

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY  
PUBLIC NOTICE OF  
PROPOSED RULE-MAKING  
GOVERNING  
HAZARDOUS WASTE MANAGEMENT

Why is Ohio EPA proposing these rules?

The purpose of this proposed rule-making is to adopt rules consistent with and equivalent to regulations adopted by the U.S. Environmental Protection Agency (U.S. EPA) pursuant to the Resource Conservation and Recovery Act (RCRA). Specifically, these rules are amended, rescinded, or created pursuant to the RCRA rules addressed by the following Federal Registers (FRs) regarding U.S. EPA's hazardous waste rule-making:

FR 2/21/91 at 56 FR 7134 FR 7/17/91 at 56 FR 32688 FR 8/27/91 at 56 FR 42504 FR 9/ 5/91 at 56 FR 43754 FR 6/22/92 at 57 FR 27880 FR 8/25/92 at 57 FR 38558 FR 9/30/92 at 57 FR 44999 FR 7/20/93 at 58 FR 38816 (see 38883+) FR 11/ 9/93 at 58 FR 59598	Burning of hazardous waste in boilers and industrial furnaces (BIFs), and its technical amendments and corrections
FR 1/29/92 at 57 FR 3462 a	Liners and leak detection systems for hazardous waste land disposal units
FR 9/10/92 at 57 FR 41566 b	Recycled used oil management standards
FR 8/31/93 at 58 FR 46040 b	Hazardous waste testing and monitoring
FR 7/28/94 at 59 FR 38536 b	Recovered oil exclusion; petroleum refining industry
FR 9/19/94 at 59 FR 47982 b	LDRs Phase II universal treatment standards and treatment standards for organic toxicity characteristic wastes and newly listed wastes
FR 6/29/95 at 60 FR 33912	Removal of obsolete rules (certain paragraphs)
FR 12/11/95 at 60 FR 63417	Expanded public participation
FR 2/12/97 at 62 FR 6622	Military munitions
FR 6/13/97 at 62 FR 32452 a	Testing and monitoring
FR 4/15/98 at 63 FR 18504	Kraft mill steam stripper condensate exclusion
FR 8/ 6/98 at 63 FR 42109 b	Petroleum refining process wastes; LDRs for newly identified wastes; and CERCLA hazardous substance designation and reportable quantities (codes K169-K172)
FR 10/22/98 at 63 FR 56709	Standards applicable to owners/operators of closed and closing hazardous waste management facilities: post-closure permit requirement and closure process
FR 11/30/98 at 63 FR 65873 c	HWIR contaminated media rule

FR 12/24/98 at 63 FR 71225	Universal waste- corrections
FR 5/14/99 at 64 FR 26315	Guidelines establishing test procedures for the analysis of oil and grease and non-polar material under the Clean Water Act and RCRA
FR 7/ 6/99 at 64 FR 36465	Universal waste- lamp rule
FR 9/30/99 at 64 FR 52827 FR 11/19/99 at 64 FR 63209 FR 7/ 3/01 at 66 FR 35087 FR 2/14/02 at 67 FR 6967	NESHAP (MACT) and its technical corrections
FR 3/ 8/00 at 65 FR 12377	180-Day accumulation time under RCRA for wastewater treatment sludges from the metal refinishing industry
FR 5/15/00 at 65 FR 30886	Amendments to streamline the NPDES program rules: Round 2
FR 11/ 8/00 at 65 FR 67067 FR 4/ 9/02 at 66 FR 58257	Identification and listing of hazardous waste, LDRS: -listing of chlorinated aliphatics production wastes (codes K174 and K175) -listing of inorganic chemical manufacturing wastes- corrections (codes K176, K177, K178)
FR 5/16/01 at 66 FR 27217	Storage, treatment, transportation, and disposal of mixed wastes; (mixed waste rule)
FR 5/16/01 at 66 FR 27266 FR 10/ 3/01 at 66 FR 50332	HWIR identification rule; revisions to mixture and derived from, and its corrections
FR 6/28/01 at 66 FR 34374	Change of EPA address
FR 1/22/02 at 67 FR 2962	Corrections to corrective action management units (CAMU rule)
FR 3/13/02 at 67 FR 11251	Definition of solid waste- toxicity characteristic
a	Please note that Ohio EPA is not addressing all of the regulatory components of this federal rule-making. At this time, we are not proposing some components. For the Liners and Leak Detection FR, the provision we're not proposing is Ohio's "permit shield" provision (in 40 CFR 270.4) which is not in Ohio's hazardous waste management program yet. For the Testing and monitoring FR, the provisions we're not proposing are those in 40 CFR parts 264 and 265, subparts AA and BB, which also are not in Ohio's hazardous waste management program yet. Those regulations will be included in a subsequent Ohio rule-making, not in 2003.
b	Please note that Ohio EPA has already addressed most of the provisions of this federal rule-making in the past, and they appear in currently effective state rules. Today's proposal addresses only the Boiler and Industrial Furnace (BIF) provisions of this federal rule-making, which had been omitted from the previous Ohio rule-making.
c	Please note that Ohio EPA will not address the Remedial Action Plan portion of the federal rule-making. Those federal provisions are optional for states to adopt, and Ohio has chosen not to adopt them.

This proposal includes corrections and clarifications that are not directly included in the federal hazardous waste rules, but which are necessary to the Ohio rules to maintain the internal consistency of the Ohio hazardous waste management program. This proposal also includes the review of a number of rules pursuant to Ohio Revised Code section 119.032, which requires Ohio EPA to review certain rules every five years.

What rules are we proposing to amend, rescind, or create as new rules?

The Ohio Environmental Protection Agency proposes to amend, rescind, and adopt as new the following rules of the Administrative Code:

	Rule number	Rule title
Amend	3745-50-10	Definitions and computation of time
Rescind	3745-50-11	References
New	3745-50-11	Incorporated by reference
New	3745-50-39	Specific public notice procedures applicable to hazardous waste management permits
Amend	3745-50-44	Contents of "Part B" of the permit application
Amend	3745-50-45	Special inclusions and exclusions for hazardous waste permits
Amend	3745-50-51	Permit modifications
Amend	3745-50-53	Permit revocation
Amend	3745-50-58	Conditions applicable to all permits
Amend	3745-50-62	Trial burn
New	3745-50-66	Permits for boilers and industrial furnaces burning hazardous waste
Amend	3745-51-02	Definition of waste
Amend	3745-51-03	Definition of hazardous waste
Amend	3745-51-04	Exclusions
Amend	3745-51-06	Requirements for recycling materials
Amend	3745-51-09	Requirements for universal waste
Amend	3745-51-11	Criteria for listing hazardous waste
Amend	3745-51-24	Characteristic of toxicity (TCLP)
Amend	3745-51-30	Lists of hazardous wastes- general
Amend	3745-51-32	Hazardous waste from specific sources
Amend	3745-52-10	Applicability- generator standards
Amend	3745-52-20	Manifest- general requirements
Amend	3745-52-34	Accumulation time of hazardous waste
Amend	3745-52-53	Notification of intent to export to a foreign country
Amend	3745-52-56	Annual reports
Amend	3745-53-10	Applicability- transporter standards
Amend	3745-54-01	Purpose, scope, and applicability of Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code
Amend	3745-54-15	General inspection requirements
New	3745-54-19	Construction quality assurance program
Amend	3745-54-70	Applicability- manifest system, recordkeeping, and reporting
Amend	3745-54-73	Operating record
Amend	3745-54-90	Applicability- ground water protection

	Rule number	Rule title
Amend	3745-54-98	Detection monitoring program
New	3745-54-101	Corrective action for waste management units
Rescind	3745-55-011 (also called 3745-55-01.1)	Corrective action for waste management units
Amend	3745-55-10	Applicability- closure and post-closure
Amend	3745-55-12	Closure plan- amendment of plan
Amend	3745-55-18	Post-closure plan; amendment of plan
Amend	3745-55-40	Applicability- financial requirements
Amend	3745-56-21	Design and operating requirements
New	3745-56-22	Action leakage rate
New	3745-56-23	Response actions
Amend	3745-56-26	Monitoring and inspection
Rescind	3745-56-28	Closure and post-closure
New	3745-56-28	Closure and post-closure
Amend	3745-56-51	Design and operating requirements
New	3745-56-52	Action leakage rate
New	3745-56-53	Response actions
Amend	3745-56-54	Monitoring and inspection
Amend	3745-57-03	Design and operating requirements
New	3745-57-04	Action leakage rate
Amend	3745-57-05	Monitoring and inspection
New	3745-57-06	Response action
Amend	3745-57-10	Closure and post-closure
Amend	3745-57-40	Applicability- incinerators
New	3745-57-70	Applicability- corrective action management unit regulations
New	3745-57-71	Grandfathered corrective action management units
Rescind	3745-57-72	Corrective action management units
New	3745-57-72	Corrective action management units
Amend	3745-57-73	Temporary units
New	3745-57-74	Staging piles
New	3745-57-75	Disposal of CAMU-eligible wastes in permitted hazardous waste landfills
Amend	3745-57-91	Environmental performance standards
Rescind	3745-58-40	Applicability; hazardous waste burned for energy recovery
Rescind	3745-58-42	Prohibitions
Rescind	3745-58-43	Standards applicable to generators of hazardous waste fuel
Rescind	3745-58-44	Standards applicable to transporters of hazardous waste fuel
Rescind	3745-58-45	Standards applicable to marketers of hazardous waste fuel
Rescind	3745-58-46	Standards applicable to burners of hazardous waste fuel
Rescind	3745-58-60	Applicability and requirements- recyclable materials utilized for precious metal recovery
Rescind	3745-58-70	Applicability and requirements- spent lead-acid batteries being reclaimed

	Rule number	Rule title
Amend	3745-65-01	Purpose, scope, and applicability of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code
Amend	3745-65-15	General inspection requirements
New	3745-65-19	Construction quality assurance program
Amend	3745-65-70	Applicability- manifest system, recordkeeping, and reporting
Amend	3745-65-73	Operating record
Amend	3745-65-90	Applicability- ground water monitoring
Amend	3745-66-10	Applicability- closure and post-closure
Amend	3745-66-12	Closure plan; amendment of plan
Amend	3745-66-13	Time allowed for closure
Amend	3745-66-18	Post-closure plan; amendment of plan
New	3745-66-21	Post-closure requirements for facilities that obtain enforceable documents in lieu of post-closure permits
Amend	3745-66-40	Applicability- financial requirements
Amend	3745-67-21	Design and operating requirements
Rescind	3745-67-22	General operating requirements
New	3745-67-22	Action leakage rate
Rescind	3745-67-23	Containment system
New	3745-67-23	Response actions
Rescind	3745-67-26	Inspections
New	3745-67-26	Monitoring and inspection
Amend	3745-67-28	Closure and post-closure
Rescind	3745-67-54	Design requirements
New	3745-67-54	Design and operating requirements
New	3745-67-55	Action leakage rates
New	3745-67-59	Response actions
New	3745-67-60	Monitoring and inspection
Rescind	3745-68-011 (also called 3745-68-01.1)	Design requirements
Rescind	3745-68-02	General operating requirements
New	3745-68-02	General operating requirements
New	3745-68-03	Response actions
New	3745-68-04	Monitoring and inspections
New	3745-68-05	Design and operating requirements
Amend	3745-68-10	Closure and post-closure
Amend	3745-68-40	Applicability- incinerators
Rescind	3745-68-70	Thermal treatment
New	3745-68-70	Applicability- thermal treatment
New	3745-205-200	Applicability- hazardous waste munitions and explosives storage
New	3745-205-201	Design and operating standards
New	3745-205-202	Closure and post-closure care
New	3745-256-200	Applicability- hazardous waste munitions and explosives storage
New	3745-256-201	Design and operating standards

	Rule number	Rule title
New	3745-256-202	Closure and post-closure care
New	3745-266-70	Applicability and requirements- recyclable materials utilized for precious metal recovery
New	3745-266-80	Applicability and requirements- spent lead-acid batteries being reclaimed
New	3745-266-100	Applicability- BIFs
New	3745-266-101	Management prior to burning
New	3745-266-102	Permit standards for burners
New	3745-266-103	Standards for burners
New	3745-266-104	Standards to control organic emissions
New	3745-266-105	Standards to control particulate matter
New	3745-266-106	Standards to control metals emissions
New	3745-266-107	Standards to control HCl and CL <sub>2</sub> emissions
New	3745-266-108	Small quantity on-site burner exemption
New	3745-266-109	Low risk waste exemption
New	3745-266-110	Waiver of DRE trial burn for boilers
New	3745-266-111	Standards for direct transfer
New	3745-266-112	Regulation of residues
New	3745-266-200	Applicability- military munitions
New	3745-266-201	Definitions pertaining to military munitions
New	3745-266-202	Definition of [solid] waste
New	3745-266-203	Standards applicable to the transportation of waste military munitions
New	3745-266-204	Standards applicable to emergency responses
New	3745-266-205	Standards applicable to the storage of waste military munitions
New	3745-266-206	Standards applicable to the treatment and disposal of waste military munitions
New	3745-266-210	Terms: Definitions that apply to rules 3745-266-210 to 3745-266-355 of the Administrative Code
New	3745-266-220	Storage and Treatment Conditional Exemption and Eligibility
New	3745-266-235	Treatment: What waste treatment the storage and treatment conditional exemption allows
New	3745-266-240	Loss of conditional exemption
New	3745-266-250	Recordkeeping: What records you must keep at your facility and for how long
New	3745-266-255	Reentry into RCRA: When your low level mixed waste is no longer eligible for the storage conditional exemption
New	3745-266-260	Storage unit closure: When closure requirements apply to units that stored low level mixed waste prior to the effective date of rules 3745-266-210 to 3745-266-355 of the Administrative Code
New	3745-266-305	Transportation and disposal conditional exemption: What the transportation and disposal conditional exemption does
New	3745-266-310	Eligibility: What wastes are eligible for the transportation and disposal conditional exemption

	Rule number	Rule title
New	3745-266-315	Conditions
New	3745-266-345	Notification: Who you must notify
New	3745-266-350	Recordkeeping: What records you must keep at your facility and for how long
New	3745-266-355	Loss of the transportation and disposal conditional exemption
Amend	3745-270-01	Purpose, scope, and applicability- land disposal restrictions
New	3745-270-33	Waste-specific prohibitions- chlorinated aliphatic wastes
New	3745-270-36	Waste specific prohibitions- inorganic chemical wastes
Amend	3745-270-40	Applicability- treatment standards
Amend	3745-270-48	Universal treatment standards
Amend	3745-270-50	Prohibition on storage of restricted wastes
Amend	3745-273-01	Scope of management standards for universal waste
Amend	3745-273-02	Applicability- management standards for universal waste batteries
Amend	3745-273-03	Applicability- management standards for universal waste pesticides
Amend	3745-273-04	Applicability- management standards for universal waste mercury thermostats
Rescind	3745-273-05	Applicability of management standards for universal waste-household and conditionally exempt small quantity generator waste
New	3745-273-05	Applicability- management standards for universal waste lamps
Rescind	3745-273-06	Definitions for management standards for universal waste
New	3745-273-08	Household and conditionally exempt small quantity generator wastes
New	3745-273-09	Definitions pertaining to management standards for universal waste
Amend	3745-273-10	Applicability- standards for small quantity handlers of universal waste
Amend	3745-273-13	Waste management- standards for small quantity handlers of universal waste
Amend	3745-273-14	Labeling/marketing- standards for small quantity handlers of universal waste
Amend	3745-273-30	Applicability- standards for large quantity handlers of universal waste
Amend	3745-273-32	Notification- standards for large quantity handlers of universal waste
Amend	3745-273-33	Waste management- standards for large quantity handlers of universal waste
Amend	3745-273-34	Labeling/marketing- standards for large quantity handlers of universal waste
Amend	3745-273-50	Applicability- standards for universal waste transporters
Amend	3745-273-60	Applicability- standards for destination facilities
Amend	3745-273-81	Factors that the director will evaluate regarding petitions to include other wastes under Chapter 3745-273 of the Administrative Code

What is the relationship of this proposal to the "MegaSet" rules I've been watching for?

The rules listed above constitute just over one third of the rules in what you might have heard us refer to as the "MegaSet" rule-making. The "MegaSet" had 385 rules in it, so we are breaking it into three separate proposal groups so that the public, the regulated community, and JCARR are not overwhelmed with that volume of rules to review all at once. Today's proposal is known as "J1" and will be followed in several weeks by "J2" containing about a third of the total, and "J3" will be proposed several weeks after that. This proposal, J1, contains most of the rules being changed to match their federal counterpart provisions- those rules with substantive amendments as well as most of the substantively new rules. J2 and J3 will contain the rules that make less substantive amendments, as well as a number of rules that will be rescinded in order to re-locate them under a new rule number. J2 and J3 will be proposed under their own separate public hearing notices, and will each have their own public hearing separate from that of today's proposal. Although their proposal dates are different, the rules in J1, J2, and J3 will all have the same effective date. If you need more information about this phased proposal approach, please call Kit Arthur at the number shown at the end of this notice.

When can I tell Ohio EPA what I think about these proposed rules?

A public hearing pursuant to sections 119.02 through 119.04 of the Ohio Revised Code will be conducted on Thursday, October 16, 2003 beginning at 9:30 a.m. in room A in the Division of Hazardous Waste Management, Ohio Environmental Protection Agency, Lazarus Government Center, 122 South Front Street, Columbus, Ohio. All interested persons are entitled to attend or be represented and give their written or verbal comments on this proposed rule-making. A presiding officer will be present until 11:00 a.m. or until all interested persons have been heard if that time interval is insufficient.

How and when do I present my comments at the hearing, or send in my written comments?

To provide notice of intent to give verbal comments at the public hearing, contact Kit Arthur, Division of Hazardous Waste Management, Ohio EPA, Lazarus Government Center, 122 South Front Street, Columbus, OH, 43216-1049. To facilitate scheduling of verbal presentations, persons intending to give testimony at the hearing should ensure that Ohio EPA receives notice of such intent by 5:00 p.m. on Wednesday, October 15, 2003. Persons who provide Ohio EPA with prior notice will be heard before persons who register at the hearing.

In order to assure that written communications are considered as part of the official record of this hearing, written communications must be received by Ohio EPA by 5:00 p.m. on Thursday, October 16, 2003. Written communications may be filed with Ms. Arthur at the above address or with the presiding officer during the hearing.

How do I get a copy of the proposed rules?

These rules can be accessed electronically via the Register of Ohio at <http://www.RegisterOfOhio.state.oh.us/index>. To access by agency, enter "3745 Environmental Protection Agency" and then select the rule number.

To obtain a hard copy of the proposed rules, contact Ohio EPA at 614/644-2129. Please request "Proposed Hazardous Waste Rules Set J-1," and if you leave a message, be sure to include your name, telephone number, and complete mailing address. There is no charge for proposed rules.



Who do I call if I have questions about the proposed rules?

Questions concerning this proposed rule-making, other than obtaining copies of the proposed rules, may be addressed to Kit Arthur at 614/644-2932 at Ohio EPA.