



Early Stakeholder Outreach — Composting Rules: Composting Program Chapter 3745-560, Chapter 3745-500, Chapter 3745-501, and Chapter 3745-503

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 does OAC Chapters 3745-27-560, 3745-500, 3745-501, and 3745-503 cover?

Ohio Administrative Code (OAC) Chapter 3745-560 is the composting program chapter containing forty rules specific to composting facilities and compost quality standards. [OAC Chapter 3745-560](#) also requires compliance with the following OAC Chapters or rules contained in these chapters:

- [OAC Chapter 3745-500](#). This chapter contains thirteen administrative and procedural rules. These include definitions, general procedures for permit and licensing issuance, denial, revocation, etc., variances, and exemptions that may apply to various solid waste programs.
- [OAC Chapter 3745-501](#). This chapter contains eight general solid waste licensing and procedural rules.
- [OAC Chapter 3745-503](#). This chapter contains four financial assurance and procedural rules. These include the available types of financial assurance instruments and wording of instruments.

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

OAC Chapters 3745-560, 3745-500, 3745-501, and 3745-503 were promulgated 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 the composting rules to gain feedback on opportunities to improve these 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.

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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

Learn more at an Ohio EPA hosted webinar.

How can I provide input?

The Agency is seeking stakeholder input on the OAC Chapters 3745-27-560, 3745-500, 3745-501, and 3745-503. 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 October 19, 2016. Please submit input to:

Michelle Mountjoy
P.O. Box 1049
Columbus, OH 43216-1049
michelle.mountjoy@epa.ohio.gov

What if I have questions about the rules?

Please contact Angel Arroyo-Rodriguez at (614) 728-5336 or angel.arroyo-rodriguez@epa.ohio.gov.

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You are invited to join an Ohio EPA hosted webinar from 2:00 p.m. to 3:30 p.m. on September 29, 2016, to answer questions regarding this Early Stakeholder Outreach on these 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.

Who will be regulated by these rules?

The composting rules apply to persons conducting composting of solid wastes. This includes 417 registered class II, III and class IV composting facilities, as well as facilities excluded from registration requirements that are owned and operated by businesses, governmental entities, local solid waste management districts, institutions, and community organizations.

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. The focus of the Agency's proposed rule amendments would be on OAC Chapter 3745-560; however, the related multi-program rules may also be revised as needed to maintain functionality with any changes to the composting rules. Ohio EPA foresees at a minimum making minor wording clarifications, citation updates, and testing methods updates in the composting rules. At this time, the agency is seeking input on additional needed changes to improve the function of these rules in advancing the composting industry in Ohio. 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?
- Given the increasing interest in food scraps composting, how can the rules further facilitate these efforts?
- Should some composting technologies, such as in-vessel composting, be subject to different requirements?
- Does the definition of composting and the rule's framework appropriately allow for trial of alternative composting methods?
- Is there a need to recognize vermiculture (vermicompost) and/or acid-phase anaerobic fermentation (Bokashi) as composting methods subject to these rules?

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

- 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 October 19, 2016 comment deadline and consideration of stakeholder input, Ohio EPA will prepare recommendations to either retain rules without change or to amend rules to make changes in OAC Chapters 3745-560, 3745-500, 3745-501, and 3745-503. The Agency's next step is then to release a draft version of any amendments to these OAC Chapters 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 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/>.

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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). To sign up, go to ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage.

Contact

For more information, contact Michelle Mountjoy at michelle.mountjoy@epa.ohio.gov or Angel Arroyo-Rodriguez angel.arroyo-rodriguez@epa.ohio.gov.