

## MEMORANDUM OF RESPONSE

To: Jacob Ritzenthaler, Business Advocate

From: Mandi Payton, Rules Coordinator

Date: November 20, 2023

Memorandum of Response to CSI Review – Beneficial Use Rules (OAC 3745-27-05, 3745-599-01, 3745-599-02, 3745-599-03, 3745-599-05, 3745-599-10, 3745-599-20, 3745-599-25, 3745-599-30, 3745-599-35, 3745-599-60, 3745-599-200, 3745-599-210, 3745-599-220, 3745-599-310, 3745-599-320, 3745-599-330, 3745-599-334, 3745-599-335, 3745-599-340, 3745-599-345, 3745-599-350, 3745-599-360, 3745-599-370, 3745-599-400, and 3745-599-410)

### **Recommendations**

On November 20, 2023, Ohio EPA received the recommendations for the Ohio EPA's Division of Material and Waste Management's Beneficial Use (OAC 3745-27-05, 3745-599-01, 3745-599-02, 3745-599-03, 3745-599-05, 3745-599-10, 3745-599-20, 3745-599-25, 3745-599-30, 3745-599-35, 3745-599-60, 3745-599-200, 3745-599-210, 3745-599-220, 3745-599-310, 3745-599-320, 3745-599-330, 3745-599-334, 3745-599-335, 3745-599-340, 3745-599-345, 3745-599-350, 3745-599-360, 3745-599-370, 3745-599-400, and 3745-599-410) rules.

The CSI memorandum stated that:

"The business community impacted by the rules includes any business that intends to beneficially use waste materials in lieu of disposal. The adverse impacts created by the rules include the costs associated with applying for a beneficial use permit and the proper use and storage of materials. Application fees cost \$200 for general beneficial use permits and \$350 for individual permits. Permit holders are also required to maintain records, submit information when recharacterizing beneficial use materials, and complete annual compliance demonstrations. OEPA notes that the beneficial use program is voluntary. OEPA states that the adverse impacts created by the rules are necessary to provide a consistent and safe process for approving the usage of beneficial use byproducts.

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**

Currently, 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](mailto:amanda.payton@epa.ohio.gov).