

Rule Summary and Fiscal Analysis (Part A)**Ohio Environmental Protection Agency**

Agency Name

**Division of Solid and Infectious Waste
Management (DSIWM)**

Division

Ernie Stall

Contact

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3745-28-07

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Infectious waste host fees.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **3734.026**

5. Statute(s) the rule, as filed, amplifies or implements: **3734.024, 3734.025**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

To comply with ORC section 119.032 and to propose changes consistent with Ohio EPA's goals and objectives.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; if the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule establishes requirements governing collecting, remitting, and reporting

infectious waste host fees. The revisions being incorporated into this amended rule: clarify that fees are to be remitted based on waste received not monies collected; clarify when owners and operators must remit infectious waste host fees to the municipal corporation or township; clarify how late fees are to be calculated, and; eliminate the need for fee returns to be notarized.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule contains references to the Ohio Revised Code (ORC). While the ORC is generally available to the public through libraries and on-line resources, including Ohio EPA's website, ORC section 121.76 (A) exempts such references from the provisions of ORC sections 121.71 through 121.74.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This rule does not incorporate any text or other material by reference that is not exempted from compliance with sections 121.71 to 121.74 of the Revised Code.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: **6/2/2008**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

This proposed rule will not change Ohio EPA's projected budget during the current biennium.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

There are no expenditures necessitated by the proposed rule. Therefore, no appropriations have been identified.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

The cost of compliance with this rule is based on the amount of infectious waste host fees that are levied by a municipal corporation or township which can be up to but not more than five dollars per ton of infectious waste. The amount of the late fee is calculated by multiplying the amount of fees that are late by half and multiplying that number by the number of months that the fee is late.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **Yes**

You must complete the Environmental rule Adoption/Amendment Form in order to comply with Am. Sub. 106 of the 121st General Assembly.

Rule Summary and Fiscal Analysis (Part B)

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School Districts	(b) Counties	(c) Townships	(d) Municipal Corporations
No	No	Yes	Yes

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

The cost of compliance with this rule is based on the amount of infectious waste host fees that are levied by a municipal corporation or township which can be up to but not more than five dollars per ton of infectious waste. The amount of the late fee is calculated by multiplying the amount of fees that are late by half and multiplying that number by the number of months that the fee is late.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

Not Applicable.

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

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multiplying that number by the number of months that the fee is late.

(a) Personnel Costs

N/A

(b) New Equipment or Other Capital Costs

N/A

(c) Operating Costs

N/A

(d) Any Indirect Central Service Costs

N/A

(e) Other Costs

N/A

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

There are no new requirements imposed by the proposed rule. No change to the amount of the fees to be collected will occur.

7. Please provide a statement on the proposed rule's impact on economic development.

Ohio EPA does not expect the proposed amendment of this rule to have any impact on economic development.

Environmental Rule Adoption/Amendment Form

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
 - (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
 - (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
 - (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.
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(A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted ? **Yes**

Please list each contact.

These rules were sent out to interested parties for a thirty day interested party period. After the responses to comments were created the Agency sent additional information to certain interested parties that included responses and rule changes. Please see the attachment for a list of impacted parties who were contacted and invited to comment.

(B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered ? **Yes**

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

Other Ohio laws and rules.

(C) Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program ? **No**

Is the proposed rule or rule amendment more stringent than its federal counterpart ? **No**

(D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? **No**

Landfill Rule Mailing List

Agg Rok Materials Co.
2300 Brown Rd.
Grove City, OH 43123

Akron City Health Department
Room 438
Attn: Donald Manson
177 S. Broadway
Akron, OH 44308-1799

Ashtabula City Health Dept.
Attn: Mick Szabo
4717 Main Ave.
Ashtabula, OH 44004

Ashtabula Township Trustees
2718 N.R.E.,
Ashtabula, OH 44004

Assumption Village
Attn: George Panno
980 Market St.
North Lima, OH 44452

BFI Sandusky Division 263
Attn: M. Christina Spears, Safety Admin
Asst.
P.O. Box 17
Sandusky, OH 44870

City of Delaware, City Manager's Office
Attn: Tim Browning, Public Works
Director
1 S. Sandusky Street
Delaware, OH 43015

City of Maple Heights
Attn: Lynn Rogers, Service Director
5353 Lee Rd.
Maple Heights, OH 44137

Clark Inc.
Attn: Dick Clark
9740 Cincinnati Dayton Rd.
West Chester, OH 45069

Coshocton Landfill Inc.
Attn: Jeff McCrea
19469 Co. Rd 7
Coshocton, OH 43812

Dayton Ear, Nose, and Throat Surgeons
7076 Corporate Way
Dayton, OH 45459

Eastman & Smith Ltd.
Attn: Richard Sargeant
One Seagate, 24th Floor
Toledo, OH 43604

Ernie Fiedeldey
7941 E. Miami River Rd.
Cincinnati, OH 45247

Tom Eschtruth
6920 W. Ridge Rd.
Lorian, OH 44053

Findlay City Health Dept.
445 Clinton Ct.
Findlay, OH 45840

General Contractors Co.
1647 W. Pleasant St.
Springfield, OH 45506

Green Environmental Coalition
P.O. Box 266
Yellow Springs, OH 45387

Henry County Landfill
Attn: Mike Imbrock
P.O. Box 96
Malinta, OH 43535

Huron Lime
Attn: Tony Paris
P.O. Box 451
Huron, OH 44839

Landfill Rule Mailing List

Jefferson County Health Dept.
Attn: Rich Kelly
500 Market St. 7th Floor
Steubenville, OH 43952

J.P. Mascaro & Sons
Attn: Dennis McVeigh, Director of
Transportation
320 Godshall Dr.
Harleysville, PA 19438

Richard M. McMahon
1617 Mohican Rd.
Stow, OH 44224

Millcreek Valley Conservancy District
Attn: Mr. Robert V. Jansen, P. E. , Chief
Engineer
105 E. 4th St., Suite 1310
Cincinnati, OH 45202

Oakhill Manor Care Center
Attn: Stanley Rasetter
4466 Lynnhaven Ave. NE
Louisville, OH 44641

Ottawa County Health Dept.
Attn: Nancy Osborn
1856 E. Perry St.
Port Clinton, OH 43452

Portage County Health Dept.
449 S. Meridian St.
Ravenna, OH 44266

RLS Corporation
P.O. Box 327
Chillicothe, OH 45601

Seneca County Health Dept.
Attn: Nicki Lucius
71 S. Washington St. Suite 1102
Tiffin, OH 44883

Stark County Health Department
Attn: Robert L. Somrak, Director,
Environmental Health
3951 Convenience Circle NW
Canton, OH 44718

Village of Edgerton
Attn: James J. Brown
103 South Michigan Ave
P.O. Box 609
Edgerton, OH 43517

Village of Hopedale
P.O. Box 476
Hopedale, OH 43976

Village of Kelleys Island
P.O. Box 469
Kelleys Island, OH 43438-0469

Walter Roman
475 Thatchery St.
Worthington, OH 43085

Wyandot Co. Health Dept.
Attn: Steven R. Brinkman, RS
127-A South Sandusky Ave.
Upper Sandusky, OH 43351

Tri-Moraine Audubon Society
Attn: President
P.O. Box 5648
Lima, OH 45802-5348

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