

**MEMORANDUM**

TO: Amanda Payton, Ohio Environmental Protection Agency

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: September 19, 2017

RE: **CSI Review – Hazardous Waste Set-O (OAC 3745-50-10, 3745-50-28, 3745-50-31 through 3745-50-35, 3745-50-37, 3745-50-46, 3745-50-49, 3745-50-58, 3745-51-01, 3745-51-02, 3745-51-07, 3745-51-23, 3745-51-39, 3745-51-40, 3745-51-41, 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, 3745-53-20, 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, and 3745-273-70)**

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

This rule package contains one new rule and 65 amended rules¹ proposed by the Ohio Environmental Protection Agency (OEPA). The rule package was submitted to the CSI Office on June 14, 2017 and the public comment period was held open through July 14, 2017. No public

¹ OAC 3745-51-41, 3745-53-11, and 3745-53-20 are being amended to the extent that the Legislative Service Commission requires the Department to rescind the rules and replace them with new rules of the same rule number.

comments were received during this time.

The rules included in this package set forth management requirements for various hazardous material topics, including permitting, identification, treatment, storage, and disposal of hazardous materials. Several of the rules are being created or amended to adhere to federal Resource Conservation and Recovery Act regulations. Ohio Administrative Code (OAC) 3745-50-49 is being proposed as a new rule after federal statutes were amended to allow states to establish rules that set forth the effect of a hazardous waste permit. OAC 3745-50-10, 3745-51-39, and 3745-51-41 are being amended to align the rules with federal provisions for the export of cathode ray tubes. Amendments to the remaining rules are being made to correct typographical errors and eliminate unnecessary text or cross-references.

During early stakeholder outreach, OEPA sent the proposed rules to relevant stakeholders, including professional associations, environmental groups, consultants, and attorneys. No comments were received during this time or during the CSI public comment period.

The business community impacted by these rules includes every business in Ohio that generates, treats, stores, transports, or disposes of hazardous waste. The adverse cost of obtaining permits for treating, storing, and disposing hazardous waste is created by these rules. OEPA estimates the cost of obtaining these permits to be over \$100,000. Additionally, the rules include fees regarding hazardous material disposal and treatment, which are established in state statute. After reviewing the proposed rules and the BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rule package is justified.

Recommendations

For the reasons described above, the CSI Office has no recommendations on this rule package.

Conclusion

Based on its review of the proposed rule package, the CSI Office recommends the Ohio Environmental Protection Agency should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.