



Guide to Reviewing the Draft Rules for Regulation of New Construction and Demolition Debris Facilities and Associated “Multi-Program” Rules

As a part of the Division of Solid and Infectious Waste Management’s long-term effort to improve regulatory clarity and reduce duplication, the division is undertaking a gradual reorganization of its rules. As the second step in this reorganization, the division has drafted new Chapter 3745-520, which will apply to New Construction and Demolition Debris (C&DD) facilities.

Important Note: This rule package also includes “multi-program” rules which will apply to facilities in addition to New C&DD facilities.

What does this rule package include?

This rule package includes the new C&DD facility program chapter rules contained in OAC Chapter 3745-520 **along with** the following necessary multi-program rule chapters:

- OAC Chapter 3745-500 - General administration.
- OAC Chapter 3745-501 - Licensing.
- OAC Chapter 3745-506 - Ground water monitoring.
- OAC Chapter 3745-510 - Site investigation.
- OAC Chapter 3745-511 - Design.
- OAC Chapter 3745-512 - Construction.

What are “multi-program” rules?

The multi-program chapters consolidate, in a single location, similar or identical requirements that are currently duplicated in numerous program chapters under existing rules. Now, these requirements will be found in one multi-program chapter and referenced, where appropriate within each individual program (e.g., solid waste, transfer facilities, composting facilities, C&DD landfills, and infectious waste facilities) chapter.

(Example: Currently, multiple individual program chapters contain ground water monitoring requirements. Under the contemplated reorganization, instead of duplicating similar or identical ground water monitoring requirements within every individual program chapter where ground water monitoring requirements apply, those ground water monitoring requirements will be found in **one** readily-identifiable location. Each program chapter will directly cite the applicable multi-program ground water monitoring rule or rules when such a requirement in the multi-program ground water monitoring chapter applies.)

Does Chapter 3745-520 “Regulation of New Construction and Demolition Debris Facilities” apply to me?

- OAC Chapter 3745-520 DOES NOT APPLY to an existing C&DD facility that will be filled up and closed without expanding the existing facility boundary or existing disposal limits.
- OAC Chapter 3745-520 DOES APPLY to an owner or operator of a “new C&DD facility”; the statutory term “new C&DD facility” includes a proposed C&DD facility that has never existed before and an existing C&DD facility where the owner or operator wants to expand the facility. Such expansion of an existing facility includes any expansion of the facility boundary or disposal limits beyond the approved limits of construction and demolition debris placement.

How is OAC Chapter 375-520 organized?

- OAC Chapter 3745-520 “Regulation of New Construction and Demolition Debris Facilities” is organized in the same order that someone would conduct activities to establish a new C&DD facility (See listing of rule sections on the next page). The sections progress from the general requirements (like applicability, definitions, administrative requirements), through siting, design, permitting, licensing, operations, closure & post-closure, and financial assurance.

Organization of Draft OAC 3745-520 “Regulation of New C&DD Facilities”

Rule Numbers	Rule Section
01 – 99	Applicability, definitions, general obligations, other administrative requirements for a new C&DD facility
100 – 199	Siting Criteria for a new C&DD facility
200 – 299	Design Requirements for a new C&DD facility
300 – 399	Permit to Install Requirements for a new C&DD facility
400 – 499	Licensing Requirements for a new C&DD facility
500 – 599	Construction Requirements for a new C&DD facility
600 – 699	Operational Requirements for a new C&DD facility
700 – 799	Closure and Post-closure care requirements for a new C&DD facility
900 – 999	Financial Assurance for a new C&DD facility

Where do I start my review of the draft rule package?

Your review should begin with OAC rule 3745-520-01 “New construction and demolition debris facility - applicability,” and you should then continue reading through the New C&DD facility program chapter rule by rule.

You should also review any multi-program rules that are referenced within the New C&DD facility rules.

(Example: OAC rule 3745-520-03: “New construction and demolition debris facility - general obligations.” requires the owner or operator to obtain a license through a direct reference to the multi-program Chapter 3745-501: “Licensing.” In OAC rule 3745-501-10, the rule requires signature of the license application and references OAC rule 3745-500-50: “Signatures” in another multi-program Chapter 3745-500: “General Administration.” Since the program chapter references a multi-program chapter that has rule that subsequently references a rule in another multi-program chapter, the owner or operator is required to comply with each referenced rule.)

How can I compare the draft rules for C&DD facilities to the existing rules?

- House Bill 397 made significant changes to nearly every area of regulation of new C&DD facilities. HB 397 also placed many new requirements on new C&DD facilities that did not exist previously. As a result, to simplify interested party review and comment, Ohio EPA recommends that interested parties review draft OAC Chapter 3745-520 “Regulation of New Construction and Demolition Debris Facilities” for what it is – a brand new set of regulations for new C&DD facilities.

This fact sheet is offered for informational purposes only. It is not intended and is not to be construed to be used for the purpose of meeting any requirement for notice contained in ORC 119 or any other state or federal law or rule. In addition, this document is not intended to be nor is to be construed to be a complete description or discussion of regulatory requirements; it is a only partial general summary. Interested parties must read the rules to see the applicable requirements.

- Ohio EPA has provided a document that may assist in the review of the draft rules. This document identifies the statutory requirement, the location of the requirement in the current C&DD rules (OAC Chapter 3745-400) if it exists, and the location of the requirement is located in OAC Chapter 3745-520 “Regulation of New Construction and Demolition Debris Facilities.”

As a C&DD facility, is there a need to review the multi-program chapters that do not apply to me?

Although not required, interested parties for the New C&DD facility program are welcome to review and comment on all the draft rules that are released for comment even if the draft rules from other chapters do not apply to them.

If I am not subject to the New C&DD rules, should I still I review the multi-program rules?

Yes. The multi-program rules being released for review and comment will apply not just to owners or operators of C&DD facilities. Any operator of a solid waste facility, composting facility, infectious waste facility, etc., (i.e. anyone subject to program chapters other than the New C&DD chapter) should review the multi-program rules.