

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

PUBLIC NOTICE OF PROPOSED RULE-MAKING
GOVERNING HAZARDOUS WASTE MANAGEMENT

Notice is hereby given that the Director of Environmental Protection, under the authority of Section 3734 of the Ohio Revised Code and in accordance with Chapter 119 of the Ohio Revised Code, proposes to adopt amendments to, rescind, adopt as new, or submit for review pursuant to Ohio Revised Code 119.032 without amendment the following 213 rules of the Ohio Administrative Code (known as "Set J"):

<u>Rule number</u>	<u>Rule title</u>	<u>Action</u>
3745-50-01	General information	No change
3745-50-10	Definitions and computation of time	Amend
3745-50-11	Incorporated by reference	Amend
3745-50-19	Petitions to amend rules 3745-51-30 to 3745-51-35 of the Administrative Code to exclude a waste produced at a particular facility	Amend
3745-50-20	Petitions to amend Chapter 3745-273 of the Administrative Code to include additional hazardous wastes	No change
3745-50-21	Draft permits	Amend
3745-50-24	Standards and criteria for variances from classification as a waste	Amend
3745-50-27	Additional regulation of certain hazardous waste recycling activities on a case-by-case basis	Amend
3745-50-29	Inspection of public records	Amend
3745-50-30	Trade secrets- request for confidentiality	Amend
3745-50-36	Annual hazardous waste permit fees	No change
3745-50-38	Contents of the "Siting Criteria Document"	Amend
3745-50-39	Specific public notice procedures applicable to hazardous waste management permits	Amend
3745-50-41	Application for a permit	Amend
3745-50-42	Signatories to permit applications and reports	Amend
3745-50-43	Contents of "Part A" of the permit application	Amend
3745-50-44	Contents of "Part B" of the permit application	Amend
3745-50-45	Special inclusions and exclusions for hazardous waste permits	Amend
3745-50-51	Permit modifications	Amend
3745-50-53	Permit revocation	Amend

<u>Rule number</u>	<u>Rule title</u>	<u>Action</u>
3745-50-54	Duration of permits	No change
3745-50-56	Continuation of expiring permits	No change
3745-50-58	Conditions applicable to all permits	Amend
3745-50-62	Trial burn	Amend
3745-51-02	Definition of waste	Amend
3745-51-03	Definition of hazardous waste	Amend
3745-51-04	Exclusions	Amend
3745-51-05	Special requirements for hazardous waste generated by conditionally exempt small quantity generators	Amend
3745-51-06	Requirements for recyclable materials	Amend
3745-51-09	Requirements for universal waste	Amend
3745-51-23	Characteristic of reactivity	Amend
3745-51-31	Hazardous waste from non-specific sources	Amend
3745-51-33	Discarded commercial chemical products, off-specification species, container residues and spill residues thereof	Amend
3745-51-39	Conditional exclusions for used, broken CRTs and processed CRT glass undergoing recycling	New
3745-51-40	Conditional exclusion for used, intact CRTs exported for recycling	New
3745-51-41	Notification and recordkeeping for used, intact CRTs exported for reuse	New
3745-52-10	Applicability- generator standards	Amend
3745-52-11	Hazardous waste determination	Amend
3745-52-12	Generator identification numbers	Amend
3745-52-34	Accumulation time of hazardous waste	Amend
3745-52-44	Special requirements for generators of between one hundred and one thousand kilograms per month	Amend
3745-52-53	Notification of intent to export to a foreign country	Amend
3745-52-56	Annual reports	Amend
3745-52-200	Definitions for the university lab rules	New
3745-52-201	Applicability of the university lab rules	New
3745-52-202	Use of the university lab rules is an option	New
3745-52-203	How an eligible academic entity indicates it will be subject to the requirements of the university lab rules	New

<u>Rule number</u>	<u>Rule title</u>	<u>Action</u>
3745-52-204	How an eligible academic entity indicates it will withdraw from the requirements of the university lab rules	New
3745-52-205	Summary of the requirements of the university lab rules	New
3745-52-206	Labeling and management standards for containers of unwanted material in the laboratory	New
3745-52-207	Training	New
3745-52-208	Removing containers of unwanted material from the laboratory	New
3745-52-209	Where and when to make the hazardous waste determination and where to send containers of unwanted material upon removal from the laboratory	New
3745-52-210	Making the hazardous waste determination in the laboratory before the unwanted material is removed from the laboratory	New
3745-52-211	Making the hazardous waste determination at an on-site central accumulation area	New
3745-52-212	Making the hazardous waste determination at an on-site interim or permitted treatment, storage, or disposal facility	New
3745-52-213	Laboratory clean-outs	New
3745-52-214	Laboratory management plan	New
3745-52-215	Unwanted material that is not waste or hazardous waste	New
3745-52-216	Non-laboratory hazardous waste generated at an eligible academic entity	New
3745-53-10	Applicability- transporter standards	No change
3745-53-11	Registration of hazardous waste transporters	Amend
3745-54-01	Purpose, scope, and applicability of Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code	Amend
3745-54-03	Relationship to interim facility standards	Amend
3745-54-11	EPA identification number	Amend
3745-54-12	Required notices	Amend
3745-54-15	General inspection requirements	Amend
3745-54-16	Personnel training	Amend
3745-54-52	Content of contingency plan	Amend

<u>Rule number</u>	<u>Rule title</u>	<u>Action</u>
3745-54-56	Emergency procedures	Amend
3745-54-72	Manifest discrepancies	Amend
3745-54-73	Operating record	Amend
3745-54-77	Additional reports	Amend
3745-54-94	Concentration limits	No change
3745-54-97	General ground water monitoring requirements	Amend
3745-54-98	Detection monitoring program	Amend
3745-54-99	Compliance monitoring program	Amend
3745-54-100	Corrective action program	Amend
3745-54-101	Corrective action for waste management units	Amend
3745-55-11	Closure performance standard	Amend
3745-55-13	Closure; time allowed for closure	Amend
3745-55-15	Certification of closure	Amend
3745-55-20	Certification of completion of post-closure care	Amend
3745-55-40	Applicability- financial requirements	Amend
3745-55-42	Cost estimate for facility closure	Amend
3745-55-43	Financial assurance for facility closure	Amend
3745-55-45	Financial assurance for post-closure care	Amend
3745-55-47	Liability, requirements	Amend
3745-55-51	Wording of the instruments	Amend
3745-55-91	Assessment of existing tank systems integrity	Amend
3745-55-92	Design and installation of new tank systems or components	Amend
3745-55-93	Containment and detection of releases	Amend
3745-55-95	Inspections	Rescind
3745-55-95	Inspections	New
3745-55-96	Response to leaks or spills and disposition of leaking or unfit for use tank systems	Amend
3745-55-98	Special requirements for ignitable or reactive wastes	Amend
3745-56-21	Design and operating requirements	Amend
3745-56-23	Response actions	Amend
3745-56-51	Design and operating requirements	Amend
3745-56-80	Closure and post-closure care	Amend
3745-57-03	Design and operating requirements	Amend
3745-57-04	Action leakage rate	Amend

<u>Rule number</u>	<u>Rule title</u>	<u>Action</u>
3745-57-06	Response actions	Amend
3745-57-40	Applicability- incinerators	Amend
3745-57-43	Performance standards	Amend
3745-57-47	Monitoring and inspections	Amend
3745-57-72	Corrective action management units (CAMUs)	Amend
3745-57-74	Staging piles	Amend
3745-57-75	Disposal of CAMU-eligible wastes in permitted hazardous waste landfills	Amend
3745-57-81	Assessment of existing drip pad integrity	Amend
3745-57-83	Design and operating requirements for drip pads	Amend
3745-57-84	Inspections of drip pads	Amend
3745-65-01	Purpose, scope, and applicability of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code	Amend
3745-65-11	Identification number	Amend
3745-65-15	General inspection requirements	Amend
3745-65-16	Personnel training	Amend
3745-65-52	Content of contingency plan	Amend
3745-65-56	Emergency procedures	Amend
3745-65-72	Manifest discrepancies	Amend
3745-65-73	Operating record	Amend
3745-65-90	Applicability- ground water monitoring	Amend
3745-65-92	Sampling and analysis	No change
3745-65-93	Preparation, evaluation, and response	Amend
3745-66-11	Closure performance standard	Amend
3745-66-12	Closure plan; amendment of plan	Amend
3745-66-13	Time allowed for closure	Amend
3745-66-15	Certification of closure	Amend
3745-66-20	Certification of completion of post-closure care	Amend
3745-66-40	Applicability- financial requirements	Amend
3745-66-42	Cost estimate for closure	Amend
3745-66-43	Financial assurance for facility closure	Amend
3745-66-44	Cost estimate for post-closure care	Amend
3745-66-45	Financial assurance for post-closure care	Amend
3745-66-47	Liability requirements	Amend

<u>Rule number</u>	<u>Rule title</u>	<u>Action</u>
3745-66-74	Inspections	Amend
3745-66-91	Assessment of existing tank systems' integrity	Amend
3745-66-92	Design and installation of new tank systems or components	Amend
3745-66-93	Containment and detection of releases	Amend
3745-66-95	Inspections	Amend
3745-66-96	Response to leaks or spills and disposition of leaking or unfit for use tank systems	Amend
3745-66-98	Special requirements for ignitable or reactive waste	Amend
3745-66-101	Special requirements for generators of between one hundred and one thousand kg/mo that accumulate hazardous waste in tanks	Amend
3745-67-21	Design and operating requirements	Amend
3745-67-23	Response actions	Rescind
3745-67-24	Response actions	New
3745-67-28	Closure and post-closure care	Amend
3745-67-55	Action leakage rates	Amend
3745-67-59	Response actions	Amend
3745-67-80	Closure and post-closure	Amend
3745-68-03	Response actions	Amend
3745-68-05	Design and operating requirements	Amend
3745-68-10	Closure and post-closure	Amend
3745-68-16	Disposal of small containers of hazardous waste in overpacked drums (lab packs)	Amend
3745-69-30	Applicability- underground injection	Amend
3745-69-41	Assessment of existing drip pad integrity	Amend
3745-69-43	Design and operating requirements for drip pads	Amend
3745-69-44	Inspections of drip pads	Amend
3745-69-45	Closure of drip pads	Amend
3745-205-100	Applicability- containment buildings rules	Amend
3745-205-101	Design and operating standards for containment buildings	Amend
3745-205-200	Applicability- military munitions	Amend
3745-205-201	Design and operating standards for military munitions	Amend
3745-256-101	Design and operating standards for containment buildings	Amend

<u>Rule number</u>	<u>Rule title</u>	<u>Action</u>
3745-256-200	Applicability- military munitions	Amend
3745-256-201	Design and operating standards for military munitions	Amend
3745-266-20	Applicability- recyclable materials used in a manner constituting disposal	Amend
3745-266-80	Applicability and requirements- spent lead-acid batteries being reclaimed	Amend
3745-266-102	Permit standards for burners	Amend
3745-266-103	Interim standards for burners	Amend
3745-266-104	Standards to control organic emissions	Amend
3745-266-105	Standards to control particulate matter	No change
3745-266-107	Standards to control hydrogen chloride and chlorine gas emissions	Amend
3745-266-109	Low risk waste exemption	Amend
3745-266-111	Standards for direct transfer	Amend
3745-266-200	Applicability- military munitions	No change
3745-266-201	Definitions for the military munitions rules	Amend
3745-266-202	Definition of waste for purposes of the military munitions	Amend
3745-266-203	Standards applicable to the transportation of waste military munitions	Amend
3745-266-205	Standards applicable to the storage of waste military munitions	Amend
3745-266-210	Definitions that apply to the conditional exemption for LLMW storage and disposal rules	Amend
3745-266-260	LLMW storage unit closure	Amend
3745-270-01	Purpose, scope, and applicability- land disposal restrictions	Amend
3745-270-04	Treatment surface impoundment exemption	Amend
3745-270-07	Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities	Amend
3745-270-09	Special rules regarding wastes that exhibit a characteristic	Amend
3745-270-32	Waste specific prohibitions- soils exhibiting the toxicity characteristic for metals and containing PCBs	New
3745-270-40	Applicability of treatment standards	Amend
3745-270-42	Treatment standards expressed as specific technologies	Amend

<u>Rule number</u>	<u>Rule title</u>	<u>Action</u>
3745-270-45	Treatment standards for hazardous debris	Amend
3745-270-48	Universal treatment standards	Amend
3745-270-49	Alternative land disposal restriction treatment standards for contaminated soil	Amend
3745-273-01	Scope of management standards for universal waste	Amend
3745-273-04	Applicability- management standards for universal waste- mercury thermostats	Amend
3745-273-09	Definitions for management standards for universal waste	Amend
3745-273-13	Waste management- standards for small quantity handlers of universal waste	Amend
3745-273-14	Labeling/marketing- standards for small quantity handlers of universal waste	Amend
3745-273-20	Exports- standards for small quantity handlers of universal waste	No change
3745-273-32	Notification- standards for large quantity handlers of universal waste	Amend
3745-273-33	Waste management- standards for large quantity handlers of universal waste	Amend
3745-273-34	Labeling/marketing- standards for large quantity handlers of universal waste	Amend
3745-273-40	Exports- standards for large quantity handlers of universal waste	No change
3745-273-56	Exports- standards for universal waste transporters	No change
3745-273-60	Applicability- standards for destination facilities	Amend
3745-273-70	Imports of universal waste	No change
3745-279-01	Definitions pertaining to used oil management standards	Amend
3745-279-11	Used oil specifications	Amend
3745-279-42	Notification by used oil transporters	Amend
3745-279-43	Used oil transportation	Amend
3745-279-51	Notification by used oil processors and re-refiners	Amend
3745-279-52	General facility standards for used oil processors and re-refiners	Amend
3745-279-62	Notification by used oil burners	Amend
3745-279-73	Notification by a used oil fuel marketer	Amend
3745-279-81	Disposal of hazardous and of nonhazardous used oils	No change

Purpose of rule-making. The primary purpose of this proposed rule-making is to adopt rules consistent with and equivalent to regulations adopted by the U.S. Environmental Protection Agency (U.S. EPA) pursuant to the Resource Conservation and Recovery Act (RCRA). Specifically, these rules are amended, rescinded, or promulgated as new pursuant to the RCRA regulations addressed by the following Federal Registers (FRs) and memos regarding U.S. EPA's hazardous waste rule-making:

FR 12/26/2000; 65 FR 81373	Deferral of LDR Phase IV standards for PCBs as a constituent subject to treatment in soil
FR 07/24/2002; 67 FR 48393	Zinc fertilizers made from recycled hazardous secondary materials
FR 10/07/2002; 67 FR 62618	LDRs, Treatment variance subcategories for radioactively contaminated cadmium-, mercury-, and silver-containing batteries
FR 08/05/2005; 70 FR 45508	Mercury-containing equipment rule
FR 04/04/2006; 71 FR 16861	Burden reduction rule
FR 07/14/2006; 71 FR 40254 *	Hazardous waste and used oil management, corrections to 40 CFR
FR 07/28/2006; 71 FR 42927	Hazardous waste management system; modification of hazardous waste program; cathode ray tubes (aka: CRT rule)
memo date 05/14/2007	U.S. EPA HQ memo correcting manifest rules (prior to FR publication)
FR 01/02/2008; 73 FR 57	Regulation of oil-bearing hazardous secondary materials from the petroleum refining industry processed in a gasification system to produce synthesis gas (aka Gasification rule)
FR 04/08/2008; 73 FR 18970	NESHAP: HW combustors, amendment [amends FR 10/12/05 final standards for hazardous air pollutants for HW combustors (Phase I final replacement standards & Phase II)] [BIF/MACT corrections]
FR 05/14/2008; 73 FR 27761	LDRs: Site-specific treatment variance for P- and U-listed hazardous mixed wastes treated by vacuum thermal desorption at the Energy Solutions facility in Clive, UT
FR 06/04/2008; 73 FR 31756	Amendment to hazardous waste code F019 (aka Exclusion F019 from auto assembly plants)
FR 12/01/2008; 73 FR 72912	Standards applicable to generators of hazardous waste; alternative requirements for hazardous waste determination and accumulation of unwanted material at laboratories owned by colleges and universities and other eligible academic entities formally affiliated with colleges and universities (aka university lab rule)

memo date 03/16/2009	U.S. EPA HQ memo abandoning the Performance Track program (prior to FR publication)
* Please note that Ohio EPA is not addressing all of the regulatory components of this particular federal rule-making; we are not proposing some components at this time. The federal rules amended by this FR are so many that we're breaking up Ohio's adoption of the corrections into a number of rule-makings over several years. This is the second portion of the Corrections rule to be addressed in Ohio rule-making.	

Several of these proposed Ohio rules are amended to address cross-referencing requirements within rules, and to correct typographical errors and rule structure errors (indenting, spacing). This proposal includes corrections and clarifications that are not directly included in the federal hazardous waste rules, but which are necessary to the Ohio rules to maintain the internal consistency (in wording, references, and format) of the Ohio hazardous waste management program. Several rules contain state-initiated amendments designed to clarify requirements regarding recycled materials. Many of these rules were also reviewed and amended pursuant to Ohio Revised Code (ORC) section 119.032, which requires Ohio EPA to review certain rules every five years.

A public hearing pursuant to ORC sections 119.02 through 119.04 will be conducted on Thursday, May 20, 2010 at 1:00 p.m. in conference center room C at the Ohio Environmental Protection Agency, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio. All interested parties are entitled to attend or be represented and give their written or verbal comments on this proposed rule-making. A presiding officer will be present until 2:00 p.m. or until all interested parties have been heard if that time interval is insufficient.

If you plan to attend the hearing, please be aware that all visitors to Ohio EPA must register at the security desk in the lobby upon arrival. Please bring photo identification (e.g., a valid driver's license); it is a requirement for building admittance. For security reasons, visitors are required to wear their badge at all times while in the building. Please arrive early to complete security procedures.

To give notice of intent to provide verbal comments at the public hearing, please contact Kit Arthur; her contact information is at the end of this notice. To facilitate scheduling of verbal presentations, people who intend to give testimony at the hearing should ensure that Ohio EPA receives notice of such intent by 5:00 p.m. on Wednesday, May 19, 2010. People who provide Ohio EPA with prior notice will be heard before those who register at the hearing.

Comment due date. In order to assure that written communications are considered as part of the official record of this hearing, written communications must be received by Ohio EPA by 5:00 p.m. on Thursday, May 20, 2010. Written communications may be filed with the presiding officer during the hearing, or provided via U.S. mail or email to Kit Arthur. Your emailed comments on these rules are welcome, but *must* include the sender's name and phone number in order to be verified and considered.

Accessing the rules. These proposed rules may be accessed **electronically** via the Register of Ohio (ROO) at <http://www.RegisterOfOhio.state.oh.us/>. Once you enter the ROO website, follow the instructions to access each rule of interest, or search using the “original filing date” so enter “04/14/2010” at the prompt. Ohio EPA does not have a downloadable “package” of these proposed rules on our website; you will need to access them via the ROO. To obtain a **hard copy** of these proposed rules, please contact Kit Arthur, request “Proposed rules Set J,” and be sure to include your name and phone number if you leave a message. There is no charge for proposed rules, but as a cost-savings measure, only one paper copy will be provided per request (paper copies will only be made upon request).

Contact information. Please direct communications concerning these “Set J” proposed rules to Ms. Kit Arthur at email kit.arthur@epa.state.oh.us or via phone at 614/644-2932. The U.S. mail address is Kit Arthur, Division of Hazardous Waste Management, Ohio EPA, 50 West Town Street, Suite 700, Columbus, Ohio 43215.

end notice