



Early Stakeholder Outreach — Construction and Demolition Debris (C&DD) Rules

OAC Rules 3745-400-03, 3745-400-04, 3745-400-05, 3745-400-07, 3745-400-08, 3745-400-09, and 3745-400-12

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 OAC Chapter 3745-400 cover?

The following rules in Ohio Administrative Code (OAC) Chapter 3745-400 cover C&DD landfills that are authorized to dispose of construction and demolition debris. The rules also address exclusions from OAC Chapter 3745-400, authorized disposal methods, clean hard fill, construction and closure of C&DD landfills.

- 3745-400-03 Facility Exclusions
- 3745-400-04 Authorized, Limited, and Prohibited C&DD Disposal Methods
- 3745-400-05 Clean Hard Fill
- 3745-400-07 Facility Design Requirements and Construction Specifications
- 3745-400-08 Construction and Final Closure Certifications
- 3745-400-09 Site Characterization
- 3745-400-12 Final Closure of Facilities

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

The rules identified in this fact sheet are scheduled for their five-year review pursuant to Ohio Revised Code (ORC) 106.03. Ohio EPA Division of Materials and Waste Management (DMWM) is seeking early stakeholder input on revisions to these landfill rules to gain feedback on opportunities to improve these rules. As part of the rule-making process, Ohio EPA would like to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by the rules. Ohio EPA is offering your organization the opportunity to comment on these rules before the division formally proposes them.

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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.

How can I provide input?

The Agency is seeking stakeholder input on the C&DD 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 June 24, 2019. 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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What changes are being considered?

DMWM has conducted a preliminary review of the rules and determined that minimal changes are necessary. DMWM plans to amend the rules to correct typographical errors, update cross-references, and to bring the rules into compliance with the Legislative Service Commission's rule drafting requirements.

Who will be regulated by these rules?

These rules apply to owners and operators of licensed C&DD landfills that are authorized to dispose of construction and demolition debris, and persons seeking to establish a C&DD landfill. This includes 44 currently licensed C&DD landfills.

What is the rulemaking schedule?

After consideration of stakeholder input, Ohio EPA will prepare recommendations to either retain rules without change or to amend rules. The Agency's next step is then to release a draft version of any amendments to these rules for interested party review and comment.

A complete summary of [Ohio EPA's rule-making process](http://epa.ohio.gov/Rules.aspx) is available at <http://epa.ohio.gov/Rules.aspx>. 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 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, please visit ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage.

What input is the Agency seeking?

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? What options are available for improving the existing rules?
- Are there considerations the Agency should take into account when updating the existing rules? 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 changes to the program.

- Would changes to the regulatory program have a positive impact on your business? Please explain how.
- Would changes to the 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).

Contact

For more information, contact Michelle Mountjoy at michelle.mountjoy@epa.ohio.gov or (614) 728-5372.