

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
Authorizations to engage in filling, grading, excavating, building, drilling, or mining on land
where a hazardous waste facility or a solid waste facility was operated**

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 106.03 and 3734.02 of the Ohio Revised Code and in accordance with Chapter 119, proposes to rescind the following rule of the Ohio Administrative Code:

3745-27-13 Procedure to engage in filling, grading, excavating, building, drilling or mining on land where a hazardous waste facility or solid waste facility was operated.

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 106.03 and 3734.02 of the Ohio Revised Code and in accordance with Chapter 119, proposes to promulgate the following rules of the Ohio Administrative Code:

3745-513-01 Procedure to engage in filling, grading, excavating, building, drilling or mining on land where a hazardous waste facility or solid waste facility was operated – applicability.

3745-513-02 Definitions.

3745-513-05 Exclusions.

3745-513-20 Issuance, denial, termination, and revocation of an authorization to engage in chapter 513 activities.

3745-513-300 Application procedures for modern and historic facilities.

3745-513-350 Implementation requirements for modern and historic facilities.

3745-513-370 Certification report for modern and historic facilities.

3745-513-400 Application procedures for sampling, testing, or delineating the limits of waste placement.

3745-513-450 Implementation requirements for sampling, testing, or delineating the limits of waste placement.

3745-513-470 Certification report for sampling, testing, or delineating the limits of waste placement.

These rules address authorizations to engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or a solid waste facility was operated.

The purpose of this rule making is to reorganize the contents of the existing rule into smaller rules for clarity and better usability. OAC 3745-27-13 was first promulgated in 1988 and governs any person proposing to engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or a solid waste facility was operated. DMWM calls these authorizations “Rule 13 authorizations.” OAC rule 3745-27-13 has not been significantly updated since 2003 and was filed with the Joint Committee on Agency Rule Review (JCARR) as a “no change”

filing in 2008 and 2014.

The public comment period will run until October 24, 2019. A public hearing on this proposed rulemaking will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held on October 24, 2019 at 10:30 a.m. at Ohio EPA, Lazarus Government Center, 50 W. Town Street, Suite 700, Columbus, Ohio.

To facilitate the scheduling of oral presentations, persons intending to give testimony at the hearing should notify the Ohio EPA Public Interest Center, P.O. Box 1049, Columbus, Ohio 43216-1049, (614) 644-2160. Prior registration will ensure that registrants are heard ahead of those individuals who register at the hearing. Oral testimony may be limited to five minutes, depending on the number of persons testifying. All interested persons are entitled to attend or be represented and to present oral and/or written comments concerning the proposed rule making.

Written testimony should be sent to the attention of [Michelle Mountjoy](#) at the Division of Materials and Waste Management, P.O. Box 1049, Columbus Ohio 43216-1049. Written comments may also be submitted to the Hearing Officer at the public hearing. Written testimony will receive the same consideration as oral testimony. All testimony received at the hearing or by close of business on October 24, 2019 will be considered by Ohio EPA prior to final action on this rulemaking proposal. Written comments submitted after this date may be considered as time and circumstances permit.

Questions regarding this rule package should be directed to [Michelle Mountjoy](#), at the Division of Materials and Waste Management, at (614) 728-5372.

To receive a copy of the proposed rules, please contact the DMWM receptionist at (614) 644-2621. In addition, full copies of all proposed rules are available for review at any Ohio EPA district office and at the Ohio EPA central office. The proposed rules are also accessible on the DMWM web page at <https://epa.ohio.gov/dmwm/dmwmnonhazrules>.