



Early Stakeholder Outreach- Hazardous Waste Management Rules Amended to Match Federal Program

Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of draft rules.

What do these rules cover?

The rules addressed by this Early Stakeholder Outreach (ESO) are in the Hazardous Waste Management program, and they regulate all facets of the program including permitting; fees; identification and listing of hazardous waste; transporter standards; generator standards; treatment, storage, and disposal standards; land disposal restrictions; universal waste management; and used oil management. These rules are in the Ohio Administrative Code (OAC) Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, 3745-270, 3745-273, and 3745-279.

Why are these rules being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. In response to Executive Order 2011-01K, Ohio EPA added a step to ensure stakeholders are brought into the rule process as early as possible. This additional notification and request for information will allow for early feedback before the rule language is developed by Ohio EPA.

What changes are being considered?

Federally driven updates: Ohio's hazardous waste rules must match their federal Resource Conservation and Recovery Act (RCRA) counterpart regulations in 40 CFR Parts 260 to 279. A number of Ohio rules need to be amended to address changes to their federal RCRA counterpart provisions, as published in the following Federal Registers (FRs):

- Effect of a permit, 40 CFR 270.4, as amended at 52 FR 45788 dated 12/01/1987, 57 FR 3495 dated 1/29/1992, 59 FR 62952 dated 12/06/1994, and 75 FR 12989 dated 3/18/2010.
Rule(s): To be determined.
- Reorganization and name change for the Office of Solid Waste, 74 FR 30228, dated 06/25/2009. Rule: 3745-266-103.
- Hazardous waste technical corrections and clarifications, 77 FR 22229, dated 04/13/2012. Rules: 3745-51-32, 3745-266-20.
- Electronic manifests, 79 FR 7518, dated 02/07/2014.
Rules: 3745-50-10, 3745-52-20, 3745-53-20, 3745-54-71, 3745-65-71, and several new rules (numbers to be determined) to address new federal provisions.

How can I provide input?

The Agency is seeking stakeholder input on these hazardous waste management rules.

When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business on **August 25, 2014**. Please submit input to:

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What if I have questions?

Please contact Kit Arthur at (614) 644-2932 or Katherine.arthur@epa.ohio.gov.

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- Identification and listing of hazardous waste, 79 FR 35290, dated 06/20/2014. Rule: 3745-51-03.
- Revision to the export provision of the cathode ray tube (CRT) rule, 79 FR 36220, dated 06/26/2014. Rules: 3745-50-10, 3745-51-39, 3745-51-41.

State driven corrections: These are rules for which there has been no amendment to their federal counterpart provisions, but we have chosen to examine these rules to determine whether they contain any errors that need to be corrected via amendment. Ohio EPA has not identified any major problems with these rules, but minor corrections to spelling, punctuation, word choice, outline structure, rule cross-references, etc. are under consideration. Currently, all these rules are exempt from five-year review under ORC 119.032. These rules are: 3745-51-30, 3745-51-32, 3745-53-12, 3745-54-75, 3745-54-93, 3745-54-98, 3745-55-47, 3745-56-71, 3745-56-72, 3745-56-76, 3745-66-77, 3745-67-30, 3745-67-57, 3745-67-82, 3745-68-13, 3745-266-101, 3745-266-110, 3745-266-112, 3745-270-37, 3745-270-39, and 3745-270-45.

Other

Additional hazardous waste management rules not specifically listed in this ESO may be drafted for amendment if stakeholder input on these rules indicates the need to do so.

Who will be regulated by these rules?

Anyone currently regulated by the hazardous waste management rules is regulated by the rules in this ESO.

What is the rulemaking schedule?

These rules will be subject to this ESO review for approximately 30 days, when comments will be due. We will consider all the comments we receive, and we will prepare a package of draft rules to be reviewed by Interested Parties prior to their submittal to JCARR as proposed rules.

What input is Ohio EPA seeking?

The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should Ohio EPA consider any alternative framework?
- What options are available for improving an identified concept?
- Are there considerations Ohio EPA should take into account when developing a specific concept?
- Is there any information or data Ohio EPA should be aware of when developing program concepts or rule language?

Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted by the new program.

- Would this regulatory program have a positive impact on your business? Please explain how.
- Would this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).