

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

Agency Name

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

Division

Contact

Lazarus Government Center 122 S. Front St.
Columbus OH 43216-1049

Agency Mailing Address (Plus Zip)

614-644-2917

Phone

614-728-1245

Fax

3745-53-12

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Transfer facility requirements.**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 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 removing redundant language and correcting rule citations. 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 remains consistent with and equivalent to the form required by federal law and it does not exceed the minimum scope and intent of that federal law. We request that this rule be exempt from review under section 119.032 of the Revised Code.

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:

There is no associated cost of compliance with these minor amendments.

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.

Rule 3745-52-11 is amended as follows:		
Location	Change	Reason
(B)[Note]	remove the note and add a new note that makes these corrections: -remove "rule 3745-50-221 of the Administrative Code" and add "40 CFR 260.22" -remove "director" and add "administrator"	a, d
(D)	-remove "3745-58," -remove "3745-218, 3745-248," and add "3745-205, 3745-256, 3745-266,"	b
[Comment] after (D)	add: [Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]	c

- a The language referencing the state rule is removed and the federal citation is added because the authorities mentioned are federal, not state.
- b Rule reference correction.
- c This amendment was made after the draft rule's Interested Parties review to address SB265 requirements regarding cross-reference specificity.
- d The new rule writing software that we are required to use does not allow the amendment of bracketed notes or comments, so the entire note is removed and replaced by new language to make the corrections indicated.

This rule is similar to 40 CFR 262.11.

Rule 3745-52-12 is amended as follows:		
Location	Change	Reason
(A)	remove "generator" and add "U.S. EPA" before "identification number"	a
(B)	[2 times] remove "generator" and add "U.S. EPA" before "identification number"	a
	remove "shall" and add "must"	b
	after "Ohio EPA using" remove "U.S. EPA form 8700-12" and add "Ohio EPA form EPA9029" and remove "or from U.S. EPA"	c
(C)	after "received" remove "an" and add "a U.S." before "EPA identification number"	a
new [Comment] after (C)	add: [Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]	d

- a This amendment makes the phrase "U.S. EPA identification number" which is the defined term.
- b Ohio EPA is changing this term in all hazardous waste management rules as they are reviewed and/or amended.
- c Ohio EPA now provides this form, and it has the number indicated.
- d This amendment was made after the draft rule's Interested Parties review to address SB265 requirements regarding cross-reference specificity.

This rule is similar to 40 CFR 262.12.

Rule 3745-52-41 is amended as follows:		
Location	Change	Reason
(A)	remove "forms 9027, 9028, and 9029" and add "Ohio EPA forms EPA9027, EPA9028, and EPA9029"	c
(A)(5)	after "description," remove "U.S."	a
(B)	-remove "3745-50-62" and add "3745-50-66", -remove "3745-58," -remove "3745-218, and 3745-248" and add "3745-205, 3745-256, and 3745-266"	b
new [Comment] after (B)	add: [Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]	d

- a This amendment makes the phrase "EPA hazardous waste number" which is the defined term.
- b Rule reference correction.
- c This change was made as a result of a comment on the Interested Parties draft rule. It corrects the titles of the forms.
- d This amendment was made after the draft rule's Interested Parties review to address SB265 requirements regarding cross-reference specificity.

This rule is similar to 40 CFR 262.41.

Rule 3745-52-50 is amended as follows:		
Location	Change	Reason
title	after "Applicability" add "- exports of hazardous waste to a foreign country"	*

* This amendment adds information to the rule title.

This rule is equivalent to 40 CFR 262.50.

Rule 3745-52-51 is amended as follows:		
Location	Change	Reason
title	after "Definitions" add "pertaining to exports of hazardous waste to a foreign country"	*

* This amendment adds information to the rule title.

This rule is equivalent to 40 CFR 262.51.

Rule 3745-52-52 is amended as follows:		
Location	Change	Reason
title	after "General requirements" add "for exports of hazardous waste to a foreign country"	*

* This amendment adds information to the rule title.

This rule is equivalent to 40 CFR 262.52.

Rule 3745-52-54 is amended as follows:		
Location	Change	Reason
intro	remove "shall" and add "must"	a
(A)	after "address" add a comma	b
	remove "ID and add "identification"	c
	remove "shall" and add "must"	a
(B)	after "address" add a comma	b
	remove "ID and add "identification"	c
(C)	remove "shall" and add "must"	a
(D)	remove "shall" and add "must"	a
(F)	remove "shall" and add "must"	a
(G)	remove "shall" and add "must"	a
(H)	[3 times] remove "shall" and add "must"	a
(I)	remove "shall" and add "must"	a
[Comment] after (I)	add: [Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]	d

- a Ohio EPA is changing this term in all the hazardous waste rules as they are amended.
- b Punctuation correction.
- c This amendment corrects the rule to use "U.S. EPA identification number" which is the defined term.
- d This amendment was made after the draft rule's Interested Parties review to address SB265 requirements regarding cross-reference specificity.

This rule is equivalent to 40 CFR 262.54.

Rule 3745-52-55 is amended as follows:		
Location	Change	Reason
intro	remove "shall" and add "must"	*

- * Ohio EPA is changing this term in all the hazardous waste management rules as they are amended.

This rule is equivalent to 40 CFR 262.55.

Rule **3745-52-60** is amended as follows:

Location	Change	Reason
(A)	remove "rules 3745-52-10 to 3745-52-70" and add "Chapter 3745-52"	a
(B)	remove "shall" and add "must"	b
(B)(1)	[2 times] after "address" add a comma	c
(B)(2)	remove "shall" and add "must"	b

- a Rule reference correction.
- b Ohio EPA is changing this term in all the hazardous waste management rules as they are amended.
- c Punctuation correction.

This rule is equivalent to 40 CFR 262.60.

Rule 3745-52-70 is amended as follows:		
Location	Change	Reason
text	-remove "3745-218, 3745-248" and add "3745-205, 3745-256" -remove "3745-50-62" and add "3745-50-66"	*

* Rule reference correction.

This rule is equivalent to 40 CFR 262.70.

Rule 3745-53-11 is amended as follows:		
Location	Change	Reason
(A)	remove "shall" and add "must"	a
(C)	after "Ohio EPA by using" remove "U.S. EPA form 8700-12" and add "Ohio EPA form EPA9029"	b
	after "assign" remove "an" and add "a U.S. EPA"	c
new [Comment] after (C)	add: [Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]	d

- a Ohio EPA is changing this term in all the hazardous waste management rules as they are amended.
- b Ohio EPA now provides this form.
- c This amendment makes the phrase "U.S. EPA identification number" which is a defined term.
- d This amendment was made after the rule's Interested Parties review to address SB265 requirements regarding cross-reference specificity.

This rule is similar to 40 CFR 263.11.

Rule 3745-53-12 is amended as follows:		
Location	Change	Reason
text	-remove "3745-50-62 of the Administrative Code" and add "3745-50-66" -remove "3745-218, 3745-248" and add "3745-205, 3745-256"	*

* Rule reference correction. Removes duplicative phrase.

This rule is equivalent to 40 CFR 263.12.

Rule 3745-53-20 is amended as follows:		
Location	Change	Reason
(A)	remove "shall" and add "may"	a, b
	after "generator" add a comma	c
(A)(3)	add new paragraph as "Reserved."	d
(B)	remove "shall" and add "must"	a
	after "from the generator" add a period and "The transporter must" and remove "and" before "return" to make this into 2 sentences	b
(C)	remove "shall" and add "must"	a
(D)	remove "shall" and add "must"	a
(D)(1)	at the end add "and"	b
(E)	after "(D)" add a comma	e
(F)	after "(D)" add a comma	e
(F)(4)	after "transporter" add a comma	e
(G)	remove "shall" and add "must"	a
(H)(2)	after "records" add a comma, and after "shipping paper" add a comma	b
(H)(2)(c)	remove "and" at the end	b
(H)(2)(d)	remove the ending period and add a semicolon and "and"	b
[Comment] after (H)(4)	add: [Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]	f

- a Ohio EPA is changing this term in all the hazardous waste rules as they are amended.
- b This amendment improves the equivalence of this rule with its federal similar provision (40 CFR 263.20).
- c Sentence structure correction.
- d In the federal rule, paragraph (a) is amended by FR 4/12/96. This FR is optional for state adoption, and Ohio EPA has chosen not to adopt it since the federal authorities it refers to are not delegable to states. The language added to the federal rule but not to the Ohio rule is represented by the "reserved" paragraph (A)(3) in the Ohio rule.
- e Punctuation correction.
- f This amendment was made after the draft rule's Interested Parties review to address

SB265 requirements regarding cross-reference specificity.

This rule is similar to 40 CFR 263.20.

Rule 3745-53-30 is amended as follows:		
Location	Change	Reason
(B)	-after "have" add "a U.S. " before "EPA identification" -remove "numbers" and add "number"	a
(C)(1)	after "Ohio EPA" remove the comma before "office"	b
(C)(2)	after "Ohio EPA" remove the comma before "office"	b
(C)(2)[Comment]	remove and replace the entire comment to make the following correction: after "[Comment:" remove "Written" and add "Immediate notice of such discharges is to be given to the national response center by telephone (toll-free) at 800-424-8802, pursuant to 49 CFR Section 171.15. In addition, written"	c, e
2nd new [Comment] after (C)(2)	add: [Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]	d

- a This amendment corrects the sentence structure, and makes the phrase "U.S. EPA identification number" which is the defined term.
- b Unnecessary punctuation.
- c This amendment reflects the actual requirement in the rule.
- d This amendment was made after the draft rule's Interested Parties review to address SB265 requirements regarding cross-reference specificity.
- e The new rule-writing software does not allow the amendment of bracketed notes or comments, so the entire comment was stricken and re-created with the corrections noted.

This rule is equivalent to 40 CFR 263.30.

INTERESTED PARTIES MAILING LABELS (for rules)

UPDATED: 09/04/02 - 217 LABELS

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OHIO CHEMICAL COUNCIL
17 SOUTH HIGH STREET #410
COLUMBUS OH 43215

OHIO FARMERS BUREAU
PO BOX 479
COLUMBUS OH 43216

ENVIROSOURCE TECHNICAL SERVICES
1155 BUSINESS CENTER DRIVE
HORSHAM PA 19044-3454

AMERICAN PETROLEUM INSTITUTE
1220 L STREET NW
WASHINGTON DC 20005

AARON GOLDBERG
BEVERIDGE & DIAMOND
1350 I STREET NW #700
WASHINGTON DC 20005

ALONZO SPENCER
SAVE OUR COUNTY COMMITTEE
BOX 1242 STATION A
EAST LIVERPOOL OH 43920

ANGELA FERNEAU ENV MANAGER
BASF CORPORATION
1175 MARTIN STREET
GREENVILLE OH 45331

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36790 GILES ROAD
GRAFTON OH 44044

BAIRD PELZER
SHEPERD CHEMICAL
4900 BEECH STREET
CINCINNATI OH 45212

BARBARA KEYES
UNIVERSITY OF CINCINNATI
OFFICE OF INDUSTRIAL HEALTH & SAFETY
MR 0215
CINCINNATI OH 45221-0215

BARBARA TAYLOR
BRIGG INTERNATIONAL
PO BOX 595
FREDERICKSBURG VA 22404

BARRY NELSON
METCALF & EDDY INC
2800 CORPORATE EXCHANGE DR #250
COLUMBUS OH 43231

BILL BURNS
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3815 ZANE TRACE DRIVE
COLUMBUS OH 43228

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CLEVELAND OH 44114

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PO BOX 0236
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COLUMBUS OH 43215

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COPE
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BOB CORNWELL EXECUTIVE DIRECTOR
BUCKEYE SHERIFF'S ASSOCIATION
6230 BUSCH BOULEVARD #300
COLUMBUS OH 43229

BOB OSTENDORF
STOLLE PRODUCTS
1501 WEST MICHIGAN STREET
SYDNEY OH 45365

BRENDA TOLLETT
VALVOLINE COMPANY
3499 BLAZER PARKWAY
LEXINGTON KY 40509

BRUCE CORNETT
GREENE ENVIRONMENTAL COALITION
PO BOX 266
YELLOW SPRINGS OH 45387

BRYAN ZIMA
ATTORNEY GENERAL'S OFFICE
ENVIRONMENTAL
30 EAST BROAD STREET 25TH FLOOR
COLUMBUS OH 43215

CATHY PADOLEWSKI CIH
ADVANCED LIGHTING TECHNOLOGIES
32000 AURORA ROAD
OLON OH 44139

CHARLIE HOWARD
OHIO AUTOMOBILE DEALERS ASSOCIATION
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SAFETY-KLEEN CORPORATION
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CLEVELAND OH 44113

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SAFETY-KLEEN SYSTEMS INC
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BRUNSWICK OH 44212

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CANADA L4V1W1

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INSTITUTE OF HAZARDOUS MATERIALS
11900 PARKLAWN DRIVE SUITE 450
ROCKVILLE MD 20852

BRIAN BABB
KEATING MUETHING & KLEKAMP
1800 PROVIDENT TOWER
ONE EAST FOURTH STREET
CINCINNATI OH 45202

BRUCE STRICKLAND
CPP
1211 MERIWEATHER AVENUE
CINCINNATI OH 45208

CAROL ZURLO
ENVIRONMENTAL RISK LTD
1373 BROAD STREET
CLIFTON NJ 07013

CHARLES WATERMAN
BRICKER & ECKLER
100 SOUTH THIRD STREET
COLUMBUS OH 43215-4291

CHARLIE PRINCE, EDITOR/PUBLISHER
OHIO ENVIRONMENTAL NEWS SERVICE
PO BOX 1542
BUCKEYE LAKE OH 43008

CHRIS HYLEMON
KAISER PERMANENTE
2550 SOUTH PARKER ROAD
AURORA CO 80014

CHRIS WALKER
THOMPSON HINE & FLORY
2000 COURTHOUSE PLAZA NE
DAYTON OH 45401-8801

CRAIG A. KASPER
HULL & ASSOCIATED INC
6130 WILCOX ROAD
DUBLIN OH 43017

CYNTHIA ALEXANDER
PO BOX 530
WALLBRIDGE OH 43465

CYNTHIA M LEE
CHEMICAL SOLVENTS INC
3751 JENNINGS ROAD
CLEVELAND OH 44109

DANIEL SWANSON
PORTER WRIGHT MORRIS & ARTHUR
41 SOUTH HIGH STREET
COLUMBUS OH 43215

DANA LIMES
AMERICAN ELECTRIC POWER
1 RIVERSIDE PLAZA
COLUMBUS OH 43215

DAVE MARZULLO
PARKER HANNIFIN
17325 EUCLID AVENUE
CLEVELAND OH 44112-1290

DAVE MEIXELL
O'BRIEN & GERE
PO BOX 4873
SYRACUSE NY 13221

DAVID BUDD
MCDERMOT INTERNATIONAL INC
PO BOX 351
MAIL CODE: BPCE2A
BARBERTON OH 44203-0351

DAVID A DLUBAK
DLUBAK GLASS COMPANY
11567 COUNTY HIGHWAY 110
UPPER SANDUSKY OH 43351

DAVID PENTECOST
BECHTEL JACOBS COMPANY LLC
PO BOX 900
PIKETON OH 45661

DAVID PENTECOST
JACOBS ENGINEERING
PO BOX 516
PIKETON OH 45661

DAVID CUPPETT
VON ROLL/WTI
1250 ST GEORGE STREET
EAST LIVERPOOL OH 43920

DEAN WADE
RAPCA
451 WEST THIRD STREET
PO BOX 972
DAYTON OH 45422

DEBRA WEAVER
CHRYSLER CORPORATION
800 CHRYSLER DRIVE
CIMS 482-00-61
AUBURN HILLS MI 48326-2755

DENIS BRAWN
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4646 BAKER AVENUE
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946 TOWNSHIP ROAD 150
NOVA OH 44859

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40 EAST PIONEER TRAIL
AURORA OH 44202

DOUG KOHNEN
ERATECH ENVIRONMENTAL
PO BOX 250
DAYTON OH 45449-0250

DOUG REED
CONCERNED CITIZENS
ROUTE 1 BOX 223
CLOVERDALE OH 45827

DREW KOLER
AMERICAN RECYCLING COMPANY LTD
PO BOX 27486
CLEVELAND OH 44127-0486

DUANE SHUSTER
AMERIWASTE ENVIRONMENTAL INC
6111 CAREY DRIVE
VALLEY VIEW OH 44125-4200

ED TRENN
PREMIX INCORPORATED
PO BOX 281
NORTH KINGSVILLE OH 44068-0281

ELWOOD REYNOLDS
AMERICAN SAFETY & HEALTH
597 WEST NIMISILA ROAD
AKRON OH 44319

ERIC MARSH
RMI COMPANY
PO BOX 579
ASHTABULA OH 44004

ERNIE CADE
BP OIL
200 PUBLIC SQUARE
CLEVELAND OH 44114-2351

EUGENE M LANGSCHWAGER
CINCINNATI CHAMBER OF COMMERCE
ENVIRONMENTAL ADVOCACY PROJECT
300 CAREW TOWER 441 VINE STREET
CINCINNATI OH 45202-2812

FRANK MERRILL
BRICKER & ECKLER
100 SOUTH THIRD STREET
COLUMBUS OH 43215-4291

GARY DAVIS
ENVIRONMENTAL ENTERPRISES INC
4650 SPRING GROVE AVENUE
CINCINNATI OH 45232

GEORGE COLVIN
COX-COLVIN & ASSOCIATES
1151 BETHEL ROAD
COLUMBUS OH 43220

GOEFF SEYMOUR
BASF CORPORATION
PO BOX 2757
WHITEHOUSE OH 43571

GREGORY A. TAYLOR
LUBRIZOL CORPORATION
29400 LAKELAND BOULEVARD
WICKLIFFE OH 44092-2298

EDDA POST
KAUFMAN & CUMBERLAND
25 PROSPECT AVENUE WEST
1500 REPUBLIC BUILDING
CLEVELAND OH 44115-1000

ERIC ANDERSON
CLEAN HARBORS
4879 SPRING GROVE AVENUE
CINCINNATI OH 45232

ERIC MEDUHO
WEAVERTOWN ENVIRONMENTAL
3866 MILLER'S RUN ROAD
MCDONALD PA 15057-2858

ERNIE NEAL
GOVERNMENTAL AFFAIRS
172 EAST STATE STREET #312
COLUMBUS OH 43215

FRANK FANG
ANAMATIC CORPORATION
1650 TAMARACK ROAD
NEWARK OH 43055

FREDA GRIFFITH
HICKSON CORPORATION
3941 BONSAL ROAD
CONLEY GA 30027

GARY SCHWOCHOW
537 NORTH SANDUSKY COUNTY RD #220
FREMONT OH 43420

GINGER MORGAN
BRIDGESTONE APM
1800 INDUSTRIAL DR
FINDLAY OH 45839

GREG DEGULIS
MCMAHON DEGULIS & HOFFMAN
812 HURON ROAD #650
CLEVELAND OH 44115

GUS STATS
OSMOS WOOD PRESERVING
1016 EVEREE INN ROAD
P.O. DRAWER 0
GRIFFIN GA 30224

HALLEY SERACIN
GERAGHTY & MILLER
4700 LAKEHURST COURT #100
DUBLIN OH 43016

HARVEY WASSERMAN
GREENPEACE
735 EUCLAIRE AVENUE
BEXLEY OH 43209

HEATHER RENNIE
ECKERT SEAMANS CHERIN & MELLOTT
600 GRANT STREET 42ND FLOOR
PITTSBURGH PA 15219

HELEN TREMAINE GREGORY
KENT ENVIRONMENTAL ADVISORY COUNCIL
PO BOX 395
KENT OH 44240

HENRY CAVANAGH
DEPARTMENT OF PORT CONTROL
5300 RIVERSIDE DRIVE
CLEVELAND OH 44135

JACK MURPHY
ENVIROSAFE SERVICES OF OHIO INC
876 OTTER CREEK ROAD
OREGON OH 43616-7571

JACK PEKAREK GENERAL MANAGER
PURE TECH
2727 TRANSPORT ROAD
CLEVELAND OH 44115

JACK WELSCH
STATESIDE ASSOCIATES
2300 CLARENDON BLVD #407
ARLINGTON VA 22201

JAMES HAMILTON
MIDWEST ENVIRONMENTAL CONSULTANTS
1800 INDIAN WOOD CIRCLE
MAUMEE OH 43537

JANE FORREST
OHIO CITIZEN ACTION/TOXIC ACTION
4808 PHILADELPHIA DRIVE
DAYTON OH 45405

JEANNE BURGESS
COLUMBIA GAS OF OHIO SHARED SERVICES
200 CIVIC CENTER DRIVE
COLUMBUS OH 43215

JEFF QUAYLE
OHIO BANKERS ASSOCIATION
37 WEST BROAD STREET #1001
COLUMBUS OH 43215-4162

JEFF YOUR
JOHN CARROLL UNIVERSITY
20700 NORTH PARK BOULEVARD
UNIVERSITY HEIGHTS OH 44118

JENNIFER BREECH GENERAL COUNSEL
OHIO PETROLEUM MARKETERS
PO BOX 490
DUBLIN OH 43017

JERRY MCELDOWNEY
PERMAFIX
300 SW END AVENUE
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