



MEMORANDUM OF RESPONSE

To: Jacob Ritzenthaler, Business Advocate

From: Mandi Payton, Rules Coordinator

Date: February 6, 2023

Subject: Memorandum of Response to CSI Review - Solid Waste Composting Facilities
(OAC 3745-560-100, 3745-560-200, and 3745-560-300)

Recommendations

On February 6, 2023, Ohio EPA received the recommendations for the Division of Materials and Waste Management's Solid Waste Composting Facilities (OAC 3745-560-100, 3745-560-200, and 3745-560-300) rules.

The CSI memorandum stated that:

"The business community impacted by the rules include all Class I, II, and III solid waste composting facilities. The adverse impacts created by the rules include time spent applying for permits, the cost of applying for an annual license, and calculating closure and financial assurance costs. Class I facilities are required to pay a \$400 permit to install, which is applied to the permit issuance fee of \$1,000. Annual license fees for Class I and II facilities include a \$100 application fee and an issuance fee that is calculated based on the maximum amount of material authorized for the site. Closure costs for Class I facilities are calculated based on the cost for a third party to close the site when the extent and manner of the operation would make the closure the most expensive. Class II facilities that accept solid wastes must calculate closure costs at a rate of \$2.50 per cubic yard multiplied by the operational capacity of the materials placement area. Class II facilities that accept alternative materials calculate closure costs at \$8 per cubic yard or the local disposal rate multiplied by the maximum amount of alternative materials authorized. OEPA states that the adverse impact to business is necessary to reduce the impact that solid waste composting facilities have on the environment and to protect public and environmental health.

Based on the information above, the CSI Office has no recommendations on this rule package.

The CSI Office concludes that OEPA should proceed in filing the proposed rules 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 amanda.payton@epa.ohio.gov.