

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY  
PUBLIC NOTICE OF  
PROPOSED RULE-MAKING  
GOVERNING  
HAZARDOUS WASTE MANAGEMENT

Why is Ohio EPA proposing these rules?

The 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), and to make 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 of the Ohio hazardous waste management program. This proposal also includes the review of a number of rules pursuant to Ohio Revised Code section 119.032, which requires Ohio EPA to review certain rules every five years. Today's proposal is known as "J2," the second of four related rule proposals over a period of several months.

Today's proposal contains primarily non-substantive corrections and updates to the rules. This includes the correction of typographical, spelling, and formatting errors; correction of word choice; correction of rule cross-references to account for new and rescinded rules; and a number of rules that will be rescinded in order to re-locate them as new rules under a new rule number.

What rules are we proposing to amend, rescind, or create as new rules?

The Ohio Environmental Protection Agency proposes to amend, rescind, or adopt as new the following rules of the Administrative Code:

	Rule number	Rule title
Rescind	3745-49-031 (also called 3745-49-03.1)	Inspection of public records
Amend	3745-50-01	General information
New	3745-50-19	Petitions to amend rules 3745-51-30 to 3745-51-35 of the Administrative Code to exclude a waste from a particular facility
New	3745-50-20	Petitions to amend Chapter 3745-273 of the Administrative Code to include additional hazardous wastes
Rescind	3745-50-221 (also called 3745-50-22.1)	Petitions to amend rules 3745-51-30 to 3745-51-35 of the Administrative Code to exclude a waste from a particular facility
Rescind	3745-50-222 (also called 3745-50-22.2)	Petitions to amend Chapter 3745-273 of the Administrative Code to include additional hazardous wastes
New	3745-50-23	Variances from classification as a waste
New	3745-50-24	Standards and criteria for variances from classification as a waste
New	3745-50-25	Variances to be classified as a boiler

	Rule number	Rule title
New	3745-50-26	Procedures for variance from classification as a solid waste or to be classified as a boiler
New	3745-50-27	Additional regulation of certain hazardous waste recycling activities on a case by case basis
New	3745-50-28	Procedures for case by case regulation of hazardous waste recycling activities
New	3745-50-29	Inspection of public records
Rescind	3745-50-311 (also called 3745-50-31.1)	Variances from classification as a waste
Rescind	3745-50-312 (also called 3745-50-31.2)	Standards and criteria for variances from classification as a waste
Rescind	3745-50-313 (also called 3745-50-31.3)	Variances to be classified as a boiler
Rescind	3745-50-314 (also called 3745-50-31.4)	Procedures for variance from classification as a solid waste or to be classified as a boiler
Rescind	3745-50-315 (also called 3745-50-31.5)	Additional regulation of certain hazardous waste recycling activities on a case by case basis
Rescind	3745-50-316 (also called 3745-50-31.6)	Procedures for case by case regulation of hazardous waste recycling activities
Amend	3745-50-42	Signatories to permit applications and reports
Rescind	3745-50-43	Contents of "Part A" of the permit application
New	3745-50-43	Contents of "Part A" of the permit application
Amend	3745-50-46	Permits by rule
Amend	3745-50-48	Requirements for recording and reporting of monitoring results
Amend	3745-50-57	Emergency permits
Amend	3745-51-01	Purpose and scope of Chapter 3745-51 of the Administrative Code
Amend	3745-51-05	Special requirements for hazardous waste generated by conditionally exempt small quantity generators
Amend	3745-51-07	Residues of hazardous waste in empty containers
Amend	3745-51-08	PCB wastes regulated under Toxic Substances Control Act
Amend	3745-51-20	Characteristics of hazardous waste-general
Amend	3745-51-21	Characteristic of ignitability
Amend	3745-51-22	Characteristic of corrosivity
Amend	3745-51-23	Characteristic of reactivity

	Rule number	Rule title
Amend	3745-51-31	Hazardous waste from non-specific sources
Amend	3745-51-33	Discarded commercial chemical products, off-specification species, container residues and residues thereof
Amend	3745-51-35	Deletion of certain hazardous waste codes following equipment cleaning and replacement
Amend	3745-51-38	Comparable/syngas fuel exclusion
Amend	3745-52-11	Hazardous waste determination
Amend	3745-52-12	Generator identification numbers
Amend	3745-52-41	Annual report
Amend	3745-52-50	Applicability- exports of hazardous waste to a foreign country
Amend	3745-52-51	Definitions pertaining to exports of hazardous waste to a foreign country
Amend	3745-52-52	General requirements
Amend	3745-52-54	Special manifest requirements
Amend	3745-52-55	Exception reports
Amend	3745-52-60	Imports of hazardous waste from a foreign country
Amend	3745-52-70	Farmers
Amend	3745-53-11	Registration of hazardous waste transporters
Amend	3745-53-12	Transfer facility requirements
Amend	3745-53-20	Acceptance and handling of hazardous waste and the manifest system
Amend	3745-53-30	Immediate action
Amend	3745-54-03	Relationship to facility standards
Amend	3745-54-10	Applicability- general facility standards
Amend	3745-54-11	EPA identification number
Amend	3745-54-12	Required notices
Amend	3745-54-13	General waste analysis
Amend	3745-54-14	Security
Amend	3745-54-16	Personnel training
Amend	3745-54-17	General requirements for ignitable, reactive, or incompatible wastes
Amend	3745-54-18	Location standards
Amend	3745-54-30	Applicability- preparedness and prevention
Amend	3745-54-50	Applicability- contingency plan and emergency procedures
Amend	3745-54-52	Content of contingency plan
Amend	3745-54-71	Use of manifest system
Amend	3745-54-74	Availability, retention, and disposition of records
Amend	3745-54-76	Unmanifested waste report
Amend	3745-54-91	Required programs

	Rule number	Rule title
Amend	3745-54-99	Compliance monitoring program
New	3745-54-100	Corrective action program
Rescind	3745-55-01	Corrective action program
Amend	3745-55-11	Closure performance standard
Amend	3745-55-13	Closure; time allowed for closure
Amend	3745-55-16	Survey plat
Amend	3745-55-17	Post-closure care and use of property
Amend	3745-55-19	Notice to local land authority
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	3745-55-51	Wording of the instruments
Amend	3745-55-71	Condition of containers
Amend	3745-55-75	Containment
Amend	3745-55-78	Closure
Amend	3745-55-90	Applicability- tank system
Amend	3745-55-93	Containment and detection of releases
Amend	3745-55-97	Closure and post-closure care
Amend	3745-55-98	Special requirements for ignitable or reactive waste
Amend	3745-56-20	Applicability; surface impoundments
New	3745-56-31	Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027 (surface impoundments)
Rescind	3745-56-33	Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027 (surface impoundments)
Amend	3745-56-50	Applicability- waste piles
New	3745-56-59	Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027 (waste piles)
Rescind	3745-56-60	Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027 (waste piles)
Amend	3745-56-78	Unsaturated zone monitoring
Amend	3745-56-80	Closure and post-closure care
Amend	3745-56-83	Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027 (land treatment)
New	3745-57-17	Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027 (landfills)
Rescind	3745-57-18	Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027 (landfills)
Amend	3745-270-07	Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities

What is the relationship of this proposal to the "MegaSet" rules I've been watching for?

The rules listed above constitute the second group, about one third, of the rules in what you might have heard us refer to as the "MegaSet" rule-making. The "MegaSet" had over 380 rules in it, so we have broken it into four separate proposal groups so that the public, the regulated community, and JCARR are not overwhelmed with that volume of rules to review all at once. Today's proposal is known as "J2" and was preceded several weeks ago by "J1" and will be followed in several weeks by "J3," and subsequently by "J4." The previous proposal, J1, contained the rules being changed to match their federal counterpart provisions- those rules with substantive amendments as well as most of the substantively new rules. This proposal, J2 (and J3 later), contains the rules that make less substantive amendments, as well as a number of rules that will be rescinded in order to re-locate them under a new rule number. The J4 proposal will contain rules that are having references to the Hazardous Waste Facility Board removed, since that board was dissolved by statute change. Some of the J4 rules contain substantive amendments closely related to changes made in many of the J1 rules. The J4 proposal will also contain rules amended to address Maximum Constituent Levels (MCLs) for ground water. J1, J2, J3, and J4 are each being proposed under their own separate public hearing notices, and will each have their own public hearing; today's notice describes only the rules and the public hearing and public comment information regarding the J2 proposal. Although their proposal dates are different, the rules in J1, J2, J3, and J4 will all have the same effective date. If you need more information about this phased proposal approach, please call Kit Arthur at the number shown at the end of this notice.

When can I tell Ohio EPA what I think about these proposed rules?

A public hearing pursuant to sections 119.02 through 119.04 of the Ohio Revised Code will be conducted on Thursday, December 18, 2003 beginning at 9:30 a.m. in agency conference room 5B (fifth floor), Ohio Environmental Protection Agency, Lazarus Government Center, 122 South Front Street, Columbus, Ohio. All interested persons 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 11:00 a.m. or until all interested persons have been heard if that time interval is insufficient.

How and when do I present my comments at the hearing, or send in my written comments?

To provide notice of intent to give verbal comments at the public hearing, contact Kit Arthur, Division of Hazardous Waste Management, Ohio EPA, Lazarus Government Center, 122 South Front Street, Columbus, OH, 43216-1049. To facilitate scheduling of verbal presentations, persons intending to give testimony at the hearing should ensure that Ohio EPA receives notice of such intent by 5:00 p.m. on Wednesday, December 17, 2003. Persons who provide Ohio EPA with prior notice will be heard before persons who register at the hearing.

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 Friday, December 19, 2003. Written communications may be filed with Ms. Arthur at the above address or with the presiding officer during the hearing.

How do I get a copy of the proposed rules?

These rules can be accessed electronically via the Register of Ohio at <http://www.RegisterOfOhio.state.oh.us/index>. To access by agency, enter "3745 Environmental Protection Agency" and then select the rule number.

To obtain a hard copy of the proposed rules, contact Ohio EPA at 614/644-2129. Please request "Proposed Hazardous Waste Rules Set J-2," and if you leave a message, be sure to include your name, telephone number, and complete mailing address. There is no charge for proposed rules.

Who do I call if I have questions about the proposed rules?

Questions concerning this proposed rule-making, other than obtaining copies of the proposed rules, may be addressed to Kit Arthur at 614/644-2932 at Ohio EPA.