



Rule: Solid Waste Transfer Facility Rules, Ohio Administrative Code (OAC) Chapter 3745-555.

Agency Contact for this Package

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Ohio EPA held a comment period beginning on October 2, 2023, regarding the solid waste transfer facility rules. This document summarizes the comments and questions received during the associated comment period, which ended on November 2, 2023.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of public health, safety, and the environment.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format. The name of the commenter follows the comment in parentheses.

Please note: On November 27, 2023, Ohio EPA original filed OAC rule 3745-500-02 with the solid waste operational rules in OAC Chapter 3745-535. The proposed amendments to OAC rule 3745-500-02 released with this rule package have been included in the solid waste operational rule package original filing and, therefore, OAC rule 3745-500-02 has been removed from this rule package.

OAC rule 3745-555-650 includes an opening note that information on how to obtain copies of documents incorporated into the rule is available in OAC rule 3745-500-03. During the interested party comment period, Ohio EPA discovered that the publication, "SW-846," though incorporated into OAC rule 3745-555-650, is not listed in OAC rule 3745-500-03. OAC rule 3745-500-03 has been added to this rules package.

3745-555-10 General obligations for owners, operators, and applicants.

Comment 1: The draft rule requires that an O/O that does not achieve the 60% recycling rate submit a notice of such to the director and allows for 365 days of operation after that notice providing that the O/O submits a PTI application within 180 days of the notice and complies operational requirements. If the O/O submits the PTI application on day 180 after the notice, that leaves 180 days for the OEPA to review the application, send an NOD (which there always is), the O/O to respond to the NOD and the OEPA to review again and process for approval, including issuance of a draft permit, a public hearing, and a review by the OEPA of any comments. (assuming there was only 1 NOD.) That does not seem like a realistic time frame based upon normal transfer station PTI application processing times.

The now deleted 27-03 simply required that the facility submit a PTI application and comply with the operational requirements. If a facility is not complying with the operational requirements or if the OEPA believes that the O/O is not pursuing the PTI in a timely manner the OEPA can deny the application at any point. Therefore, the members of the NWRA recommend that the 365-day time limit be deleted. **(Steve White, NW&RA)**

Response 1: The intent of the 365-day time frame is to ensure that an owner or operator of a recycling facility that has not achieved the 60% recycling rate ceases operations or completes the process of obtaining a permit to install in a timely manner. Ohio EPA can extend the time frame beyond 365 days as appropriate to cover scenarios where the applicant is working through addressing notices of deficiencies. No changes were made in response to this comment.

Comment 2: Rule 555-10 requires that a facility not meeting the 60% recycling rate comply with the requirements in 555-610 (F) to (M). We believe that this should be (G) to (M). (F) has to do with a facility where the closure cost estimate is less than \$5000. **(Steve White, NW&RA)**

Response 2: In response to this comment, OAC rule 3745-555-10 was amended to cite to the appropriate operational paragraphs in OAC rule 3745-555-610.

3745-555-130 Domiciles.

Comment 3: I understand the need for Waste Transfer Stations however, I feel that they should not be permitted to be grandfathered in [...] nor should they be permitted to be in such close proximity of residential neighborhoods. I would like to see the State adopt the EPA's Advisory Committee's recommendation (see page 12 in the attached document) that solid waste transfer stations be at least 1000 feet from any residence. **(Carolyn Behrman, Vince Cox, Melinda Mace)**

Response 3: The 250-foot separation distance from a domicile has been in effect in the solid waste transfer facility rules since their initial adoption in 1991. Local zoning codes may provide additional guidelines for appropriate siting based on the individual needs of the municipality. In 2017, Ohio EPA added a new requirement that solid waste transfer facility operations be conducted in a building to reduce potential impacts on the community. Local health departments continue to have the authority to address nuisance conditions that could impact public health. No changes were made in response to this comment.

Comment 4: At the very least, facility operators should know the immediate neighbors and be available to them to address problems with odors, vermin and wildlife, pests and bugs, blown trash, run-off, and particulate matter that the facilities inflict on

their neighbors. **(Carolyn Behrman)**

Response 4: Ohio EPA encourages owners and operators of solid waste transfer facilities to work with their neighbors to address concerns and ensure open lines of communication. No changes were made in response to this comment.

3745-555-140 Floodplains.

Comment 5: The draft rule would extend the prohibition on transfer station waste handling areas from being in a 100-year flood plain to include access roads. "Access roads" is not defined, thus it is not clear if the prohibition covers in-facility access roads or access roads outside of facility. What is the OEPA trying to protect or prevent? The current prohibition ensures that wastes will not be subject to waters from a 100-year flood. That should provide a sufficient level of environmental protection. I would note that there is not an access road limit on regulatory floodplains and landfills in OAC 3745-27-20 (C)(2). The members of the NWRA recommend that the provision regarding access roads be deleted. **(Steve White, NW&RA)**

Response 5: In response to this comment, OAC rule 3745-555-140 has been amended to remove the prohibition of access roads in the one hundred year floodplain.

3745-555-310 Transfer facility permit to install application.

Comment 6: I object to: Removing the requirement for a notarized signature from the certification statement whereby each landowner where the solid waste transfer facility is located acknowledges the applicant is submitting a permit to install application for the solid waste transfer facility. **(Carolyn Behrman)**

Response 6: All documents associated with the establishment and operation of a solid waste transfer facility, including those signed by a property owner affirming their knowledge of the proposed facility, must be certified in accordance with OAC rule 3745-500-50. A signature in accordance with OAC rule 3745-500-50 affirms the signatory's identity and asserts that all statements and all assertions of fact made in the document are true and accurate to the best of the signatory's knowledge. No changes were made in response to this comment.

3745-555-620 Access.

Comment 7: Paragraph (K). It seems that removing the requirement to post yard waste restrictions at a transfer station facility entrance, would cause the abovementioned efforts to be ignored and forgotten even more. I believe there needs to be more signage and enforcement for not allowing the collection of source-separated yard waste, which then is mingled with waste either in the back of a vehicle or on a transfer station floor. Yard waste can be composted and

should not go to a landfill. (**Elizabeth Biggins-Ramer, Cuyahoga County Solid Waste District**)

Response 7: In response to this comment, Ohio EPA re-inserted the language to post instructions regarding yard waste restrictions at the solid waste transfer facility.

End of Response to Comments