

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
Construction and Demolition Debris Processing Facility Rules**

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 3714.02, 3714.022, 3714.062, 3714.07, and 3714.071 of the Ohio Revised Code and in accordance with Chapter 119, proposes to original file the following rules of the Ohio Administrative Code:

Rule Number	Rule Title	Action
3745-400-01	Definitions.	Amend
3745-400-02	General obligations.	New
3745-400-03	Facility exclusions.	Rescind
3745-400-03	Facility and processing facility exclusions.	New
3745-400-13	Financial assurance for construction and demolition debris facility and construction and demolition debris processing facility final closure.	Amend
3745-400-14	Wording of the financial assurance instruments.	Amend
3745-400-26	Operator certification.	Amend
3745-400-50	Processing facility permit to install.	New
3745-400-52	Processing facility design requirements.	New
3745-400-54	Criteria and procedures for processing facility permits to install.	New
3745-400-56	Financial assurance for final closure of processing facilities.	New
3745-400-57	Three year transition for final closure financial assurance for construction and demolition debris processing facilities.	New
3745-400-58	Processing facility operations.	New
3745-400-60	Final closure of a processing facility.	New
3745-500-01	General administration – applicability.	Amend
3745-500-02	General administration – definitions.	Amend
3745-500-03	Incorporation by reference.	Amend
3745-500-120	Procedures for issuing, denying, modifying, transferring, and revoking licenses and permits to install.	Amend
3745-500-150	Alteration to a permit to install.	Amend
3745-500-220	Exemptions from the requirements of Chapter 3714. and 3734. of the Revised Code.	Amend
3745-500-360	Administrative change to a permit to install.	Amend
3745-501-02	Licensing – definitions.	Amend
3745-501-05	Licensing requirements.	Amend
3745-501-10	License applications and application procedures.	Amend
3745-501-15	Criteria for issuing or denying facility licenses.	Amend
3745-501-20	Procedures for the licensing authority for reviewing and considering license applications.	Amend
3745-501-25	Remittance of fees after license issuance.	Amend
3745-501-35	Transfer of licenses.	Amend

The purpose of this rule making is to fulfill the requirements of Senate Bill 2 of the 132nd Ohio General Assembly, which required the director to adopt rules for construction and demolition debris processing facilities to ensure that the facilities will not create a nuisance, fire hazard, or health hazard or cause or contribute to air or water pollution.

The public comment period will run until September 7, 2021. A public hearing on this proposed rule making will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code.

Ohio EPA will be holding an in-person and virtual public hearing on the rules on September 7, 2021 at 11:00 a.m. The in-person hearing will be at the same time and date and will be located at Ohio EPA, Suite 700, 50 W. Town Street, Columbus, Ohio 43215. During the hearing, the public may submit written comments on the record about the proposed rules if participating virtually and verbally if participating in person. To facilitate the scheduling of oral presentations, persons intending to give testimony in-person at the hearing should notify the Ohio EPA Public Interest Center, mary.mccarron@epa.ohio.gov or (614) 644-2160.

Citizens who want to participate virtually must register in advance for the meeting at <https://attendee.gotowebinar.com/register/7507837445983304976>.

Written testimony can be emailed to the attention of Michelle Mountjoy at the Division of Materials and Waste Management at michelle.mountjoy@epa.ohio.gov. All comments received at the public hearing or via email by close of business on September 7, 2021, will be considered by Ohio EPA prior to final action on this rulemaking proposal. Written comments submitted after this date may be considered as time and circumstances permit.

Questions regarding this rule package should be directed to Michelle Mountjoy, at the Division of Materials and Waste Management, at (614) 728-5372.

At this time, the proposed rules are only accessible on DMWM's web page at <https://epa.ohio.gov/dmwm/dmwmnonhazrules> .

Please note: Ohio EPA recommends submitting your comments via email as it is the best way to ensure Ohio EPA receives your comments in the most timely manner.