



Early Stakeholder Outreach — Beneficial Use Rules (BU Rules) OAC Chapter 3745-599

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 does Ohio Administrative Code (OAC) Chapter 3745-599 cover?

This ESO covers the Beneficial Use rules contained in OAC Chapter 3745-599. The Division of Materials and Waste Management (DMWM) is reviewing these rules for the five-year review pursuant to Ohio Revised Code (ORC) section 106.03. The review date is September 27, 2022. Currently, this chapter authorizes the beneficial use of only certain solid waste, industrial waste, and other waste, including foundry sand, material resulting from the treatment of a public water system's source water supply for drinking or industrial purposes, sewage sludge incinerator ash, Lake Erie Dredge, and solid waste, industrial waste, or other waste for use as fuel or as an ingredient in a combustion unit. The rules also address exclusions from OAC Chapter 3745-599.

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

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. DMWM is seeking early stakeholder input on revisions to these rules to gain feedback on opportunities to improve these rules. This 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 considering the following changes to the OAC Chapter 3745-599 rules:

- Amend OAC rule 3745-599-10 to authorize the incorporation of a beneficial use byproduct as an ingredient into additional materials that meet generally accepted industry specifications.
- Amend the list of eligible waste streams in OAC rule 3745-599-01(A) to include additional high-volume, low-toxicity beneficial use byproducts.
- Create a process for an Applicant to request the beneficial use of a waste stream not already eligible under OAC Chapter 3745-599.
- Create a process for an Applicant to request a short-term pilot study to evaluate emerging practices and technologies.
- Consider circumstances and conditions when a beneficial use byproduct that has been beneficially used is not a solid waste under ORC Chapter 3734.

How can I provide input?

The Agency is seeking stakeholder input on the Beneficial Use rules. 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 April 18, 2022. Please submit input to:

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What if I have questions?

Please contact Maera Flynn at maera.flynn@epa.ohio.gov or (614) 728-5338

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Who will be regulated by these rules?

These rules are applicable to anyone who would like to beneficially use specific waste materials in accordance with OAC Chapter 3745-599.

What input is the Agency seeking?

The following questions may help guide you as you develop your comments. Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted by the new program.

- Does this regulatory program have a positive impact on your business? Please explain how.
- Does 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).
- What other solid wastes, industrial wastes, and other wastes should Ohio EPA consider adding to the eligible list in OAC rule 3745-599-01(A)?
- Is there any cost analysis or data the Agency should be aware of when developing program concepts or rule language?

How can I track the program and rule-development progress?

After consideration of stakeholder input, Ohio EPA will prepare recommendations to OAC Chapter 3745-599. The Agency's next step is then to release a draft version of any amendments for interested party review and comment. A complete summary of Ohio EPA's rule-making process is available at

<https://epa.ohio.gov/static/Portals/33/rules/guide.pdf>. Future steps include formally filing the rules with the Joint Committee on Agency Rule Review (JCARR). At that time, JCARR will include the proposed rule on the committee's meeting agenda and take public testimony. Visit JCARR's website for meeting dates and agenda items at <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 (<https://epa.ohio.gov/wps/portal/gov/epa/divisions-and-offices/materials-and-waste-management/regulations/welcome>). To sign up, go to <http://ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage>.

Contact

For more information, contact Maera Flynn at maera.flynn@epa.ohio.gov or (614) 728-5338.