

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

Why is Ohio EPA proposing these rules?

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 pursuant to the RCRA rules addressed by the following Federal Registers (FRs) regarding U.S. EPA's hazardous waste rule-making:

FR 05/14/2001 at 66 FR 24270	National emissions standards for hazardous air pollutants (NESHAP) (RCRA portion only): Standards for hazardous air pollutants for hazardous waste combustors (also known as the NIC rule)
FR 02/13/2002 at 67 FR 6792	Hazardous air pollutant standards for combustors- interim standards
FR 12/19/2002 at 67 FR 77687	NESHAP correction
FR 07/30/2003 at 68 FR 44659	Recycled used oil management standards
FR 04/22/2004 at 69 FR 21737, FR 10/25/2004 at 69 FR 62217	National environmental performance track program, and its correction
FR 02/24/2005 at 70 FR 9138, FR 6/16/2005 at 70 FR 35032	Dyes and pigment production wastes (K181), and its correction
FR 03/04/2005 at 70 FR 10775, FR 06/16/2005 at 70 FR 35034	Manifest system rule, and its correction
FR 06/14/2005 at 70 FR 34537 *	Methods innovation rule and SW-846 final updates IIIB
FR 10/04/2005 at 70 FR 57769	Revision of wastewater treatment exemption for hazardous waste mixtures (also known as the headworks exemption rule)
FR 10/12/2005 at 70 FR 59401 *	Final standards for hazardous air pollutants for hazardous waste combustors (Phase I final replacement standards and Phase II) (also known as BIF/MACT corrections)
FR 07/14/2006 at 71 FR 40254 *	Hazardous waste and used oil management, corrections to 40 CFR

* Please note that Ohio EPA is not addressing all of the regulatory components of this particular federal rule-making; at this time, we are not proposing some components. For the Methods innovation rule and the BIF/MACT corrections rule, the provisions we're not proposing are those in 40 CFR Parts 264 and 265, subparts AA, BB, and CC, which are not yet included in Ohio's hazardous waste management program. For the 40 CFR Corrections Rule, 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 the next several years. This is the first portion of the Corrections Rule addressed in Ohio rule-making.

Several of these proposed Ohio rules are also amended to address cross-referencing requirements within rules. 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. 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.

What rules are we proposing to amend?

The Ohio Environmental Protection Agency proposes to amend the following rules of the Administrative Code [all handled by Ohio EPA's Division of Hazardous Waste Management (DHWM)]:

3745-50-10	Definitions and computation of time
3745-50-11	Incorporated by reference
3745-50-28	Procedures for case by case regulation of hazardous waste recycling activities
3745-50-40	Submittal of hazardous waste permit applications
3745-50-44	Contents of "Part B" of the permit application
3745-50-45	Special inclusions and exclusions for hazardous waste permits
3745-50-46	Permits by rule
3745-50-51	Permit modifications
3745-50-57	Emergency permits
3745-50-62	Trial burn
3745-50-66	Permits for boilers and industrial furnaces burning hazardous waste
3745-51-01	Purpose and scope of Chapter 3745-51 of the Administrative Code
3745-51-03	Definition of hazardous waste

3745-51-05	Special requirements for hazardous waste generated by conditionally exempt small quantity generators
3745-51-06	Requirements for recycling materials
3745-51-07	Residues of hazardous waste in empty containers
3745-51-08	PCB wastes regulated under Toxic Substances Control Act
3745-51-20	Characteristics of hazardous waste- general
3745-51-21	Characteristics of ignitability
3745-51-38	Comparable/syngas fuel exclusion
3745-52-10	Applicability- generator standards
3745-52-34	Accumulation time of hazardous waste
3745-52-41	Annual report
3745-53-20	Acceptance and handling of hazardous waste and the manifest system
3745-54-13	General waste analysis
3745-54-18	Location standards
3745-54-70	Applicability- manifest system, recordkeeping, and reporting
3745-54-71	Use of manifest system
3745-54-76	Unmanifested waste report
3745-55-18	Post-closure plan; amendment of plan
3745-65-12	Required notices
3745-65-13	General waste analysis
3745-65-70	Applicability- manifest system, recordkeeping, and reporting
3745-65-76	Unmanifested waste report
3745-66-41	Definitions pertaining to financial requirements
3745-256-100	Applicability- containment buildings
3745-266-23	Standards applicable to users of materials that are used in a manner that constitutes disposal
3745-266-70	Applicability and requirements- recyclable materials utilized for precious metal recovery
3745-266-80	Applicability and requirements- spent lead-acid batteries being reclaimed
3745-266-100	Applicability- BIFs
3745-266-106	Standards to control metals emissions

What is the relationship of this proposal to Ohio EPA DHWM's "Set I-b" rules that I've been watching for?

The rules listed above constitute about one third of the Set I-b rules package that you might have seen when they were released in draft form in March 2007. Set I-b contains over 100 rules, so we broke it into three separate proposal groups (A, B, and C) so that the public, the regulated community, and JCARR are not overwhelmed with that volume of rules to review all at once in a short time-frame. Today's proposal is the **first proposal group**, known as **Set I-b:A** and it will be followed in about three weeks by the second proposal (Set I-b:B), and about three weeks after that by the third proposal (Set I-b:C), each of which will contain 26 to 41 rules. Although these rules will have three proposal dates, it is our intent to give all of the rules in the three proposals the same effective date when they are adopted (look for the public notice of adoption). 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 rule amendments?

A public hearing pursuant to ORC sections 119.02 through 119.04 will be conducted on Thursday, September 11, 2008 at 1:30pm 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 2:30pm 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 a few minutes early to complete security procedures.

How and when do I provide my comments to Ohio EPA on these proposed rules?

To provide notice of intent to give verbal comments at the public hearing, contact Ms. Kit Arthur, Division of Hazardous Waste Management, Ohio EPA, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, OH, 43215. 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, September 10, 2008. People who provide Ohio EPA with prior notice will be heard before those 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 Thursday, September 11, 2008. Written communications may be filed with Ms. Arthur at the above address or with the presiding officer during the hearing. Your emailed comments on these rules are welcome but may require additional information from the sender, so please contact Ms. Arthur for further information about providing your comments electronically.

How do I get a copy of these proposed rules?

These 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. Ohio EPA does not have a downloadable “package” of these proposed rules; you will need to access them via the ROO.

To obtain a hard copy of these proposed rules, please contact Kit Arthur at the number below, request “Proposed rules Set I-b:A,” and be sure to include your name and phone number if you leave a message. There is no charge for proposed rules.

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

Questions concerning these proposed rules may be addressed to Ohio EPA DHWM’s Kit Arthur at 614/644-2932.

end notice