



Interested Party Release

Solid Waste Fee Rules, OAC Chapter 3745-502

What does this rule cover?

The solid waste disposal fee rules were first promulgated in 1988 but have not been substantially updated since 2009. These rules prescribe the requirements for collecting, remitting, and reporting fees for generating and disposing of solid waste.

Why are these rules being amended and what changes are being considered?

Ohio EPA is required by section 106.03 of the Ohio Revised Code to review the Agency's rules every 5 years to determine whether to continue the rules without change, amend the rules, or rescind the rules. The Agency has reviewed the current effective rules and has made the preliminary determination to amend the rules. Because Ohio EPA amended more than 50% of the content in rules 3745-502-02, 3745-502-03, and 3745-502-04, the Legislative Service Commission requires the current rule be rescinded and a new rule be promulgated.

DMWM is including the following rules in this review package:

Rule Number	Title
3745-502-01	Solid waste fee - definitions.
3745-502-02	Requirements for collecting, remitting, and reporting state disposal and environmental protection fees.
3745-502-03	Requirements for collecting, remitting, and reporting solid waste management district disposal and generation fees.
3745-502-04	Requirements for collecting, remitting, and reporting host community fees.
3745-502-05	Construction and demolition debris disposal fee at municipal solid waste facility - multiple townships or municipal corporations.

DMWM is proposing to update the rule to be compliant with Legislative Service Commission and Ohio EPA rule writing standards. The content of the rule has been reorganized for better clarity, removes redundant language, and includes minimal programmatic changes. Changes to the rules include the following:

- Addition of an exclusion from the district generation fees for yard waste delivered to a solid waste composting facility for processing or to a solid waste transfer facility.
- Addition of an exclusion from the fee requirements for solid waste the director has approved for use as alternative daily cover in accordance with rules adopted under section 3734.02 of the Revised Code and that is used as alternative daily cover in accordance with those rules.
- Removal of duplicative definitions for terms that are defined the same in the multi-program definitions rule, OAC 3745-500-02.
- Amended 3745-502-04 to add flexibility for local jurisdictions when adopting host community fees at a solid waste landfill that is located in more than one municipality or township.

What additional information is the Agency seeking?

The Agency is seeking comments from interested stakeholders (public, local officials, industry sectors, other state agencies, consultants and environmental organizations) who may be impacted by these rule revisions. General comments and specific factual information are welcome.

In addition to the draft rule amendments, Ohio EPA is also seeking comments and feedback on the draft Common Sense Initiative (CSI) Business Impact Analysis (BIA) form, which is being released with these draft rules during interested party review.

Solid Waste Fee Rules

How are the amendments formatted in the draft rules?

Rules 3745-502-02, 3745-502-03, and 3745-502-04 have been drafted as new replacement rules and all text is underlined. The existing rules are being rescinded. Rule 3745-502-01 is amended, with new text underlined and removed text is stricken. Rule 3745-502-05 has no amendments and is being filed as “no-change”.

What is the rulemaking schedule?

At this time, the Agency is soliciting input on these draft rule revisions. Ohio EPA is required by section 121.39(D) of the Revised Code to contact potentially affected parties prior to adopting rule changes. At the close of the interested party comment period, the Agency will review the comments and make necessary changes to the rules. The Agency will then file proposed rules with the Joint Committee on Agency Rule Review, the Legislative Service Commission and the Secretary of State.

How can I comment on the draft rules?

Please submit your comments in one of the following ways:

- By email: michelle.mountjoy@epa.ohio.gov
- By postal mail:

Michelle Mountjoy - Rules Coordinator
Ohio EPA, Division of Materials and Waste Management
P.O. Box 1049
Columbus, OH 43216-1049

Comments on the draft rules must be received no later than 5:00 p.m. on January 24, 2022.

How can I get more information?

Ohio EPA is in the process of redesigning the Ohio EPA website. The website will be switched over during the interested party period for this rule package. This is currently scheduled for the week ending December 3, 2021. Provided below is both the old and new links to the rules:

<https://epa.ohio.gov/dmwm/dmwmnonhazrules#126793967-interested-party> (current site)

<https://epa.ohio.gov/divisions-and-offices/material-and-waste-management/regulations/welcome> (new site)

For more information about these draft rules, please contact:

Ernie Stall
(614) 728-5356
ernest.stall@epa.ohio.gov