



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### MEMORANDUM

**TO:** Amanda Payton, Ohio Environmental Protection Agency

**FROM:** Ethan Wittkorn, Regulatory Policy Advocate

**DATE:** June 26, 2020

**RE:** **CSI Review – Set Gen (Generator Improvements, Export/Import, CCR, Hazardous Waste Pharmaceuticals, and Hazardous Airbag Wastes)**

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On behalf of Lt. Governor Jon Husted, 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This Ohio Environmental Protection Agency (EPA) rule package consists of 63 amended, 52 new, and 15 rescinded rules. The draft rules were submitted to the CSI Office on December 4, 2019, and the public comment period was open through January 20, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on December 4, 2019.

The proposed rules cover portions of Ohio Administrative Code chapters that include hazardous waste management, generator standards, transporter standards, facility standards, interim standards, land disposal restrictions, universal weight standards, and used oil management standards. The EPA hazardous waste program is amending the rules to adopt several federal registers to maintain consistency between state rules and the Resource Conservation and Recovery Act. Adopted federal regulations include the Disposal of Coal Combustion Residuals from Electric Utilities (80 FR 21302-21501), Hazardous Waste Generator Improvements (81 FR 85732-85829), Imports and Exports of Hazardous Waste (81 FR 85696-85729), Confidentiality Determinations for Hazardous Waste Export and Import Documents (83 FR 60894-60901), E-Manifest (79 FR 7518 – 7563), Safe

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

[CSIPublicComments@governor.ohio.gov](mailto:CSIPublicComments@governor.ohio.gov)

Management of Recalled Airbags (83 FR 61552-61563), and Management Standards for Hazardous Waste Pharmaceuticals (84 FR 5816-5950).

During the period of early stakeholder outreach, the EPA shared the proposed rules with their Hazardous Waste email list, consisting of regulated entities, professional associations, environmental groups, consultants, and attorneys. The EPA received two comments of support regarding rules on generator improvements, export/import, and Coal Combustion Residuals (CCR), as well as one comment of support for rules related to pharmaceuticals and airbags. During the CSI public comment period, the EPA received comments from CVS Health, Ohio Environmental Service Industries, and the U.S. EPA. Both CVS Health and Ohio Environmental Service Industries expressed their support for the rules. Several changes were made as a result of comments from the U.S. EPA, which include some clarifications and the addition of language to ensure consistency across the rules.

Impacted communities include businesses that generate, treat, store, dispose of, or transport hazardous waste. Potential adverse impacts of the rules include administrative costs associated with training. Additionally, the EPA estimates that the initial annualized cost to comply with generator improvement rules will range from \$5.9 million to \$13.3 million, associated with the costs of training, contingency plans, recordkeeping and reporting, and waste management. Initial annualized costs associated with pharmaceutical rules is estimated to be from \$6.59 million to \$7.99 million, and an estimated annual cost of \$130,792 for airbag rules. The EPA notes that the proposed changes of the rules will result in savings ranging from \$16.06 million to \$30.16 million annually. The EPA states that the proposed rules are necessary to manage hazardous waste for the protection of human health and the environment. Additionally, the EPA states that the rules provide regulatory flexibility and cost savings.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the EPA should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.