



Early Stakeholder Outreach — Oil and Gas Drilling Operation Material Acceptance at Solid Waste Landfills and Transfer Facilities

Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible.

On October 2, 2013, Ohio EPA released an [early stakeholder outreach](#) fact sheet, which sought public comment on proposed rulemaking regarding an approach to regulate the receipt, acceptance, processing, handling, management and transfer or disposal at a solid waste landfill and transfer facility of drilling operation material associated with the construction, operation or plugging of oil and gas wells.

The Agency has reviewed earlier comments received by stakeholders and is now releasing this updated fact sheet and conceptual draft rule language to give stakeholders a better understanding of how the concepts have evolved over the past year.

What is conceptual draft rule language?

The conceptual draft rule language reflects Ohio EPA's vision of how a regulatory program might be carried out in Ohio. Preparing this conceptual draft rule language has helped the Agency identify areas that need additional stakeholder input and discussion. This conceptual draft rule language is draft, has not undergone a full internal Agency review, and is subject to change. The conceptual draft rule language is intended to facilitate continuation of stakeholder discussion.

What are the basic concepts?

The framework contained in the conceptual draft rule language includes applicability, exclusions, definitions, prohibitions, permit-to-install requirements, notification requirements, operational requirements, and a radiation detection program for solid waste landfills and transfer facilities that propose to or accept oil and gas drilling operation material.

The Ohio Department of Health – Bureau of Radiation Protection (ODH-BRP) licenses handlers of radioactive material. A radiation detection program would require licensure by ODH-BRP. Stakeholders are encouraged to review the ODH-BRP draft document titled, "[Solid Waste Disposal Facility Radioactive Material Detection Program](#)," included with the conceptual draft rule language.

What input is the Agency seeking?

The Agency is seeking stakeholder input on the basic concepts, conceptual draft rule language, and ODH-BRP draft document titled, "Solid Waste Disposal Facility Radioactive Material Detection Program." General comments and specific

How can I provide input?

The Agency is seeking stakeholder input on the conceptual rules included in this document. 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 July 3, 2015. Please submit input to:

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What if I have questions?

Please contact Aaron Shear at 614-728-5350 or aaron.shear@epa.ohio.gov.

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factual information must be submitted by the July 3, 2015 deadline. The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving an identified concept?
- Are there considerations the Agency should take into account when developing a specific concept?
- 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 new program.

- Would this regulatory program have a positive impact on your business? Please explain how.
- Would 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) and the costs incurred through compliance with the rules.
- How would a radiation detection program impact your business? What costs are associated and what are the timeframes for implementation?

What's the next step?

During June 2015 and before the deadline for written comments, Ohio EPA will host a webinar to assist stakeholder's understanding of the draft conceptual rule language and facilitate development of their comments. As described at the end of this document, you may sign up for email notice of this webinar as well as track program and rule-development progress through the Agency's electronic mailing list. Notice of the webinar will also be posted on the program website.

Written comments and specific factual information must be submitted by the July 3, 2015 deadline. After the comment deadline and consideration of stakeholder input, Ohio EPA will prepare a draft version of rules 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 these new 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 on the Agency's electronic mailing list, go to ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage. To receive notice regarding landfill or transfer facility acceptance of oil and gas drilling operation material, locate the categories *Solid Waste Landfills* or *Solid Waste Transfer Facilities* under the Division of Materials and Waste Management. Click yes to subscribe to the category of interest.