



Hearing Summary

Rule Package:	DERR- Hazardous Waste Management rules "Set O"
Original filing date:	10/30/2017
Public comment start date:	10/30/2017
Public comment end date:	12/06/2017
Public hearing date:	12/06/2017

List of Rules:

3745-50-10, 3745-50-28, 3745-50-31, 3745-50-32, 3745-50-33, 3745-50-34, 3745-50-35, 3745-50-37, 3745-50-46, 3745-50-49 (new), 3745-50-58, 3745-51-01, 3745-51-02, 3745-51-07, 3745-51-23, 3745-51-39, 3745-51-40, 3745-51-41 (rescind & new), 3745-52-10, 3745-52-12, 3745-52-23, 3745-52-41, 3745-52-50, 3745-52-60, 3745-52-205, 3745-53-10, 3745-53-11 (rescind & new), 3745-53-20 (rescind & new), 3745-54-12, 3745-54-16, 3745-54-71, 3745-54-76, 3745-54-77, 3745-54-93, 3745-54-94, 3745-54-99, 3745-55-74, 3745-56-71, 3745-56-72, 3745-56-76, 3745-57-91, 3745-65-12, 3745-65-16, 3745-65-33, 3745-65-71, 3745-65-76, 3745-65-77, 3745-65-94, 3745-66-74, 3745-66-77, 3745-67-30, 3745-67-57, 3745-67-82, 3745-68-13, 3745-266-70, 3745-266-80, 3745-266-101, 3745-266-200, 3745-270-05, 3745-270-06, 3745-270-44, 3745-273-08, 3745-273-20, 3745-273-40, 3745-273-56, 3745-273-70.

Were there any participants in this public hearing beyond Ohio EPA staff and JCARR staff?

☐ Yes

☒ No

Were there comments received during the public comment period outside of those presented at this hearing?

☐ Yes

☒ No

This hearing summary has been compiled to meet the requirements of Section 119.03 of the Revised Code.

This hearing summary includes this cover sheet and the following attachments:

1. **Attachment A** - A copy of the public notice for this hearing.
2. **Attachment B** - A copy of the script read into the record to begin and end the hearing.

Ohio EPA's response to comments document includes the comments received, who commented, the agency response to comments, and a statement of whether or not the rule was changed due to the comments.

Ohio EPA digitally records all public hearings for rules. The digital recordings are available upon request in a WAVE (.wav) file format. These recordings may be sent out for transcription if necessary.

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice of
Proposed Rulemaking Governing
Hazardous Waste Management Rules**

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 3734.02, 3734.05, 3734.12, and 3734.18 of the Ohio Revised Code, and in accordance with Chapter 119 of the Revised Code, proposes to original file (propose) the following hazardous waste management rules of the Ohio Administrative Code, typically referred to as "Set O":

Rule Number	Rule Title * means this is the amended title
3745-50-10	Definitions and computation of time
3745-50-28	Procedures for case-by-case regulation of hazardous waste recycling activities
3745-50-31	Exemptions
3745-50-32	Definitions- fee rules *
3745-50-33	Fees for the off-site disposal of hazardous waste
3745-50-34	Fees for on-site or satellite disposal of hazardous waste
3745-50-35	Fees for the treatment of hazardous waste
3745-50-37	Permit application fee
3745-50-46	Permits by rule
3745-50-49 new	Effect of a permit
3745-50-58	Conditions applicable to all permits
3745-51-01	Purpose and scope of Chapter 3745-51 of the Administrative Code
3745-51-02	Definition of waste
3745-51-07	Residues of hazardous waste in empty containers
3745-51-23	Characteristic of reactivity
3745-51-39	Conditional exclusions for used, broken CRTs and processed CRT glass undergoing recycling
3745-51-40	Conditional exclusion for used, intact CRTs exported for recycling
3745-51-41 rescind	Notification and recordkeeping for used, intact CRTs exported for reuse
3745-51-41 new	Notification and recordkeeping for used, intact CRTs exported for reuse
3745-52-10	Applicability- generator standards
3745-52-12	Generator identification numbers
3745-52-23	Use of the manifest

Rule Number	Rule Title * means this is the amended title
3745-52-41	Biennial report- generator standards *
3745-52-50	Applicability- exports of hazardous waste to a foreign country
3745-52-60	Imports of hazardous waste from a foreign country
3745-52-205	Summary of the university lab rules *
3745-53-10	Applicability- transporter standards
3745-53-11 rescind	Registration of hazardous waste transporters
3745-53-11 new	U.S. EPA identification number- transporters
3745-53-20 rescind	Acceptance and handling of hazardous waste and the manifest system
3745-53-20 new	Acceptance and handling of hazardous waste and the manifest system
3745-54-12	Required notices
3745-54-16	Personnel training
3745-54-71	Use of manifest system
3745-54-76	Unmanifested waste report
3745-54-77	Additional reports
3745-54-93	Hazardous constituents
3745-54-94	Concentration limits
3745-54-99	Compliance monitoring program
3745-55-74	Inspections- containers *
3745-56-71	Treatment program- land treatment *
3745-56-72	Treatment demonstration- land treatment *
3745-56-76	Food-chain crops- land treatment *
3745-57-91	Environmental performance standards- miscellaneous units *
3745-65-12	Required notices
3745-65-16	Personnel training
3745-65-33	Testing and maintenance of equipment
3745-65-71	Use of manifest system
3745-65-76	Unmanifested waste report
3745-65-77	Additional reports
3745-65-94	Recordkeeping and reporting- ground water monitoring *
3745-66-74	Inspections- containers *
3745-66-77	Special requirements for incompatible wastes- containers *
3745-67-30	Special requirements for incompatible wastes- surface impoundments *
3745-67-57	Special requirements for incompatible wastes- waste piles *

Rule Number	Rule Title * means this is the amended title
3745-67-82	Special requirements for incompatible wastes- land treatment *
3745-68-13	Special requirements for incompatible wastes- landfills *
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
3745-266-101	Management prior to burning
3745-266-200	Applicability- military munitions
3745-270-05	Procedures for case-by-case extensions to an effective date
3745-270-06	Petitions to allow land disposal of a waste prohibited under rules 3745-270-20 to 3745-270-39 of the Administrative Code
3745-270-44	Variance from a treatment standard
3745-273-08	Applicability- household and conditionally exempt small quantity generator waste
3745-273-20	Exports- standards for small quantity handlers of universal waste
3745-273-40	Exports- standards for large quantity handlers of universal waste
3745-273-56	Exports- standards for universal waste transporters
3745-273-70	Imports of universal waste

Under Section 3734.12 of the Revised Code, the hazardous waste management rules are required to be “consistent with and equivalent to” their federal counterpart provisions in 40 CFR Parts 260 through 279. The purposes of this rulemaking are to accomplish the required five-year review of rules under Section 106 of the Revised Code, to make stylistic and non-substantive changes and corrections as necessary, and to amend rules to address changes to their federal counterpart provisions in 40 CFR parts 260 to 273, as indicated below:

Federal RCRA rule title / subject Federal Register page, date	OH rules (all may have non-substantive and stylistic changes and corrections)
Effect of a permit 52 FR 45788, 12/01/1987	3745-50-49 new [see 40 CFR 270.4]
Liners and leak detection systems for hazardous waste land disposal units (Effect of a permit portion) 57 FR 3462, 01/29/1992	3745-50-49 new
Organic air emission standards for tanks, surface impoundments, and containers (Effect of a permit portion) 59 FR 62896, 12/06/1994	3745-50-49 new

Federal RCRA rule title / subject Federal Register page, date	OH rules (all may have non-substantive and stylistic changes and corrections)
Hazardous waste technical corrections and clarifications rule (Effect of a permit portion) 75 FR 12989, 03/18/2010	3745-50-49 new
Cathode ray tube export rule 79 FR 36220, 06/26/2014	3745-50-10, 3745-51-39, 3745-51-41 rescind, 3745-51-41 new
Exempt rules, misc. housekeeping amendments (remain exempt) no FR	3745-52-23, 3745-54-76, 3745-56-71, 3745-56-72, 3745-56-76, 3745-65-76, 3745-66-77, 3745-67-30, 3745-67-57, 3745-67-82, 3745-68-13
Five-year review rules no FR	<p>Amend, review, continue review: 3745-50-10, 3745-50-28, 3745-50-31, 3745-50-32, 3745-50-33, 3745-50-34, 3745-50-35, 3745-50-37, 3745-50-46, 3745-50-58, 3745-51-01, 3745-51-02, 3745-51-07, 3745-51-39, 3745-52-10, 3745-52-12, 3745-52-41, 3745-52-50, 3745-52-60, 3745-53-10, 3745-54-12, 3745-54-16, 3745-54-71, 3745-54-77, 3745-54-93, 3745-54-94, 3745-55-74, 3745-57-91, 3745-65-12, 3745-65-16, 3745-65-33, 3745-65-71, 3745-65-77, 3745-66-74, 3745-266-70, 3745-266-80, 3745-266-101, 3745-266-200, 3745-273-08, 3745-273-20, 3745-273-40, 3745-273-56, 3745-273-70</p> <p>Amend, review, request exemption from future review: 3745-51-23, 3745-51-40, 3745-52-205, 3745-54-99, 3745-65-94, 3745-270-05#, 3745-270-06, 3745-270-44#</p> <p># = no amendments; rule is shown as amended because an exemption request of a no-change rule is not possible</p> <p>Rescinded rules, New rules, request exemption from future review: 3745-50-49 new, 3745-51-41 rescind (exempt rule), 3745-51-41 new, 3745-53-11 rescind, 3745-53-20 rescind</p> <p>New (replacement) rules, continue review: 3745-53-11 new, 3745-53-20 new</p>

The public comment period will run until close of business on December 6, 2017. A public hearing on this proposed rulemaking will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held at Ohio EPA, 50 West Town Street, Columbus, Ohio in Conference Room A, on December 6, 2017 at 10:30am.

To facilitate the scheduling of oral presentations, persons intending to give testimony at the hearing should notify the Ohio EPA Public Interest Center, P.O. Box 1049, Columbus, Ohio 43216-1049, (614) 644-2160. Prior registration will ensure that registrants are heard ahead of those individuals who register at the hearing. Oral testimony may be limited to five minutes, depending on the number of persons testifying. All interested persons are entitled to attend or be represented and to present oral and/or written comments concerning the proposed rulemaking.

Written testimony should be sent to the attention of Karen Hale, Division of Environmental Response and Revitalization (DERR), P.O. Box 1049, Columbus Ohio 43216-1049. Written comments may also be submitted to the Hearing Officer at the public hearing. Written testimony will receive the same consideration as oral testimony. All testimony received at the hearing or by close of business on December 6, 2017 will be considered by Ohio EPA prior to final action on this rulemaking proposal. Written comments submitted after this date may be considered as time and circumstances permit.

Questions regarding this rule package should be directed to Karen Hale at (614) 644-2927.

To receive a copy of the proposed hazardous waste management rules "Set O," please contact the DERR receptionist at (614) 644-2924. In addition, the proposed rules are available for review at any Ohio EPA district office and at the Ohio EPA central office. The proposed rules are also accessible on the DERR web page at <http://epa.ohio.gov/derr/derrrules/rcra.aspx#176615081-proposed-rules>.

DERR Haz Waste Set O Rules Hearing

12/6/17

My name is Mary McCarron. I will be presiding over today's public hearing.

Thank you for taking time to attend this hearing before Ohio EPA. The purpose of the hearing today is to obtain comments from any interested person regarding Ohio EPA's proposed rules.

Ohio EPA Division of Environmental Response and Revitalization is proposing to amend the following rules of the Ohio Administrative Code 3745-50, 51, 52, 53, 54, 55, 56, 57, 65, 66, 67, 68, 266, 270 and 273. These rules address requirements of the hazardous waste program and are typically referred to as Set O.

These rules have been filed with the Joint Committee on Agency Rule Review.

All interested persons are entitled to attend or be represented, and to present oral and/or written comments concerning the proposed rules. All written and oral comments received as part of the official record will be considered by the director of Ohio EPA before a final decision is made.

To be included in the official record, written comments must be received by Ohio EPA by the close of business, today, December 6, 2017.

At this time there is no one present to provide testimony, so we will go off the record until 11.

No one has arrived to provide testimony. The time is now 11 a.m. This hearing is adjourned.