

**MEMORANDUM**

**TO:** Michelle Braun, Ohio Environmental Protection Agency

**FROM:** Paula Steele, Regulatory Policy Advocate

**DATE:** October 31, 2012

**RE:** **CSI Review – DMWM-Hazardous Waste Biennial Set (OAC 3745-50-46, 3745-50-58, 3745-52-40, 3745-52-41, 3745-54-75, 3745-54-77, 3745-65-75, 3745-65-77, 3745-65-94)**

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

The Ohio EPA's Division of Material and Waste Management (DMWM) rule package consists of nine amended draft rules, and is being proposed under the five-year review required by ORC 119.032. The proposed rules provide reporting requirements for hazardous waste generators and/or treatment, storage, and disposal facilities. The draft rules were filed with the CSI Office on September 26, 2012 with a public comment period ending on October 12, 2012. During that period, there were no public comments submitted.

The substantive amendments bring hazardous waste reporting requirements in line with federal requirements by changing the annual reporting requirement to a biennial reporting requirement. Furthermore, according to the OEPA's BIA submitted with the rule package, Senate Bill 294 changed the Director's reporting requirement to the Governor from an annual to a biennial basis.

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The OEPA sent the proposed rules out for early stakeholder comment ending July 16, 2012. All comments received during that time were from the regulated community and were in support of the changes.

In its BIA, the OEPA did not articulate the overall negative impact of the rules' requirements; however, each of the rules includes reporting requirements for various aspects of the hazardous waste management industry. According to the BIA, these rules are necessary to be in compliance with federal law, in addition to their role in protecting the environment by ensuring that businesses managing hazardous waste are meeting the requirements laid out elsewhere in state and federal law. Therefore, this rule package is justified, and in fact the proposed changes help reduce the burden to business by cutting the reporting requirements by 50 percent.

The CSI Office requested actual information from the OEPA pertaining to the time it takes for a business to complete the reporting requirement. The amount of time it takes to complete the Hazardous Waste Annual Report form will vary greatly depending upon the quantity and variety of hazardous wastes that a company manages throughout the year, and on their data management system. Based upon information provided by industry, the amount of time it takes to complete the Hazardous Waste report form every year may vary from 2.4 hours (for a small generator) to 254.5 hours (for one of Ohio's largest treatment, storage, disposal facility that has daily data compilation activities leading up to submitting the report). Considering the typical facility, the average time to complete the form is estimated to be 10 hours per year. For the largest facilities, the average time to complete the form is significantly greater, at approximately 250 hours per year. Therefore, the amendments in these rules help relieve some of the adverse impact to business.

### **Recommendations**

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Ohio Environmental Protection Agency should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Director of Regulatory Policy