What does this rule cover?
The explosive gas monitoring rule was first promulgated in 1988 and prescribes the requirements for monitoring explosive gas migration at solid waste landfills.

Why are these rules being amended and what changes are being considered?
Ohio EPA is required by section 106.03 of the Ohio Revised Code to review the Agency’s rules every 5 years to determine whether or not to continue the rules without change, amend the rules, or rescind the rules. The Agency has reviewed the current effective rule and has made the preliminary determination to amend this rule. Because Ohio EPA amended more than 50% of the content in the rule, the Legislative Service Commission requires the current rule be rescinded and a new rule be promulgated.

DMWM is including the following rule in this review package:

<table>
<thead>
<tr>
<th>Rule Number</th>
<th>Title</th>
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<tbody>
<tr>
<td>3745-27-12</td>
<td>Explosive gas migration monitoring for a sanitary landfill facility.</td>
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</table>

DMWM is proposing to update the rule to reflect statutory changes and amend the rule to be compliant with Legislative Service Commission and Ohio EPA rule writing standards. The content of the rule has also been reorganized for better clarity. Major programmatic changes to the rule include the following:

- Narrowing the applicability of the rule to exclude solid waste landfill facilities that have an occupied structure within 1,000 feet of the limits of solid waste placement and were previously licensed between July 1, 1970 and May 31, 1988 unless they have received a notification from Ohio EPA that they are subject to the rule.

- A call-in schedule to require all solid waste landfill facilities subject to the rule to prepare an explosive gas monitoring plan for the facility. Ohio EPA is mainly interested in identifying and prioritizing sites where explosive gas generation and migration poses a risk to nearby occupied structures and has clarified the applicability of the rule. Language from the statute was added to allow the director to issue an order to any responsible party requiring the preparation and submittal of a new or revised explosive gas monitoring plan (EGMP).

- Inclusion of statutory language that identifies individuals responsible for monitoring and remediating explosive gas migration.

- Inclusion of statutory language recognizing that the director may require previously excluded captive landfills to manage and remediate explosive gas migration towards occupied structures.

- Addition of language from the statute that clarifies the level of explosive gas that poses a threat to human health and safety.

- Inclusion of a mechanism to ensure all EGMPs statewide are current and appropriately designed for the effective monitoring and managing explosive gas migration.

- Partitioning of monitoring requirements that were traditionally contained in the EGMP. This allows facilities to have a smaller plan, which cuts down on the time and cost to prepare the EGMP. It also ensures consistency in monitoring and remediating explosive gas.

- Allowance for the use of alternative monitoring devices (AMDs) in lieu of probes.

- Clarification as to the appropriate design, placement, and construction of explosive gas monitoring probes and AMDs to ensure detection of explosive gas migration towards all occupied structures.

- New language requiring explosive gas monitoring prior to occupancy of new structures constructed within 1000 feet of the solid waste landfill facility.
Explosive Gas Monitoring Rule

- Addition of language to provide direction for statewide consistency in appropriate calibration of explosive gas meters used to sample explosive gas monitors and proper management of explosive gas alarms in structures.
- Provisions to allow the director to require more frequent monitoring when a responsible party is conducting contingency monitoring.
- Clarification in the process to return to compliance explosive gas monitoring following an indication of explosive gas migration.
- Expansion of the remediation plan and remediation procedures to ensure facilities abate explosive gas migration appropriately and in a time sensitive manner.
- Inclusion of statutory language that allows the director to determine the gas sampling frequency.

What additional information is the Agency seeking?

The Agency is seeking comments from interested stakeholders (public, local officials, industry sectors, other state agencies, consultants and environmental organizations) who may be impacted by these rule revisions. General comments and specific factual information are welcome.

In addition to the draft rule amendments, Ohio EPA is also seeking comments and feedback on the draft Common Sense Initiative (CSI) Business Impact Analysis (BIA) form, which is being released with these draft rules during interested party review.

How are the amendments formatted in the draft rules?

The rule has been drafted as a new replacement rule and all text is underlined. The existing rule is being rescinded.

What is the rulemaking schedule?

At this time, the Agency is soliciting input on these draft rule revisions. Ohio EPA is required by section 121.39(D) of the Revised Code to contact potentially affected parties prior to adopting rule changes. At the close of the interested party comment period, the Agency will review the comments and make necessary changes to the rules. The Agency will then file proposed rules with the Joint Committee on Agency Rule Review, the Legislative Service Commission and the Secretary of State.

How can I comment on the draft rules?

Please submit your comments in one of the following ways:

- By email: michelle.mountjoy@epa.ohio.gov
- By postal mail:
  Michelle Mountjoy - Rules Coordinator
  Ohio EPA, Division of Materials and Waste Management
  P.O. Box 1049
  Columbus, OH 43216-1049

  Comments on the draft rules must be received no later than 5:00 p.m. on September 26, 2019.

How can I get more information?

Copies of this fact sheet, BIA form and the draft rules are on the Division of Materials and Waste Management website at: https://epa.ohio.gov/dmwm/dmwmnonhazrules#126793967-interested-party

For more information about these draft rules, please contact:

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