

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), and to make 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. Today's proposal is known as "J3," the third of four related rule proposals over a period of several months.

Today's proposal contains primarily non-substantive corrections and updates to the rules. This includes the correction of typographical, spelling, and formatting errors; correction of word choice; correction of rule cross-references to account for new and rescinded rules; and a number of rules that will be rescinded in order to re-locate them as new rules under a new rule number.

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

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

	Rule number	Rule title
Amend	3745-57-02	Applicability- landfills
Amend	3745-57-14	Special requirements for bulk and containerized liquids
Amend	3745-57-41	Waste analysis
Amend	3745-57-42	Principal organic hazardous constituents (POHCs)
Amend	3745-57-44	New wastes; trial burns or permit modifications
Amend	3745-57-83	Design and operating requirements for drip pads
Amend	3745-57-92	Monitoring, analysis, inspection, response, reporting, and corrective action
Rescind	3745-58-30	Applicability- recyclable materials used in a manner constituting disposal
Rescind	3745-58-31	Standards applicable to generators and transporters of materials used in a manner that constitutes disposal
Rescind	3745-58-32	Standards applicable to storers of materials that are to be used in a manner that constitutes disposal who are not the ultimate users

	Rule number	Rule title
Rescind	3745-58-33	Standards applicable to users of materials that are used in a manner that constitutes disposal
Amend	3745-65-10	Applicability- general facility standards
Amend	3745-65-11	Identification number
Amend	3745-65-12	Required notices
Amend	3745-65-13	General Waste analysis
Amend	3745-65-14	Security
Amend	3745-65-16	Personnel training
Amend	3745-65-17	General requirements for ignitable, reactive, or incompatible wastes
Amend	3745-65-30	Applicability- preparedness and prevention
Amend	3745-65-37	Arrangements/agreements with local authorities
Amend	3745-65-50	Applicability- contingency plan and emergency procedures
Amend	3745-65-52	Content of contingency plan
Amend	3745-65-56	Emergency procedures
Amend	3745-65-71	Use of manifest system
Amend	3745-65-74	Availability, retention, and disposition of records
Rescind	3745-65-76	Unmanifested waste report
New	3745-65-76	Unmanifested waste report
Amend	3745-66-11	Closure performance standards
Amend	3745-66-14	Disposal or decontamination of equipment
Amend	3745-66-16	Survey plat
Amend	3745-66-17	Post-closure care and use of property
Amend	3745-66-19	Post-closure notices
Amend	3745-66-42	Cost estimate for closure
Amend	3745-66-44	Cost estimate for post-closure monitoring and maintenance
Amend	3745-66-45	Financial assurance for post-closure monitoring and maintenance
Amend	3745-66-47	Liability requirements
Amend	3745-66-48	Incapacity of owners or operators, guarantors, or financial institutions
Amend	3745-66-70	Applicability- use and management of containers
Amend	3745-66-71	Conditions of containers
Amend	3745-66-90	Applicability- tanks

	Rule number	Rule title
Amend	3745-66-93	Containment and detection of releases
Amend	3745-66-96	Response to leaks or spills and disposition of leaking or unfit tank systems
Amend	3745-66-97	Closure and post-closure care
Amend	3745-66-98	Special requirements for ignitable or reactive waste
Rescind	3745-66-991 (also called 3745-66-99.1)	Waste analysis and trial tests
Rescind	3745-66-992 (also called 3745-66-99.2)	Special requirements for generators of between 100 and 1,000 kg/mo that accumulate hazardous waste in tanks
New	3745-66-100	Waste analysis and trial tests
New	3745-66-101	Special requirements for generators of between 100 and 1,000 kg/mo that accumulate hazardous waste in tanks
Amend	3745-67-20	Applicability- surface impoundments
Amend	3745-67-50	Applicability- waste piles
Amend	3745-67-70	Applicability- land treatment
Amend	3745-67-79	Recordkeeping
Amend	3745-67-80	Closure and post-closure
Amend	3745-68-01	Applicability- landfills
Amend	3745-68-14	Special requirements for bulk and containerized liquids
Amend	3745-68-81	Closure
Amend	3745-69-01	General operating requirements
Amend	3745-69-30	Applicability- underground injection
New	3745-205-100	Applicability - containment buildings
New	3745-205-101	Design and operating standards
New	3745-205-102	Alternative control requirements for tanks
Rescind	3745-218-01	Applicability of rules 3745-218-01 to 3745-281-02 of the Administrative Code
Rescind	3745-218-011 (also called 3745-218-01.1)	Design and operating standards
Rescind	3745-218-02	Alternative control requirements for tanks
Rescind	3745-248-01	Applicability of rules 3745-248-01 to 3745-248-02 of the Administrative Code
Rescind	3745-248-011 (also called 3745-248-01.1)	Design and operating standards

	Rule number	Rule title
Rescind	3745-248-02	Alternative control requirements for tanks
New	3745-256-100	Applicability- containment buildings
New	3745-256-101	Design and operating standards
New	3745-256-102	Alternative control requirements for tanks
New	3745-266-20	Applicability- recyclable materials used in a manner constituting disposal
New	3745-266-21	Standards applicable to generators and transporters of materials used in a manner that constitutes disposal
New	3745-266-22	Standards applicable to storers of materials that are to be used in a manner that constitutes disposal who are not the ultimate users
New	3745-266-23	Standards applicable to users of materials that are used in a manner that constitutes disposal
Amend	3745-270-02	Definitions pertaining to land disposal restrictions
Amend	3745-270-03	Dilution prohibited as a substitute for treatment
Amend	3745-270-04	Treatment surface impoundment exemption
Amend	3745-270-09	Special rules regarding wastes that exhibit a characteristic
Amend	3745-270-31	Waste specific prohibitions- dioxin containing wastes
Amend	3745-270-42	Treatment standards expressed as specific technologies
Amend	3745-270-45	Treatment standards for hazardous debris
Amend	3745-273-17	Response to releases- small quantity handlers of universal waste
Amend	3745-273-20	Exports- standards for small quantity handlers of universal waste
Amend	3745-273-37	Response to releases- standards for large quantity handlers of universal waste
Amend	3745-273-40	Exports- standards for large quantity handlers of universal waste
Amend	3745-273-54	Response to releases- standards for universal waste transporters
Amend	3745-273-56	Exports- standards for universal waste transporters
Amend	3745-273-70	Imports of universal waste
Amend	3745-279-10	Applicability- recycled used oil management standards
Amend	3745-279-11	Used oil specifications
Amend	3745-279-12	Prohibitions on used oil management
Amend	3745-279-22	Used oil storage requirements for generators

	Rule number	Rule title
Amend	3745-279-24	Off-site shipments of used oil
Amend	3745-279-42	Notification by used oil transporters
Amend	3745-279-43	Used oil transportation
Amend	3745-279-45	Used oil storage at transfer facilities
Amend	3745-279-46	Tracking of used oil by transporters
Amend	3745-279-51	Notification by used oil processors and re-refiners
Amend	3745-279-54	Used oil management by processors and re-refiners
Amend	3745-279-55	Analysis plan at used oil processing and re-refining facilities
Amend	3745-279-56	Tracking of used oil by processors and re-refiners
Amend	3745-279-57	Operating record and reporting at used oil processors and re-refiners
Amend	3745-279-58	Off-site shipments of used oil from processors and re-refiners
Amend	3745-279-61	Restrictions on burning off-specification used oil fuel
Amend	3745-279-62	Notification by used oil burners
Amend	3745-279-64	Used oil storage by burners
Amend	3745-279-65	Tracking of used oil by burners
Amend	3745-279-71	Prohibitions on used oil fuel marketers
Amend	3745-279-73	Notification by a used oil fuel marketer
Amend	3745-279-74	Tracking of used oil to a burner
Amend	3745-279-81	Disposal of hazardous and of nonhazardous used oils

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

The rules listed above constitute the third group, about one third, of the rules in what you might have heard us refer to as the "MegaSet" rule-making. The "MegaSet" had over 380 rules in it, so we have broken it into four 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 "J3" and was preceded several weeks ago by "J2" and by "J1" several weeks before that. The first previous proposal, J1, contained the rules being changed to match their federal counterpart provisions- those rules with substantive amendments as well as most of the substantively new rules. The second previous proposal, J2, contained 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. This proposal, J3, is very similar in nature to J2; it also contains 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. The J4 proposal will contain rules that are having references to the Hazardous Waste Facility Board removed, since that board was dissolved by statute change. Some of the J4 rules contain substantive amendments closely related to changes made in many of the J1 rules. The J4 proposal will also contain

rules amended to address Maximum Constituent Levels (MCLs) for ground water. J1, J2, J3, and J4 are each proposed under their own separate public hearing notices, and each has its own public hearing; today's notice describes only the rules and the public hearing and public comment information regarding the J3 proposal. Although their proposal dates are different, the rules in J1, J2, J3, and J4 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, January 8, 2004 beginning at 9:30 a.m. in agency conference room 5B (fifth floor), 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, January 7, 2004. 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 Friday, January 9, 2004. 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-3," 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.