Early Stakeholder Outreach — Rules to Authorize Bulk Liquid Addition at MSW Landfills to Stabilize Waste

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 ten rules in Ohio Administrative Code (OAC) Chapter 3745-27 addresses the requirements and the procedure to obtain authorization to add bulk liquids to a municipal solid waste landfill for the purpose of studying waste stabilization. These rules were adopted to implement the federal research, development, and demonstration (RD&D) program for Subtitle D landfills, specifically the part of the program pertaining to the liquids restrictions. Ohio EPA adopted these rules in 2011.

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How can I provide input?
The Agency is seeking stakeholder input on the OAC Chapter 3745-27 rules for authorizing bulk liquid addition to landfills to stabilize waste. 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 Monday, March 23, 2020. Please submit input to:
Annette DeHavilland
P.O. Box 1049
Columbus, OH 43216-1049
anntette.dehavilland@epa.ohio.gov

What if I have questions about the rules?
Please contact Annette DeHavilland at annette.dehavilland@epa.ohio.gov or (614) 728-5373.
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The first step in the ORC section 106.03 five-year review is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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.

**What changes are being considered?**

Ohio EPA is proposing to file a determination with JCARR to rescind these rules. Ohio EPA feels that these rules are no longer necessary because (1) no such authorization has been requested since the rules were adopted, and (2) the U.S. EPA has determined enough data has been collected and is in the process of preparing rule amendments. More information about U.S. EPA’s proposed rulemaking can be found here: https://www.federalregister.gov/documents/2018/12/26/2018-27748/revisions-to-the-criteria-for-municipal-solid-waste-landfills-to-address-advances-in-liquids

**Who is regulated by these rules?**

These rules apply to owners and operators of permitted and licensed municipal solid waste landfills seeking to obtain authorization to add bulk liquids to the landfill.

**What is the rulemaking schedule?**

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

**What input is the Agency seeking?**

Ohio EPA is seeking specific input on OAC Chapter 3745-27 rules for authorizing bulk liquid addition to municipal solid waste landfills to stabilize waste.

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.

**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](http://epa.ohio.gov/Rules.aspx). Future steps include formally rescinding the rules with the Joint Committee on Agency Rule Review (JCARR). At that time, JCARR will include the proposed rescinding of the rules 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/](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](http://epa.ohio.gov/dmwm/dmwmnonhazrules.aspx)). To sign up, go to [ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage](http://ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage).

**Contact**

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