



Early Stakeholder Outreach — Composting Rules Regulatory Development

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.

The composting regulations in Ohio Administrative Code (OAC) 3745-560 were made effective on April 2, 2012. This rule chapter is the first program chapter specific to solid waste composting that uses the multi-program chapters 3745-500 (definitions & administration), 3745-501 (licensing), and 3745-503 (financial assurance).

Why is the Agency seeking Early Stakeholder Outreach?

OAC rules 3745-560-130, 3745-560-230, and 3745-560-330 require Class I, Class II, and Class III composting facilities to meet certain quality standards before distributing compost. These rules include tables that contain concentration limits for heavy metals in compost produced from yard waste, animal waste, agricultural waste, food scraps, and alternative materials. Currently, typographical errors exist in the tables that could create confusion for owners and operators required to comply with those rules. Ohio EPA plans to correct the errors in the tables and prepare the rules for an interested party review period subsequent to this outreach period. Ohio EPA will ultimately file the rules with the Joint Committee on Agency Rule Review (JCARR), the secretary of state, and the Legislative Service Commission (LSC).

In response to Executive Order 2011-01K, Ohio EPA has included this additional step to ensure stakeholders are brought into the review 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 amended by the Agency.

What is being suggested?

Ohio EPA is suggesting making changes to “Table 1 – heavy metals” in rules 3745-560-130, 3745-560-230, and 3745-560-330 to correct the typographical errors. The errors are identical in each rule and include the following:

1. The Selenium analytical methods column is missing “6020A” after the “SW-846” method.
2. The Zinc analytical methods column is missing a “SW-846” before method “6020A.”

Ohio EPA is not suggesting any changes to the remainder of the composting rules.

How can I provide input?

The Agency is seeking stakeholder input on the proposed concepts included in this document. 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 September 6, 2013. Please submit input to:

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What if I have questions?

Please contact Barry Chapman at (614) 728-5344 or barry.chapman@epa.ohio.gov.

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Who is regulated by this rule?

Owners and operators of Class I through Class III composting facilities are subject to proposed amendments to OAC 3745-560. Class IV owners and operators would not be affected by Ohio EPA's suggested changes.

What input is the Agency seeking?

The Agency is seeking stakeholder input on the suggested changes included in this document. General comments and specific factual information must be submitted by the September 6, 2013 deadline. The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving an identified concept?
- Are there considerations the Agency should take into account when developing 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 information regarding the following from stakeholders who may be impacted by the new program.

- Would this regulatory program have a positive impact on your business? Please explain how.
- Would this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).

What's the next step?

After the September 6, 2013 comment deadline, Ohio EPA will evaluate feedback and facilitate additional stakeholder engagement as needed to further develop the composting rules. The Agency will then prepare a draft version of rules for interested party review. After incorporating interested party comments, Ohio EPA will begin the rules filing process required by the Joint Committee on Agency Rule Review (JCARR) for a 65-day jurisdiction period. They will be heard at JCARR before they are deemed effective as proposed. 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. To sign up, go to ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage.