



H.B. 59

126th General Assembly
(As Introduced)

Reps. Law, Harwood

BILL SUMMARY

- Requires the Director of Environmental Protection to adopt rules establishing siting requirements applicable to construction and demolition debris facilities that are as stringent as and of a similar nature to the siting requirements applicable to solid waste facilities that are established in rules.
- Prohibits the Director or a local board of health from issuing a license to establish and operate a new construction and demolition debris facility when any portion of the facility does not comply with the siting requirements established in rules.
- Specifies that the new rules establishing siting requirements do not apply to a facility for which a license has been issued prior to the bill's effective date, but apply to any modification of an existing facility for which a license is required and applied for on or after that date.

CONTENT AND OPERATION

Current law establishes criteria for the siting of solid waste facilities and construction and demolition debris facilities. As applied, siting criteria prohibit the location of facilities in areas of the state that do not meet the standards established in the criteria. With respect to construction and demolition debris facilities, there are two statutory criteria that are applicable. First, a facility may not be located within the boundaries of the 100-year flood plain of a watercourse, and second, a facility may not be located within the boundaries of a sole source aquifer as designated by the United States Environmental Protection Agency. (Sec. 3714.03(A) and (B).) The siting criteria applicable to solid waste facilities are more expansive than the criteria applicable to construction and demolition

debris facilities and are found in rules adopted by the Ohio Environmental Protection Agency.¹

The bill retains the existing siting requirements applicable to construction and demolition debris facilities and also requires the Director of Environmental Protection to adopt rules establishing additional siting requirements applicable to those facilities that are as stringent as and of a similar nature to the siting requirements applicable to solid waste facilities that are established in the rules discussed above (sec. 3714.02(A)). In addition, the bill prohibits the Director or a local board of health from issuing a license to establish and operate a new construction and demolition debris facility when any portion of the facility does not comply with the siting requirements established in rules (sec. 3714.03).

The bill specifies that the new rules establishing siting requirements that are adopted by the Director do not apply to a facility for which a license has been issued prior to the bill's effective date. However, the rules apply to any modification of an existing facility for which a license is required and applied for under the Construction and Demolition Debris Law on or after the bill's effective date. (Sec. 3714.02.)

To eliminate confusion with the bill's requirements pertaining to applicability of the new rules, the bill eliminates existing provisions governing the applicability of rules and siting criteria to construction and demolition debris facilities that were in existence at the time that the Construction and Demolition Debris Law was enacted (sec. 3714.06(C)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-15-05	p. 206

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¹ O.A.C. 3745-27-07.