

Hearing Summary

Rule Package: Composting Facility Rules, OAC Chapter 3745-560

Original filing date: February 15, 2023

Public comment start date: February 15, 2023

Public comment end date: March 23, 2023

Public hearing date: March 23, 2023

List of Rules: 3745-560-100, 3745-560-200, 3745-560-300

Were there any participants in this public hearing beyond Ohio EPA staff or JCARR staff?

☐ Yes

☒ No

Were there comments received during the public comment period outside of those presented at this hearing?

☐ Yes

☒ No

This hearing summary has been compiled to meet the requirements of Section 119.03 of the Revised Code.

This hearing summary includes this cover sheet and the following attachments:

1. **Attachment A** - A copy of the public notice for this hearing.
2. **Attachment B** - A copy of the script read into the record to begin and end the hearing.

Ohio EPA digitally records all public hearings for rules. The digital recordings are available upon request in a WAVE (.wav) file format. These recordings may be sent out for transcription if necessary.

Hearing Summary

Attachment A: Public Notice

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

Public Notice

Proposed Rulemaking Governing Composting Rules

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 3734.02 and 3734.12 of the Ohio Revised Code and in accordance with Chapter 119, proposes to original file the following rule of the Ohio Administrative Code:

Rule Number	Rule Title	Action
3745-560-100	Class I composting facility establishment.	Amend
3745-560-200	Class II composting facility establishment.	Amend
3745-560-300	Class III composting facility establishment.	Amend

Ohio Administrative Code (OAC) Chapter 3745-560 contains the requirements for solid waste composting facilities. Ohio EPA is specifically proposing amendments to OAC rules 3745-560-100, 3745-560-200, and 3745-560-300, which pertain to the establishment of class I, class II, and class III composting facilities.

The purpose of this rule making is to clarify the siting criteria associated with occupied dwellings. OAC rule 3745-560-200 currently contains two paragraphs with conflicting setback distances from occupied dwellings, one stating the materials placement area cannot be within 250 feet and the other stating the distance cannot be within 500 feet. Ohio EPA is proposing to maintain the 250-foot setback distance that has been in effect since the promulgation of the composting rules in 1992. In addition to this correction, Ohio EPA is amending similar language in OAC rules 3745-560-100 and 3745-560-300 to eliminate redundancy.

The public comment period will run until March 23, 2023. 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. Ohio EPA will be holding an in-person and virtual public hearing on the rules on March 23, 2023 at 10:30 a.m. The in-person hearing will be at the same time and date and will be located at Ohio EPA, Suite 700, 50 W. Town Street, Columbus, Ohio 43215. During the hearing, the public may submit written comments on the record about the proposed rules if participating virtually and verbally if participating in person.

Citizens who want to participate virtually must register in advance for the meeting at: <https://attendee.gotowebinar.com/register/7126480646548145757>

Registration for the in-person hearing is not required. Citizens 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 or by

Hearing Summary

emailing mary.mccarron@epa.ohio.gov. 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 emailed to the attention of Michelle Mountjoy at michelle.mountjoy@epa.ohio.gov. 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 March 23, 2023 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 or michelle.mountjoy@epa.ohio.gov.

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 DMWM web page at [DMWM Proposed Rules | Ohio Environmental Protection Agency](#).

To request a reasonable accommodation due to a disability, visit <https://epa.ohio.gov/ada>.

Hearing Summary

Attachment B: Hearing Script

DMWM Composting Rules Hearing

March 23, 2023

Hello and welcome to Ohio EPA's public hearing regarding Ohio Administrative Code Chapter 3745-560 regarding Composting. My name is Mary McCarron and I'm hosting today's public hearing. With me today from Ohio EPA's Michelle Mountjoy and Janine Maney and our Rules Manager Mandi Payton. In a moment, we will move to the public hearing where we will take official comments on the proposed rules.

Before we get started, I'd like to go over a few items to help our online participants navigate the GoTo platform.

On this slide here you will see an example screenshot of your Attendee interface. You should see something that looks like this on your computer desktop on the right-hand side of your screen. For this public hearing you are listening in using your computer audio. If you are having sound issues or if the slides stop advancing, try refreshing your browser. If that doesn't work, try logging off and logging back in.

Please submit public comments by clicking on the question mark icon and typing them into the Questions pane on your attendee interface. All comments submitted online will be read aloud for the whole audience to hear.

For those attending in person, you may submit your testimony verbally by moving close to the broadcast tablet, stating your name, and proceeding with your testimony when we call on you.

PUBLIC HEARING SPEECH

Thank you for taking time to attend this hearing before Ohio EPA. The purpose of the hearing today is to obtain comments from any interested person regarding Ohio EPA's proposed rules.

Ohio EPA is proposing to original file the following rules of the Ohio Administrative Code:

3745-560-100 Class I composting facility establishment.

3745-560-200 Class II composting facility establishment.

3745-560-300 Class III composting facility establishment.

Ohio Administrative Code (OAC) Chapter 3745-560 contains the requirements for solid waste composting facilities. Ohio EPA is specifically proposing amendments to OAC rules 3745-560-100, 3745-560-200, and 3745-560-300, which pertain to the establishment of class I, class II, and class III composting facilities.

The purpose of this rule making is to clarify the siting criteria associated with occupied dwellings. OAC rule 3745-560-200 currently contains two paragraphs with conflicting setback distances from occupied dwellings, one stating the materials placement area cannot be within 250 feet and the other stating the distance cannot be

Hearing Summary

within 500 feet. Ohio EPA is proposing to maintain the 250-foot setback distance that has been in effect since the promulgation of the composting rules in 1992. In addition to this correction, Ohio EPA is amending similar language in OAC rules 3745- 560-100 and 3745-560-300 to eliminate redundancy.

These rules have been filed with the Joint Committee on Agency Rule Review. Copies of the rules are available for public review on our website.

All interested persons are entitled to attend or be represented, and to present written comments concerning the proposed rules. All written comments received as part of the official record will be considered by the director of Ohio EPA.

To be included in the official record, written comments must be received by Ohio EPA by the close of business, today, March 23, 2023. These comments may be typed into the GoTo platform, spoken in-person today, or emailed to michelle.mountjoy@epa.ohio.gov. All emailed comments submitted for the record receive the same consideration as typed or in-person testimony given today.

Written statements submitted after today may be considered as time and circumstances permit but will not be part of the official record of the hearing.

This hearing affords citizens an opportunity to provide input. Therefore, we will not be able to answer questions today.

YOU MAY NOW SUBMIT COMMENTS. I will read aloud any comments we receive in the GoTo platform. If you are attending in-person and would like to submit testimony, please raise your hand, and wait to be called on. I will keep the GoTo platform open until 11:00 a.m. to provide time for participants to type in comments.

CLOSING

We will close the hearing. After the hearing closes, we will accept written comments through 5:00 p.m. today. You can send those comments to the email address on the screen.

Thank you for your comments, cooperation, and participation in Ohio EPA's decision-making process. The time is now 11:00 a.m. and this hearing is concluded.