

# Scrap Tires Rules Webinar

Five Year Rule Review

Ohio Administrative Code (OAC) Rules 3745-27-54 through 3745-27-57, 3745-27-60 through 3745-27-63, 3745-27-65 through 3745-27-67, 3745-27-69 through 3745-27-75, 3745-27-78, and 3745-27-79

# Five Year Rule Review

- Review Date: ORC section 119.04
- ORC section 106.03
  - Agency shall determine whether a rule should be:
    - Created
    - Rescinded
    - Amended
    - Retained without change
  - OAC Chapter 3745-27

# Ohio EPA's Rule Process

- Early Stakeholder Outreach



- Interested Party Review



- Original Filing with JCARR



- Final Filing



- Effective Rules

Rule/rule process questions?  
Contact: Michelle Mountjoy at  
[michelle.mountjoy@epa.ohio.gov](mailto:michelle.mountjoy@epa.ohio.gov)

# Early Stakeholder Outreach

- Fact Sheet
- Thirty day comment period
- Outreach prior to rule development
- No formal responsiveness summary from Ohio EPA



Division of Materials and Waste Management  
March 24, 2017

## Early Stakeholder Outreach — Scrap Tire Rules in OAC Chapter 3745-27

**Rule 3745-27-01, 3745-27-54, 3745-27-55, 3745-27-56, 3745-27-57, 3745-27-60, 3745-27-61, 3745-27-62, 3745-27-63, 3745-27-65, 3745-27-66, 3745-27-67, 3745-27-69, 3745-27-70, 3745-27-71, 3745-27-72, 3745-27-73, 3745-27-74, 3745-27-75, 3745-27-78, and 3745-27-79**

*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 do these rules cover?

Ohio Administrative Code (OAC) Chapter 27 contains rules for solid waste, infectious waste, and scrap tire disposal. The scrap tire rules are covered in OAC 3745-27-54 through 3745-27-79 and address scrap tire transporters; collection, storage and recovery facilities; monofills; monocells; beneficial use; and soil, surface water, and ground water contamination remediation caused by the open burning of scrap tires.

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The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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

### Learn more at an Ohio EPA hosted webinar.

You are invited to join an Ohio EPA hosted webinar from 1:30 p.m. to 2:30 p.m. on April 5, 2017, to answer questions regarding this Early Stakeholder Outreach on these rules, the general rule-making process, the opportunities for stakeholder involvement, and to listen to stakeholder suggestions. For information on how to participate in the webinar contact Michelle Mounjtjoy at [michelle.mounjtjoy@epa.ohio.gov](mailto:michelle.mounjtjoy@epa.ohio.gov).

### What changes are being considered?

Ohio EPA is considering re-organizing the scrap tire rules into a new program chapter in OAC 3745-580. This re-organization would call for a rescission of the existing scrap tire rules in OAC 3745-27 and the promulgation of new rules in OAC 3745-580. The current twenty scrap tire rules are lengthy and contain multiple sub-level paragraphs to house all of the requirements. By re-organizing the rules, requirements can be better organized and spread out more appropriately over an entire chapter of the Administrative Code. At this time, Ohio EPA expects to keep the majority of the content of the rules as they are currently effective, but is interested in stakeholder perspective on what changes are needed in these rules.

[epa.ohio.gov](http://epa.ohio.gov) • 50 W. Town St., Ste. 700 • P.O. Box 1049 • Columbus, OH 43216-1049 • (614) 644-3020 • (614) 644-2737 (fax)

### How can I provide input?

The Agency is seeking stakeholder input on the scrap tire 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 24, 2017. Please submit input to:

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P.O. Box 1049  
Columbus, OH 43216-1049  
[michelle.mounjtjoy@epa.ohio.gov](mailto:michelle.mounjtjoy@epa.ohio.gov)

### What if I have questions?

Please contact Janice Church at (614) 728-5323 or [janice.church@epa.ohio.gov](mailto:janice.church@epa.ohio.gov).



# Interested Party (IP) Review

- Draft Rules
- Thirty day comment period
- Business Impact Analysis (BIA)
- eNotification

## CSI - Ohio

The Common Sense Initiative

### Business Impact Analysis

Agency Name: Ohio Environmental Protection Agency (Ohio EPA)

Regulation/Package Title: \_\_\_\_\_

Rule Number(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

**Rule Type:**

New

Amended

5-Year Review

Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

**Regulatory Intent**

1. Please briefly describe the draft regulation in plain language.  
*Please include the key provisions of the regulation as well as any proposed amendments.*
2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

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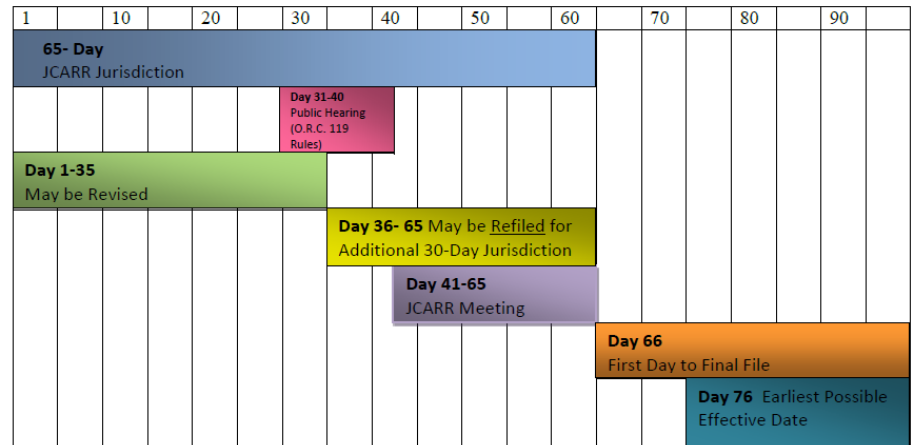
[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)



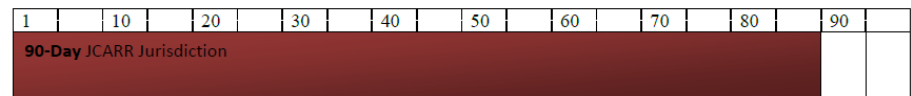
# Original Filing

- Draft rules proposed to the Joint Committee on Agency Rule Review (JCARR)
- Ohio EPA Responsiveness Summary
- Ohio EPA Public Hearing
- Hearing Summary
- JCARR Hearing

JCARR Rule Processing Timelines



JCARR No Change Rule Processing Timeline



# Final Filing

- Post JCARR Jurisdiction
- Establish an effective date
  - Ten days (ORC 119.04)
- Establish a five year review date
- Final Public Notice and final rules on Register of Ohio
  - <http://www.registerofohio.state.oh.us/>



# Thank You!

Questions? Contact:

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Channon Cohen

[channon.cohen@epa.ohio.gov](mailto:channon.cohen@epa.ohio.gov)





## Scrap Tire Rules 3745-580

580-01:	Applicability		
580-02:	Definitions		
580-03:	Required registration and license	580-500:	Mobile Recovery Facilities – Registration
580-04:	Shipping paper system		
580-06:	Vector control	580-501:	Mobile Recovery Facilities - Siting
580-08:	Conversion factors	580-502:	Mobile Recovery Facilities – Operations
580-100:	Transporters – Registration	580-503:	Mobile Recovery Facilities - Closure
580-101:	Non-registered Transporters	580-504:	Mobile Recovery Facilities - Fire plan/response/prevention
580-102:	Transporters - Operations	580-505:	Mobile Recovery Facilities - Record keeping
580-103:	Transporters - Portable - Equipment		
580-104:	Transporters - Annual report	580-600:	Beneficial Use <i>[Alternative: move to OAC Chapter 3745-599 Beneficial Use Chapter]</i>
580-105:	Transporters – Closure		
580-106:	Transporters - Fire plan	580-700:	Soil, surface, ground water monitoring, and remediation
580-200:	Collection – Registration		
580-201:	Collection - Siting	580-800:	Applicability of Requirements for a Scrap Tire Monocell Facility
580-202:	Collection – Operations	580-801:	Scrap Tire Monofill Facility Permit-to-Install Application
580-203:	Collection -Annual Report	580-802:	Additional Criteria for Approval of Scrap Tire Monofill Facility Permit-to-Install Application
580-204:	Collection - Closure	580-803:	Scrap Tire Monofill Facility Construction
580-205:	Collection - Fire plan/response/prevention	580-804:	Final Closure of a Scrap Tire Monofill Facility
580-300:	Storage - Permit to Install	580-805:	Post Closure Care of Scrap Tire Monofill Facilities
580-301:	Storage – Registration	580-806:	Operational Criteria for a Scrap Tire Monofill Facility
580-302:	Storage - Siting	580-807:	Operational Criteria for a Scrap Tire Monofill Facility
580-303:	Storage – Operations		
580-304:	Storage - Annual Report		
580-305:	Storage - Closure		
580-306:	Storage - Fire plan/response/prevention		
580-400:	Recovery Facilities - Permit to Install		
580-401:	Recovery Facilities – Registration		
580-402:	Recovery Facilities - Siting		
580-403:	Recovery Facilities – Operations		
580-404:	Recovery Facilities - Annual Report		
580-405:	Recovery Facilities - Portable equipment		
580-406:	Recovery Facilities - Closure		
580-407:	Recovery Facilities - Fire plan/response/prevention		