



MEMORANDUM OF RESPONSE

To: Cory Bailey, Regulatory Policy Advocate, Lt. Governor's Office

From: Mandi Payton, Rules Coordinator

Date: April 4, 2016

Memorandum of Response to CSI Review – Solid Waste Transfer Facility (OAC § 3745-27-21 to 3745-27-24; 3745-500-02; 3745-500-03; 3745-500-120; 3745-500-210; 3745-555-01; 3745-555-02; 3745-555-10; 3745-555-20; 3745-555-100; 3745-555-110; 3745-555-120; 3745-555-130; 3745-555-140; 3745-555-150; 3745-555-200; 3745-555-210; 3745-555-215; 3745-555-216; 3745-555-300; 3745-555-310; 3745-555-320; 3745-555-400; 3745-555-500; 3745-555-510; 3745-555-520; 3745-555-610; 3745-555-615; 3745-555-620; 3745-555-650; 3745-555-670; 3745-555-690; 3745-555-700; 3745-512-01; 3745-512-02; 3745-512-17; 3745-512-30; 3745-512-50; 3745-512-51; 3745-512-55; 3745-512-60; 3745-512-450; 3745-512-460)

Recommendations

On March 25, 2016, Ohio EPA received the Recommendations for the Division of Materials and Waste Management Solid Waste Transfer Facility Rules (OAC 3745-27, 3745-500, 3745-512, and 3745-555) Rules.

The CSI memorandum stated that:

“The impacted business community includes all owners and operators of solid waste transfer facilities throughout the state. Among the many adverse impacts to these businesses are design and construction standards, location prohibitions, permit and licensing fees, the time and cost of housekeeping requirements, and financial assurance mandates. OEPA cites a statutory obligation to implement the rules as justification for the adverse impacts. As noted in the BIA, licensing and permitting requirements are found in ORC § 3734.05 and collection of solid waste fees at solid waste transfer facilities are required by ORC § 3734.57(A). Additionally, there is a need to prevent pollution that can result from poorly maintained facilities.

Following review of the draft rules, BIA, and stakeholder outreach, it has been determined that the standards espoused by the CSI Office have been met, and the adverse impacts of the draft rules and amendments are justified.

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Based on the above comments, the CSI Office concludes that the Ohio Environmental Protection Agency should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.”

Next Steps

At this time, it is Ohio EPA's plan to move forward with the original filing of these rules with the Joint Committee on Agency Rule Review.

If you have any questions please contact Mandi Payton at 614-644-2782.