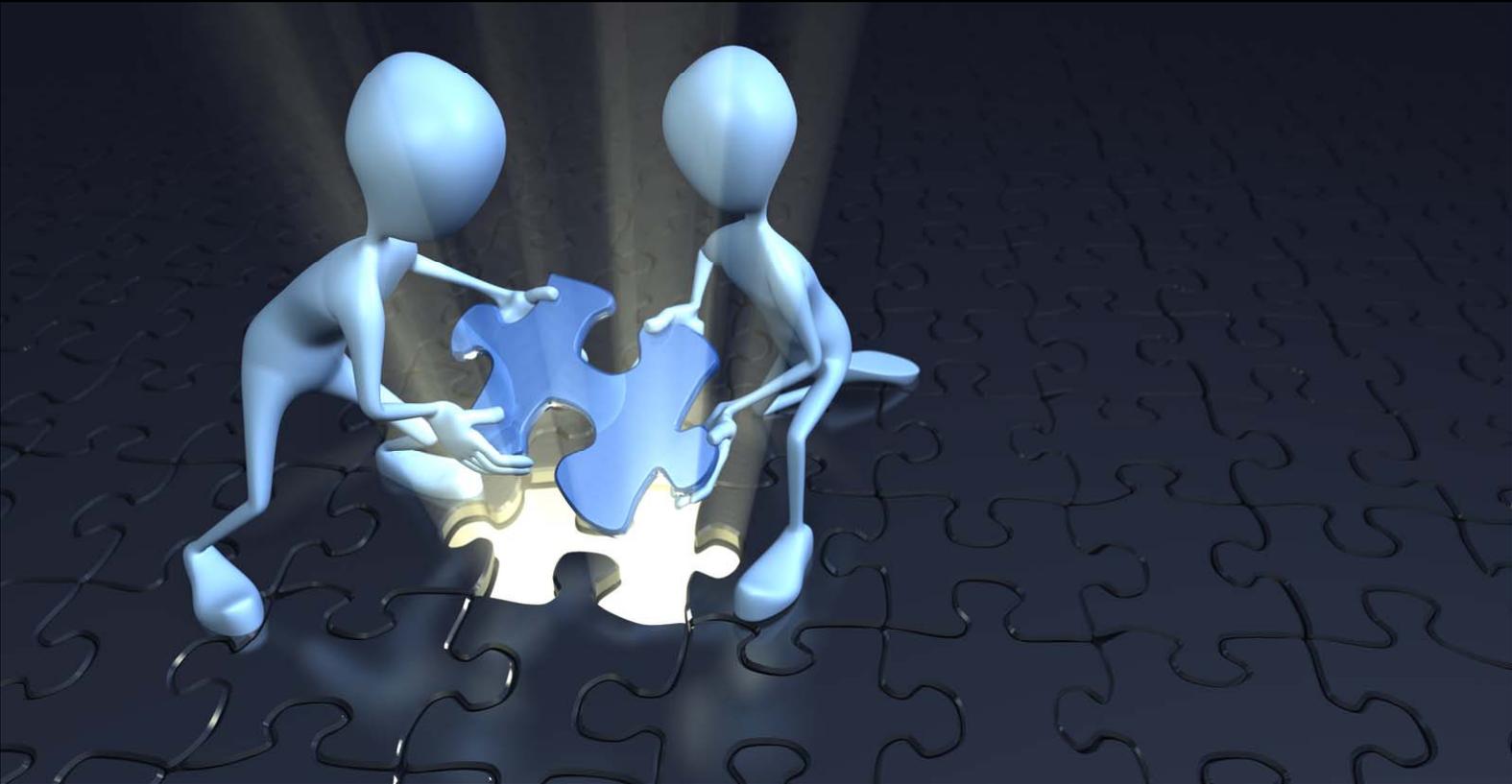


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A few more things...

- Tools for understanding new format
 - “Crosswalks”
 - Our website
 - Other materials
 - Our technical staff contacts
- If you have ideas or comments, please let us know. We want your input!





B. Scott Wilson

Ohio EPA-DSIWM

614-728-5342

Scott.wilson@epa.ohio.gov