



Early Stakeholder Outreach — Industrial Solid Waste Landfill Rules: OAC Chapter 3745-29

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 OAC Rules cover?

The following nine rules in Ohio Administrative Code (OAC) Chapter 3745-29 cover solid waste landfills that are authorized or were authorized to dispose of industrial solid waste, and persons seeking to submit a permit-to-install application for an industrial solid waste landfill.

3745-29-01	Definitions
3745-29-02	Applicability
3745-29-06	Industrial solid waste permit to install application
3745-29-07	Additional criteria for approval of industrial solid waste landfill facility permit to install applications
3745-29-08	Industrial solid waste landfill facility construction
3745-29-10	Ground water monitoring program for an industrial solid waste landfill facility
3745-29-11	Final closure of an industrial solid waste landfill facility
3745-29-14	Post-closure care of industrial solid waste landfill facilities
3745-29-19	Operational criteria for an industrial solid waste landfill facility

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

Rules in OAC Chapter 3745-29 are scheduled for their five-year review under ORC section 106.03. Ohio EPA Division of Materials and Waste Management (DMWM) is seeking early stakeholder input on revisions to these industrial solid waste landfill 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The first step in the ORC section 106.03 five-year review is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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.

How can I provide input?

The Agency is seeking stakeholder input on the Industrial Solid Waste Landfill rules in OAC Chapter 3745-29. 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 March 9, 2018. Please submit input to:

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What if I have questions about the rules?

Please contact Annette DeHavilland at (614) 728-5373 or annette.dehavilland@epa.ohio.gov.

What changes are being considered?

Ohio EPA is considering the following changes:

- Incorporating or referencing statutory changes that have occurred since the last five-year review. Statutory changes include:
 - ORC 3734.02(O) regarding the disposal of secondary aluminum waste or municipal solid waste that has been commingled with secondary aluminum waste.
 - ORC 3734.02(P) regarding the acceptance of technologically enhanced naturally occurring radioactive material (TENORM) for disposal if that material contains or is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background.
 - ORC 3734.02(P) regarding the acceptance of technologically enhanced naturally occurring radioactive material (TENORM) associated with drilling operations without first obtaining representative analytical results.
 - The recent amendment to ORC 3734.578 through the budget bill SB 49 regarding solid waste approved as alternative daily cover.
- Opportunities for minor wording clarifications, citation updates, and formatting changes. For example, the recent budget bill SB 49 deleted old unnecessary language in ORC 3734.05(A)(3) and (4). This necessitates updating rule citations to ORC 3734.05(A).
- Other subjects for consideration and stakeholder input:
 - Expanding the residual solid waste landfill program to absorb the industrial solid waste landfills. For example, industrial landfills would be reclassified as Class I residual solid waste landfills.
 - Landfill odor control, monitoring, and response.
- Stakeholder input regarding incorporating new technologies into rule such as soilless covers (e.g. exposed geomembrane, engineered turf) and liner integrity surveys.

Learn more at an Ohio EPA hosted webinar.

You are invited to join an Ohio EPA hosted webinar from 9:00 a.m. – 10:00 a.m. on February 15, 2018, 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. To participate in the webinar, please [register](#).

Who is regulated by these rules?

These rules apply to owners and operators of permitted and licensed solid waste landfills that are authorized or were authorized to dispose of industrial solid waste, and persons seeking to submit a permit-to-install application for an industrial solid waste landfill. This includes four operating industrial solid waste landfills (Cristal USA, ArcelorMittal Cleveland, Owens Corning Insulating Systems, and Materion Brush).

What is the rulemaking schedule?

After consideration of stakeholder input, Ohio EPA will prepare recommendations to either retain rules without change or to amend rules. 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/>.

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.

What input is the Agency seeking?

Ohio EPA is seeking specific input on the industrial solid waste landfill program contained in rules in OAC Chapter 3745-29.

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

- What is not working about an identified rule?
- What options are available for improving the identified rule?
- Are there considerations the Agency should take into account when developing or revising the rule?
- 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.

Contact

For more information, contact Annette DeHavilland at (614) 728-5373 or annette.dehavilland@epa.ohio.gov.