



Early Stakeholder Outreach — Scrap Tire Rules in OAC Chapter 3745-27

Rule 3745-27-01, 3745-27-54, 3745-27-55, 3745-27-56, 3745-27-57, 3745-27-60, 3745-27-61, 3745-27-62, 3745-27-63, 3745-27-65, 3745-27-66, 3745-27-67, 3745-27-69, 3745-27-70, 3745-27-71, 3745-27-72, 3745-27-73, 3745-27-74, 3745-27-75, 3745-27-78, and 3745-27-79

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 these rules cover?

Ohio Administrative Code (OAC) Chapter 27 contains rules for solid waste, infectious waste, and scrap tire disposal. The scrap tire rules are covered in OAC 3745-27-54 through 3745-27-79 and address scrap tire transporters; collection, storage and recovery facilities; monofills; monocells; beneficial use; and soil, surface water, and ground water contamination remediation caused by the open burning of scrap tires.

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The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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

You are invited to join an Ohio EPA hosted webinar from 1:30 p.m. to 2:30 p.m. on April 5, 2017, 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.

What changes are being considered?

Ohio EPA is considering re-organizing the scrap tire rules into a new program chapter in OAC 3745-580. This re-organization would call for a rescission of the existing scrap tire rules in OAC 3745-27 and the promulgation of new rules in OAC 3745-580. The current twenty scrap tire rules are lengthy and contain multiple sub-level paragraphs to house all of the requirements. By re-organizing the rules, requirements can be better organized and spread out more appropriately over an entire chapter of the Administrative Code. At this time, Ohio EPA expects to keep the majority of the content of the rules as they are currently effective, but is interested in stakeholder perspective on what changes are needed in these rules.

How can I provide input?

The Agency is seeking stakeholder input on the scrap tire rules. 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 April 24, 2017. Please submit input to:

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

What if I have questions?

Please contact Channon Cohen at (614) 728-5353 or channon.cohen@epa.ohio.gov.

Early Stakeholder Outreach — Scrap Tire Rules

What input is the Agency seeking?

Ohio EPA suggests that many current scrap tire requirements be retained without change and migrated into the new rule chapter OAC 3745-580. However, based on feedback from our regulatory partners Ohio EPA has identified certain areas of the rules that may need clarification and/or changes. Comments on any parts of the rules are welcome, but the Agency would particularly like to ensure we receive feedback on the following:

- Are the current scrap tire storage limits appropriate as written in the existing rules? Are there considerations the Agency should take into account?
- Are the current scrap tire clarifications and definitions appropriate as written in the existing rules? If not, please explain.
- Is there a need to further facilitate beneficial use rules to appropriately allow for trials of alternative methods?
- Are current scrap tire transporter rules appropriate as written in the existing rules? Are there considerations the Agency should take into account?
- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- 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 scrap tire program.

- Does this regulatory program have a positive impact on your business? Please explain how.
- Does 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).

Who will be regulated by these rules?

These rules regulate the storage, transportation and management of scrap tires. Specifically scrap tire transporters; scrap tire collection, storage and recovery facilities; monofills; monocells; and those who beneficially use scrap tires.

What is the rulemaking schedule?

After the completion of the ESO comment period, Ohio EPA will prepare a draft of the re-organized scrap tire rules for interested party review. An associated Business Impact Analysis (BIA) will also be released.

How can I track the program and rule-development progress?

A complete summary of [Ohio EPA's rule-making process](#) is available at <http://epa.ohio.gov/Rules.aspx>. Future steps include formally filing 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/>.

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 (614) 728-5372.