

Rule Summary and Fiscal Analysis (Part A)**Environmental Protection Agency**

Agency Name

Division of Hazardous Waste Management **Kit Arthur**
(DHWM)

Division

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3745-52-41

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Annual report.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **3734.12**

5. Statute(s) the rule, as filed, amplifies or implements: **3734.12**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is amended to make minor corrections.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Changes to this rule include rule citation corrections, changing language to use a defined term and providing the proper titles for the designated Ohio EPA forms. A

list of specific changes to this rule can be found in the rule's information sheet filed as "Additional Communications" with this rules package.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule contains referenced materials which may include federal statute, federal regulation, government documents, private documents, or references to other Ohio Administrative Code (OAC) rules. All of these materials are generally available on the worldwide web, libraries or other sources. ORC 121.75(A), (D) and (E) exempt federal codes, a regulation in the Code of Federal Regulations, and generally available text or other material, respectively, from the requirements of ORC 121.71 through 121.74. All citations meeting the definition of a rule by reference, their dates and their availability are listed in new rule 3745-50-11 "Incorporation by reference."

Ohio Revised Code sections and OAC rules meeting the definition of a rule by reference are generally available to the public either on line or through libraries. Additionally, Section 121.76(A)(1) and (3) of the Revised Code exempt such sections and rules from the requirements of Sections 121.71 to 121.75 of the Revised Code.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not Applicable.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: **11/10/2003**

(If you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: At time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.00

This proposed rule will not change the Agency's projected budget during the current biennium.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not Applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

There is no associated cost of compliance with these minor amendments.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **Yes**

You must complete the Environmental rule Adoption/Amendment Form in order to comply with Am. Sub. 106 of the 121st General Assembly.

Rule 3745-52-11 is amended as follows:		
Location	Change	Reason
(B)[Note]	remove the note and add a new note that makes these corrections: -remove "rule 3745-50-221 of the Administrative Code" and add "40 CFR 260.22" -remove "director" and add "administrator"	a, d
(D)	-remove "3745-58," -remove "3745-218, 3745-248," and add "3745-205, 3745-256, 3745-266,"	b
[Comment] after (D)	add: [Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]	c

- a The language referencing the state rule is removed and the federal citation is added because the authorities mentioned are federal, not state.
- b Rule reference correction.
- c This amendment was made after the draft rule's Interested Parties review to address SB265 requirements regarding cross-reference specificity.
- d The new rule writing software that we are required to use does not allow the amendment of bracketed notes or comments, so the entire note is removed and replaced by new language to make the corrections indicated.

This rule is similar to 40 CFR 262.11.

Rule **3745-52-12** is amended as follows:

Location	Change	Reason
(A)	remove "generator" and add "U.S. EPA" before "identification number"	a
(B)	[2 times] remove "generator" and add "U.S. EPA" before "identification number"	a
	remove "shall" and add "must"	b
	after "Ohio EPA using" remove "U.S. EPA form 8700-12" and add "Ohio EPA form EPA9029" and remove "or from U.S. EPA"	c
(C)	after "received" remove "an" and add "a U.S." before "EPA identification number"	a
new [Comment] after (C)	add: [Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]	d

- a This amendment makes the phrase "U.S. EPA identification number" which is the defined term.
- b Ohio EPA is changing this term in all hazardous waste management rules as they are reviewed and/or amended.
- c Ohio EPA now provides this form, and it has the number indicated.
- d This amendment was made after the draft rule's Interested Parties review to address SB265 requirements regarding cross-reference specificity.

This rule is similar to 40 CFR 262.12.

Rule **3745-52-41** is amended as follows:

Location	Change	Reason
(A)	remove "forms 9027, 9028, and 9029" and add "Ohio EPA forms EPA9027, EPA9028, and EPA9029"	c
(A)(5)	after "description," remove "U.S."	a
(B)	-remove "3745-50-62" and add "3745-50-66", -remove "3745-58," -remove "3745-218, and 3745-248" and add "3745-205, 3745-256, and 3745-266"	b
new [Comment] after (B)	add: [Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]	d

- a This amendment makes the phrase "EPA hazardous waste number" which is the defined term.
- b Rule reference correction.
- c This change was made as a result of a comment on the Interested Parties draft rule. It corrects the titles of the forms.
- d This amendment was made after the draft rule's Interested Parties review to address SB265 requirements regarding cross-reference specificity.

This rule is similar to 40 CFR 262.41.

Rule 3745-52-50 is amended as follows:		
Location	Change	Reason
title	after "Applicability" add "- exports of hazardous waste to a foreign country"	*

* This amendment adds information to the rule title.

This rule is equivalent to 40 CFR 262.50.

Rule 3745-52-51 is amended as follows:		
Location	Change	Reason
title	after "Definitions" add "pertaining to exports of hazardous waste to a foreign country"	*

* This amendment adds information to the rule title.

This rule is equivalent to 40 CFR 262.51.

Rule 3745-52-52 is amended as follows:		
Location	Change	Reason
title	after "General requirements" add "for exports of hazardous waste to a foreign country"	*

* This amendment adds information to the rule title.

This rule is equivalent to 40 CFR 262.52.

Rule **3745-52-54** is amended as follows:

Location	Change	Reason
intro	remove "shall" and add "must"	a
(A)	after "address" add a comma	b
	remove "ID and add "identification"	c
	remove "shall" and add "must"	a
(B)	after "address" add a comma	b
	remove "ID and add "identification"	c
(C)	remove "shall" and add "must"	a
(D)	remove "shall" and add "must"	a
(F)	remove "shall" and add "must"	a
(G)	remove "shall" and add "must"	a
(H)	[3 times] remove "shall" and add "must"	a
(I)	remove "shall" and add "must"	a
[Comment] after (I)	add: [Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]	d

- a Ohio EPA is changing this term in all the hazardous waste rules as they are amended.
- b Punctuation correction.
- c This amendment corrects the rule to use "U.S. EPA identification number" which is the defined term.
- d This amendment was made after the draft rule's Interested Parties review to address SB265 requirements regarding cross-reference specificity.

This rule is equivalent to 40 CFR 262.54.

Rule 3745-52-55 is amended as follows:		
Location	Change	Reason
intro	remove "shall" and add "must"	*

- * Ohio EPA is changing this term in all the hazardous waste management rules as they are amended.

This rule is equivalent to 40 CFR 262.55.

Rule **3745-52-60** is amended as follows:

Location	Change	Reason
(A)	remove "rules 3745-52-10 to 3745-52-70" and add "Chapter 3745-52"	a
(B)	remove "shall" and add "must"	b
(B)(1)	[2 times] after "address" add a comma	c
(B)(2)	remove "shall" and add "must"	b

- a Rule reference correction.
- b Ohio EPA is changing this term in all the hazardous waste management rules as they are amended.
- c Punctuation correction.

This rule is equivalent to 40 CFR 262.60.

Rule **3745-52-70** is amended as follows:

Location	Change	Reason
text	-remove "3745-218, 3745-248" and add "3745-205, 3745-256" -remove "3745-50-62" and add "3745-50-66"	*

* Rule reference correction.

This rule is equivalent to 40 CFR 262.70.

Rule **3745-53-11** is amended as follows:

Location	Change	Reason
(A)	remove "shall" and add "must"	a
(C)	after "Ohio EPA by using" remove "U.S. EPA form 8700-12" and add "Ohio EPA form EPA9029"	b
	after "assign" remove "an" and add "a U.S. EPA"	c
new [Comment] after (C)	add: [Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]	d

- a Ohio EPA is changing this term in all the hazardous waste management rules as they are amended.
- b Ohio EPA now provides this form.
- c This amendment makes the phrase "U.S. EPA identification number" which is a defined term.
- d This amendment was made after the rule's Interested Parties review to address SB265 requirements regarding cross-reference specificity.

This rule is similar to 40 CFR 263.11.

Rule **3745-53-12** is amended as follows:

Location	Change	Reason
text	-remove "3745-50-62 of the Administrative Code" and add "3745-50-66" -remove "3745-218, 3745-248" and add "3745-205, 3745-256"	*

* Rule reference correction. Removes duplicative phrase.

This rule is equivalent to 40 CFR 263.12.

Rule **3745-53-20** is amended as follows:

Location	Change	Reason
(A)	remove "shall" and add "may"	a, b
	after "generator" add a comma	c
(A)(3)	add new paragraph as "Reserved."	d
(B)	remove "shall" and add "must"	a
	after "from the generator" add a period and "The transporter must" and remove "and" before "return" to make this into 2 sentences	b
(C)	remove "shall" and add "must"	a
(D)	remove "shall" and add "must"	a
(D)(1)	at the end add "and"	b
(E)	after "(D)" add a comma	e
(F)	after "(D)" add a comma	e
(F)(4)	after "transporter" add a comma	e
(G)	remove "shall" and add "must"	a
(H)(2)	after "records" add a comma, and after "shipping paper" add a comma	b
(H)(2)(c)	remove "and" at the end	b
(H)(2)(d)	remove the ending period and add a semicolon and "and"	b
[Comment] after (H)(4)	add: [Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]	f

- a Ohio EPA is changing this term in all the hazardous waste rules as they are amended.
- b This amendment improves the equivalence of this rule with its federal similar provision (40 CFR 263.20).
- c Sentence structure correction.
- d In the federal rule, paragraph (a) is amended by FR 4/12/96. This FR is optional for state adoption, and Ohio EPA has chosen not to adopt it since the federal authorities it refers to are not delegable to states. The language added to the federal rule but not to the Ohio rule is represented by the "reserved" paragraph (A)(3) in the Ohio rule.
- e Punctuation correction.
- f This amendment was made after the draft rule's Interested Parties review to address

SB265 requirements regarding cross-reference specificity.

This rule is similar to 40 CFR 263.20.

Rule 3745-53-30 is amended as follows:		
Location	Change	Reason
(B)	-after "have" add "a U.S. " before "EPA identification" -remove "numbers" and add "number"	a
(C)(1)	after "Ohio EPA" remove the comma before "office"	b
(C)(2)	after "Ohio EPA" remove the comma before "office"	b
(C)(2)[Comment]	remove and replace the entire comment to make the following correction: after "[Comment:" remove "Written" and add "Immediate notice of such discharges is to be given to the national response center by telephone (toll-free) at 800-424-8802, pursuant to 49 CFR Section 171.15. In addition, written"	c, e
2nd new [Comment] after (C)(2)	add: [Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]	d

- a This amendment corrects the sentence structure, and makes the phrase "U.S. EPA identification number" which is the defined term.
- b Unnecessary punctuation.
- c This amendment reflects the actual requirement in the rule.
- d This amendment was made after the draft rule's Interested Parties review to address SB265 requirements regarding cross-reference specificity.
- e The new rule-writing software does not allow the amendment of bracketed notes or comments, so the entire comment was stricken and re-created with the corrections noted.

This rule is equivalent to 40 CFR 263.30.

INTERESTED PARTIES MAILING LABELS (for rules)
UPDATED: 09/04/02 - 217 LABELS
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