

Rule Summary and Fiscal Analysis (Part A)**Environmental Protection Agency**

Agency Name

Division of Hazardous Waste Management**Kit Arthur****(DHWM)**

Division

Contact

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3745-273-13

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Waste management - standards for small quantity handlers of universal waste.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **3734.12**

5. Statute(s) the rule, as filed, amplifies or implements: **3734.12**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is amended to address changes to its federal counterpart rule, to make it equivalent to that federal counterpart rule, and to make minor corrections.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Changes to this rule include: changing "shall" to "must", correction to rule citations, addition of new federal rule language, and addition of incorporation by reference language. A list of specific changes to this rule can be found in the rule's information sheet filed as "Additional Communications" with this rules package.

This rule is currently exempt from review under ORC 119.032. It is amended to address changes to its federal counterpart regulation, to maintain its equivalence with that regulation. We request that it remain exempt from 119.032 review.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule contains referenced materials which may include federal statute, federal regulation, government documents, private documents, or references to other Ohio Administrative Code (OAC) rules. All of these materials are generally available on the worldwide web, libraries or other sources. ORC 121.75(A), (D) and (E) exempt federal codes, a regulation in the Code of Federal Regulations, and generally available text or other material, respectively, from the requirements of ORC 121.71 through 121.74. All citations meeting the definition of a rule by reference, their dates and their availability are listed in new rule 3745-50-11 "Incorporation by reference."

Ohio Revised Code sections and OAC rules meeting the definition of a rule by reference are generally available to the public either on line or through libraries. Additionally, Section 121.76(A)(1) and (3) of the Revised Code exempt such sections and rules from the requirements of Sections 121.71 to 121.75 of the Revised Code.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not Applicable.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date:

(If you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: At time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.00

This proposed rule will not change the Agency's projected budget during the current biennium.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not Applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

For lamp generators and handlers who currently manage their lamps lawfully, but do not recycle them, there is no associated increased cost of compliance. For lamp generators and handlers who currently manage their lamps lawfully, but do not recycle them and who choose to manage them under this rule, the cost of compliance will decrease because this rule reduces the requirements for managing lamps. For generators and handlers who currently recycle lamps and who choose to manage them under this new rule, the cost of compliance will increase minimally

because the rule imposes new labeling and packaging requirements. It should be noted that many lamp recyclers require their customers to properly package lamps now. Any increase in cost will depend on the number of lamps that the generator or handler manages.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **Yes**

You must complete the Environmental rule Adoption/Amendment Form in order to comply with Am. Sub. 106 of the 121st General Assembly.