



## MEMORANDUM OF RESPONSE

To: Travis Butchello, Regulatory Policy Advocate

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From: Michelle Mountjoy, Division Rules Coordinator

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Date: August 8, 2017

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Memorandum of Response to CSI Review – Solid Waste Composting Facilities (OAC 3745-500-01 to 3745-500-03, 3745-500-35, 3745-500-50, 3745-500-130, 3745-500-150, 3745-500-220, 3745-500-330, 3745-500-350, 3745-500-360, 3745-501-01, 3745-501-02, 3745-501-05, 3745-501-10, 3745-501-15, 3745-501-20, 3745-501-35, 3745-501-40, 3745-503-01 to 3745-503-02, 3745-503-05, 3745-503-20, 3745-560-01 to 3745-560-05, 3745-560-100 to 3745-560-102, 3745-560-105, 3745-560-110, 3745-560-115, 3745-560-120, 3745-560-125, 3745-560-130, 3745-560-135, 3745-560-200 to 3745-560-202, 3745-560-205, 3745-560-210, 3745-560-215, 3745-560-220, 3745-560-225, 3745-560-230, 3745-560-235, 3745-560-300 to 3745-560-302, 3745-560-310, 3745-560-315, 3745-560-320, 3745-560-325, 3745-560-330, 3745-560-335, 3745-560-400 to 3745-560-402, 3745-560-410, 3745-560-415, and 3745-560-435)

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### Recommendations

On August 8, 2017, Ohio EPA received the Recommendations for the Division of Materials and Waste Management "Solid Waste Composting Facilities" Rules.

The CSI memorandum stated that:

"One comment was received during the CSI public comment period. The first point in the comment requested some additional definitions, which were added by OEPA. A second concern requested the clarification of zoning approval for commercial lots before an operator could submit a registration application for a compost facility. In response, OEPA stated that they would not add the change because individuals must already provide written notice of intent to erect a facility to the local zoning authority under the current rules. A third issue requested OEPA verify all measurements for well distance on the application forms for private wells. The agency responded that they would not adopt the change because it is the responsibility of the applicant to determine well distance and measurements to existing public water supply wells. Lastly, a fourth point discussed the certified operator training program and OEPA replied that the program is under development and stakeholders will be notified when the rules are released for comments.

The rules primarily impact owners and operators of the 383 Class II, Class III, and Class IV composting facilities in the state. Such facilities will be required to abide by testing requirements imposed by OEPA in addition to employer time for compliance with the rules. The nature of the adverse impact to the facilities will vary depending on which class the facility is. OEPA states in the BIA that all facilities will be required to purchase permit and/or registration fees at a cost outlined in statute. In addition, the facilities will be required to pay for testing which OEPA expects to be approximately \$400 for up to 10,000 cubic yards of compost. In their BIA, OEPA contends that the regulatory intent of the rules outweighs any adverse impact to business because they fulfill statutory obligations for the agency to implement rules regarding the permitting and licensure of composting facilities and the establishment of compost quality standards to ensure the protection of public health and safety.

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For the reasons explained above, this office does not have any recommendations regarding 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 this rule with the Joint Committee on Agency Rule Review.

If you have any questions, please contact Michelle Mountjoy at 614-728-5372.