

<h1 style="margin: 0;">Regulatory Analysis Form</h1> <p style="margin: 0;">(Completed by Promulgating Agency)</p>		<p><b><i>INDEPENDENT REGULATORY REVIEW COMMISSION</i></b></p>
<p><b>(All Comments submitted on this regulation will appear on IRRC's website)</b></p>		
<p>(1) Agency: Department of Environmental Protection</p>		
<p>(2) Agency Number: 7 Identification Number: 564</p>		<p>IRRC Number:</p>
<p>(3) PA Code Cite: 25 Pa. Code Chapters 271 and 279</p>		
<p>(4) Short Title: Rural Transfer Facility Permit-By-Rule</p>		
<p>(5) Agency Contacts (List Telephone Number and Email Address):                  Primary Contact: Laura Griffin, 717.783.8727, laurgriffi@pa.gov                  Secondary Contact: Jessica Shirley, 717.787.8727, jessshirley@pa.gov</p>		
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input checked="" type="checkbox"/> Proposed Regulation  <input type="checkbox"/> Final Regulation  <input type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation;  <input type="checkbox"/> Certification by the Governor  <input type="checkbox"/> Certification by the Attorney General</p>
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>This proposed regulation aims to provide convenient and affordable access to waste disposal and recycling services in rural areas of Pennsylvania. By establishing a permit-by-rule for persons to operate a rural transfer facility in areas where trash collection and recycling services are currently not economically feasible, rural Pennsylvanians will be able to responsibly dispose of their waste and recycling by dropping it off at a convenient location to be transferred to a permitted disposal or processing facility and will benefit from gaining access to disposal and recycling options. This will, in turn, help to alleviate the mismanagement of residential municipal waste and reduce associated burning or illegal dumping of waste.</p>		
<p>(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.</p> <p>The proposed amendments to Chapters 271 and 279 are authorized under sections 105 and 501 of the Solid Waste Management Act (35 P.S. §§ 6018.105 and 6018.501), which grant the Environmental Quality Board (Board) the authority to adopt rules and regulations of the department to accomplish the purposes and carry out the provisions of the Solid Waste Management Act; sections 301 and 302 of Act 101, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4001.301—4001.302); and Section 1920-A of the Administrative Code of 1929 (71 P.S. § 510-20), which grants the Board the authority to adopt rules and regulations for the proper performance of the work of the Department.</p>		

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

No, this regulation is not mandated by a federal or state law or court order, or federal regulation. There are no relevant state or federal court decisions.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

Presently, all Pennsylvanians do not have convenient and affordable access to waste disposal and recycling options. Specifically, in rural areas of Pennsylvania trash collection and recycling services are not economically feasible to establish and, therefore, are unavailable to many local communities. This proposed rulemaking would establish a regulatory framework for public or private entities to operate rural transfer facilities where rural Pennsylvanians can drop off their waste and recycling to be transferred to a permitted disposal or processing facility. In doing so, rural Pennsylvanians will benefit from gaining access to disposal and recycling options and being able to responsibly dispose of their waste. There are approximately 2,200 municipalities in the Commonwealth where a rural transfer facility could be located.

It is anticipated that the proposed regulation will help to alleviate the mismanagement of residential municipal waste and associated burning or illegal dumping of waste that currently exists in the more rural areas of Pennsylvania. Open burning of waste can be a dangerous and environmentally hazardous activity; ninety-eight percent of the wildfires in Pennsylvania are a direct result of people's actions placing emergency responders in harm's way, and an EPA report published in November 1997 shows that a single household burn barrel may emit as many toxic chemicals as a well-controlled municipal incinerator. There are also more than 6,200 illegal dumps identified across the Commonwealth by a Keep Pennsylvania Beautiful study and cost on average \$3,000 per site to clean up. During the current fiscal year, the Department spent \$1,105,000 on illegal dumping cleanups, and the Department anticipates spending at least \$4,045,000 to address cleaning up illegal dumps over the next 3 years.

Accordingly, this proposed rulemaking will improve protection of public health and the environment by preventing air and land pollution through an anticipated decrease in the instances of burning and illegal dumping of municipal waste and recyclables. It will also help to alleviate the costs state and local governments incur to clean up illegal dump sites and reduce the enforcement costs the Department currently incurs to respond to burning and illegal dumping complaints.

Once implemented, this proposed regulation will help to bolster Pennsylvania's recycling marketplace by providing a means for the capture of more recyclables. Pennsylvania's recycling marketplace supplies approximately 66,000 jobs in the Commonwealth, and by providing additional collection opportunities through the proposed rulemaking, this regulation will create additional business opportunities for waste haulers and disposal companies.

Additionally, for any public or private entities who decide to operate a rural transfer facility, the proposed rulemaking's approach of creating a permit-by-rule for operation of a transfer facility will be beneficial by streamlining the permitting process. Under the permit-by-rule format, public or private entities would notify the Department of their intent to operate a rural transfer facility and would not have to submit an application for review. Instead, a facility operating under a permit-by-rule must follow a

standard and abbreviated set of operating requirements that are tailored for the type of activity undertaken. This simplifies the application requirements associated with other types of permitted facilities by replacing voluminous permit application materials with more general operational plans and notification documents. Therefore, a permit-by-rule will allow persons or municipalities in rural areas more flexibility and ease in obtaining the authorization necessary to operate the facility and require lower permitting costs to establish a rural transfer facility, while providing necessary and adequate environmental controls to ensure that public health and the environment are also protected.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There are no provisions that are more stringent than the federal standards.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

This proposal will not put Pennsylvania at a competitive disadvantage. The waste addressed by this proposed regulation is not subject to interstate competition. The purpose of the regulation is to create a more convenient avenue within Pennsylvania for managing waste generated in amounts and locations that cause it to be inefficient to collect. Because of the inefficiency associated with collecting this waste, it is not economically feasible for entities in other states to compete for this waste.

The Department is not requiring the municipalities to construct or operate these facilities. Rather, the rulemaking provides an option for municipalities that struggle with the negative impacts of illegal dumping and open burning caused by a lack of access to proper waste disposal and recycling facilities. The primary benefits of the facilities will be convenience for the users and reduction in illegal dumping and burning of waste.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No other regulations of the Department or other state agencies will be affected by this proposed regulation.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The Department has worked extensively with its Solid Waste and Recycling Fund Advisory Committees (SWAC and RFAC, respectively) to develop this proposed regulation. These Committees work with the Department to develop programs, policies and regulations to effectively implement Pennsylvania's solid waste management and recycling programs. Members of SWAC and RFAC represent municipal solid waste authorities, local government interests, solid waste management industry groups, the legislature, consulting firms and private citizens.

Discussions formally began in 2015, with the formation of an Ad Hoc committee to focus on convenience centers and advise DEP on the requirements for operation. The Ad Hoc committee disbanded after its final meeting in August 2015.

The convenience center model evolved over the next several years, until the Department developed a general permit (GP) to authorize their operation. The Department brought the GP before SWAC and RFAC in December 2018, at which time it was determined that the recordkeeping requirements of the GP were too onerous for operators (i.e., rural counties and municipalities) to meet. However, SWAC and RFAC members and the Department agreed that a means of authorizing operation of these facilities to aid in providing convenient, affordable access to waste disposal and recycling to all Pennsylvanians was imperative. The Department's response to this call was development of this proposed rulemaking authorizing a permit-by-rule for rural transfer facilities.

On June 3, 2020, SWAC voted to concur with the Department's recommendation that the proposed rulemaking move forward in the regulatory process.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

This proposed regulation does not mandate that any public or private entity operate a rural transfer facility. However, there are approximately 2,200 municipalities in the Commonwealth where a rural transfer facility could be located, and the Department anticipates 30-40 areas initially will likely take advantage of the proposed permit-by-rule.

If someone decides to operate a rural transfer facility, then the proposed rulemaking would primarily affect the rural Pennsylvanians that make use of the facility and the persons or municipalities that operate them. Residents and businesses operating in a rural area using the facility will realize the benefit of having a local drop-off for waste disposal and recycling collection and an expected reduction in illegal dumping and burning of waste in their community. It is anticipated that the rural transfer facilities will be operated primarily by municipalities. It is not anticipated that these facilities will be operated with the expectation of much profit, but they will provide a service to those in the community. There also exists the potential for smaller, locally owned waste hauling companies to realize increased business with the establishment of rural transfer facilities.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

This proposed regulation does not mandate that any public or private entity operate a rural transfer facility.

Anyone who chooses to operate a rural transfer facility in accordance with the proposed permit-by-rule would be required to comply with the provisions of the proposed rulemaking. There are approximately 2,200 municipalities in the Commonwealth where a rural transfer facility could be located, and the Department anticipates 30-40 areas initially, operated primarily by municipalities, will likely take advantage of the proposed permit-by-rule.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

This proposed regulation does not mandate that any public or private entity operate a rural transfer facility. However, there are approximately 2,200 municipalities in the Commonwealth where a rural transfer facility could be located, and the Department anticipates 30-40 areas initially will likely take advantage of the proposed permit-by-rule.

For any rural community where a rural transfer facility is established, the proposed rulemaking will provide convenient and affordable access to waste disposal and recycling services where trash collection and recycling services are not currently economically feasible and therefore, are unavailable.

The proposed regulation will in turn help to alleviate the mismanagement of residential municipal waste and associated burning or illegal dumping of waste by covering a waste and recycling collection gap that currently exists in the more rural areas of Pennsylvania. Open burning of waste can be a dangerous and environmentally hazardous activity; ninety-eight percent of the wildfires in Pennsylvania are a direct result of people's actions placing emergency responders in harm's way, and an EPA report published in November 1997 shows that a single household burn barrel may emit as much toxic chemicals as a well-controlled municipal incinerator. There are also more than 6,200 illegal dumps identified across the Commonwealth by a Keep Pennsylvania Beautiful study and cost on average \$3,000 per site to clean up. Accordingly, this proposed rulemaking will improve protection of public health and the environment by preventing air and land pollution through an anticipated decrease in the instances of burning and illegal dumping of municipal waste and recyclables. It will also help to alleviate the costs state and local governments incur to clean up illegal dump sites and reduce the enforcement costs the Department currently incurs to respond to burning and illegal dumping complaints.

Once implemented, this proposed regulation will help to bolster Pennsylvania's recycling marketplace by providing a means for the capture of more recyclables. Pennsylvania's recycling marketplace supplies approximately 66,000 jobs in the Commonwealth, and by providing additional collection opportunities through the proposed rulemaking, this regulation could help to create additional business opportunities for waste haulers and disposal companies in Pennsylvania.

Additionally, for any public or private entities who decide to operate a rural transfer facility, the proposed rulemaking's approach of creating a permit-by-rule for operation of a transfer facility will be beneficial by streamlining the permitting process. Under the permit-by-rule format, public or private entities would notify the Department of their intent to operate a rural transfer facility and would not have to submit an application for review. Instead, a facility operating under a permit-by-rule must follow a standard and abbreviated set of operating requirements that are tailored for the type of activity undertaken, such as facilities can only be located in rural areas and specific limits to how much waste a facility can have onsite at any one time. This simplifies the application requirements associated with other types of permitted facilities by replacing voluminous application materials with more general operational plans and notification documents. Therefore, a permit-by-rule will allow persons or municipalities in rural areas more flexibility and ease in obtaining the authorization necessary to operate the facility and require lower permitting costs to establish a rural transfer facility, while providing necessary and adequate environmental controls to ensure that public health and the environment are also protected.

It is important to note that this proposed rulemaking will not have an impact on individuals, small businesses, businesses and labor communities or other public and private organizations that already have curbside waste pickup or another convenient form of waste management in Pennsylvania.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

This proposed regulation aims to provide convenient and affordable access to waste disposal and recycling services in rural areas of Pennsylvania where trash collection and recycling services are not economically feasible to establish and therefore, are currently unavailable to many rural communities. Since the proposed rulemaking does not mandate that any public or private entity operate a rural transfer facility, there are no costs required or adverse effects expected for the proposed rulemaking.

Should a public or private entity decide to operate a rural transfer facility under the terms of the proposed rulemaking where all members of the community can drop off their waste and recycling to be transferred to a permitted disposal or processing facility, rural Pennsylvanians will benefit from gaining access to disposal and recycling options and being able to responsibly dispose of their waste. Accordingly, the proposed regulation will help to alleviate the mismanagement of residential municipal waste and associated burning or illegal dumping of waste in the more rural areas of Pennsylvania. This will improve protection of public health and the environment by preventing air and land pollution through an anticipated decrease in the instances of burning and illegal dumping of municipal waste and recyclables. It will also help to alleviate the costs state and local governments incur to clean up illegal dump sites and reduce the enforcement costs the Department currently incurs to respond to burning and illegal dumping complaints. Furthermore, once implemented, the proposed regulation will also allow for the capture of more recyclables, positively contributing to Pennsylvania's recycling marketplace and the 66,000 jobs it creates.

Since the Department is not requiring rural municipalities to operate a rural transfer facility under the proposed rulemaking, the only costs that would be incurred would be by a public or private entity to construct and operate the facility. Depending on the size of the facility, it is estimated the cost to operate could be as little as several hundred dollars per year for a smaller location to tens of thousands of dollars per year for facilities transferring multiple containers to a permitted processing or disposal facility per week. However, rural transfer facilities are not expected to operate at a financial loss. The operator of the facility may charge a fee for residents to use the facility that will cover the cost of operating the facility. In addition, municipalities that operate a rural transfer facility under the proposed permit-by-rule can apply for grant monies that would reimburse them for eligible costs to construct and operate the facility that is based on the amount of source separated recyclables collected and legitimately recycled each year.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

This proposed regulation does not mandate that any public or private entity operate a rural transfer facility; therefore, there are no direct costs being imposed on the regulated community. The proposed regulation also does not impose a fee on those that choose to operate under the permit-by-rule.

Any public or private entity that decides to operate a rural transfer facility is expected to "break even" in terms of the costs associated with operations. However, the logistical savings associated with the

consolidation and collection of waste in one location rather than the uneconomical collection at multiple residences in rural areas with relatively low population densities will present measurable cost savings.

There are different business models associated with the operation of Rural Transfer Facilities. It is assumed that a private entity operating one of these facilities would be charging a membership fee or implementing a fee structure per amount of waste disposed, in order to make a profit. Local governments would be more likely to operate a facility at no charge to users or may opt to charge a nominal fee to residents and businesses to use a rural transfer facility. This is commonly referred to as “pay as you throw” and is usually charged per trash bag of waste disposed. In return, residents and businesses would gain an affordable, convenient, environmentally friendly and legal way to manage their waste. Since the proposed rulemaking aims to provide services that do not currently exist in rural areas, a specific cost to comply or savings to members of the regulated community who decide to operate a rural transfer facility cannot be calculated.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

This proposed regulation does not mandate that any local government operate a rural transfer facility, so there are no costs/savings anticipated for local governments.

However, if a local government decides to operate a rural transfer facility, they are expected to break even economically. They may operate a facility at no charge to users or may opt to charge a nominal fee to residents and businesses to use a rural transfer facility. This is commonly referred to as “pay as you throw” and is usually charged per trash bag of waste disposed. In return, residents and businesses would gain an affordable, convenient, environmentally friendly and legal way to manage their waste. The savings will be realized in the form of reduction in illegal dumping and associated spending by local governments to clean up illegal dump sites and potentially logistic and operational cost savings associated with collection of waste and recyclables in a centralized location rather than multiple locations not in close proximity to a waste processing or disposal facility. Since the proposed rulemaking aims to provide services that do not currently exist in rural areas, the Department is not able to quantify these benefits but will leave that value judgement up to municipalities that evaluate whether or not they would like to operate a rural transfer facility.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

State government does not anticipate incurring any additional costs as a result of this proposed rulemaking.

Should public or private entities begin to operate rural transfer facilities, potential savings for state government might be realized through a reduction in illegal dumping. During the current fiscal year, the Department spent \$1,105,000 on illegal dumping cleanups. The Department anticipates spending at least \$4,045,000 to address cleaning up illegal dumps over the next 3 years.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

Prior to operation of a facility under the proposed rulemaking, a notice of intent to operate must be submitted to the Department. The notice should include:

- The name, address and telephone number of the facility
- Proposed hours of operation for the facility
- The name, address and telephone number of the person or municipality responsible for operating the facility
- A brief description of the facility
- The name and address of the facilities to which the rural transfer facility transfers municipal waste

Any person who decides to operate a rural transfer facility would be subject to the recordkeeping requirements included in the proposed rulemaking. Specifically, the proposed rulemaking requires that records of pick up dates for all containers be maintained onsite for 5 years and made available to the Department upon request.

Using a permit-by-rule approach in the proposed rulemaking minimizes the amount of paperwork associated with this type of facility. There is no permit application, and records are not required to be submitted to the Department, unless requested.

(22a) Are forms required for implementation of the regulation?

No, forms are not required for the implementation of this proposed regulation.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here**. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

Forms are not required for the implementation of this proposed regulation.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

\*Due to the varying business models associated with operating a Rural Transfer Facility, the varying sizes/complexities of such facilities and the speculative nature of trying to estimate the number of facilities that will be operated, the Department is not able to estimate the cost/savings in dollar amounts. It should be considered that this regulation does not compel any individual or other entity to operate a Rural Transfer Facility, and therefore if anyone deems that the costs outweigh the savings, they can elect not to operate such a facility.



	<b>Current FY Year</b>	<b>FY +1 Year</b>	<b>FY +2 Year</b>	<b>FY +3 Year</b>	<b>FY +4 Year</b>	<b>FY +5 Year</b>
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated Community</b>	0	0	0	0	0	0
<b>Local Government</b>	0	0	0	0	0	0
<b>State Government</b>	0	0	0	0	0	0
<b>Total Savings</b>	0	0	0	0	0	0
<b>COSTS:</b>						
<b>Regulated Community</b>	0	0	0	0	0	0
<b>Local Government</b>	0	0	0	0	0	0
<b>State Government</b>	0	0	0	0	0	0
<b>Total Costs</b>	0	0	0	0	0	0
<b>REVENUE LOSSES:</b>						
<b>Regulated Community</b>	0	0	0	0	0	0
<b>Local Government</b>	0	0	0	0	0	0
<b>State Government</b>	0	0	0	0	0	0
<b>Total Revenue Losses</b>	0	0	0	0	0	0

(23a) Provide the past three-year expenditure history for programs affected by the regulation.

<b>Program</b>	<b>FY -3 (2018-19)</b>	<b>FY -2 (2019-20)</b>	<b>FY -1 (2020-21)</b>	<b>Current FY (2021-22)</b>
Solid Waste Abatement Fund	\$2,760,000	\$2,352,000	\$2,118,000	\$2,018,000

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.

This proposed regulation does not mandate that any public or private entity operate a rural transfer facility, so there are no small businesses identified that will be impacted by this proposed rulemaking.

- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.

This proposed rulemaking does not mandate any public or private entity operate a rural transfer facility. However, should a public or private small business entity decide to operate a rural

transfer facility, the proposed rulemaking would require them to maintain records of pick up dates for all containers onsite for 5 years and make the records available to the Department upon request.

- (c) A statement of probable effect on impacted small businesses.

There will be no adverse impacts anticipated for small businesses as a result of this proposed rulemaking.

- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

There are no less intrusive or less costly methods of achieving the purpose of the regulation.

- (25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

The proposed rulemaking includes provisions for acceptance of construction/demolition waste at a rural transfer facility should a public or private entity decide to operate one. By including these provisions, DEP is attempting to provide specific outlets to small construction businesses for the waste they generate as these companies are a leading source of illegal dumping in the Commonwealth.

- (26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

Transfer station individual permits are currently available for entities interested in operating a rural transfer facility, but the cost and operating requirements are burdensome to the point that they are not a feasible option for these facilities to actually use. As such, the Department worked extensively with its Solid Waste and Recycling Fund Advisory Committees (SWAC and RFAC, respectively) to consider alternative regulatory provisions and develop a model for convenient, affordable access to waste disposal and recycling in rural areas of Pennsylvania. Members of SWAC and RFAC represent municipal solid waste authorities, local government interests, solid waste management industry groups, the legislature, consulting firms and private citizens.

Following planning discussions with SWAC and RFAC over many years, the Department developed a general permit (GP) as a means to authorize convenience centers. The Department brought the GP before SWAC and RFAC in December 2018; at which time it was determined with input from both Committees, that the recordkeeping requirements of the GP were too onerous for operators (i.e., rural counties) to meet. However, SWAC and RFAC members and the Department agreed that a means of authorizing operation of these facilities to aid in providing convenient, affordable access to waste disposal and recycling to all Pennsylvanians was imperative.

The Department's response to this call was development of this proposed rulemaking authorizing a permit-by-rule for rural transfer facilities as it is the least burdensome mechanism available for permitting these facilities.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

This proposed regulation does not mandate that any public or private entity operate a rural transfer facility, so there are no adverse impacts anticipated for small businesses. However, the Department pursued a permit-by-rule format for entities who do decide to operate a rural transfer facility as it is the least stringent and least burdensome regulatory mechanism available to authorize this type of activity. By using a permit-by-rule, the reporting requirements have been simplified to only require operators of a rural transfer facility to maintain records of pick up dates for all containers onsite for 5 years and make the records available to the Department upon request. Additionally, the proposed rulemaking makes use of performance standards where practical, to provide flexibility for all operators.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data is not the basis for this regulation. An estimated 2,200 municipalities would be eligible for the operation of a Rural Transfer Facility. Citizens of these municipalities may not have access to convenient waste disposal options. The purpose of this regulation is to allow for those citizens to have access to convenient waste disposal.

(29) Include a schedule for review of the regulation including:

- |   |   |
|---|---|
| A. The length of the public comment period:                                 | <u>30 days</u>  |
| B. The date or dates on which any public meetings or hearings will be held: | <u>None planned</u>   |
| C. The expected date of delivery of the final-form regulation:              | <u>Quarter 3 2022</u>                                       |
| D. The expected effective date of the final-form regulation:                | <u>Upon publication in the <i>Pennsylvania Bulletin</i></u> |

E. The expected date by which compliance with the final-form regulation will be required:

30 days after publication  
in the *Pennsylvania Bulletin*

F. The expected date by which required permits, licenses or other approvals must be obtained:

30 days after publication  
in the *Pennsylvania Bulletin*

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

DEP will evaluate the types and amounts of waste and materials collected at rural transfer facility sites operating under the permit-by-rule format proposed in this rulemaking and determine the benefits seen through the following:

- 1) Routine on-site inspection and enforcement activities.
- 2) Complaint tracking efforts.
- 3) Initiatives that aim to reduce illegal dumping in Pennsylvania, through which DEP obtains metrics on tons of illegally disposed waste collected during clean-up events and solicits community feedback on the effectiveness the state's disposal infrastructure.

DEP expects to observe a measurable decrease in illegal dumping and burning complaints after the adoption of this rulemaking. DEP will also solicit and receive input from the municipalities operating rural transfer facilities to ascertain their perspective on the effectiveness of the rule on curbing illegal dumping, open burning and improving rural Pennsylvania's access to convenient and affordable disposal and recycling outlets.