

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice of Proposed Rulemaking
Governing Hazardous Waste Management**

Notice is hereby given that the Director of Environmental Protection, under the authority of Ohio Revised Code (ORC) Sections 3734.05 and 3734.12 and in accordance with ORC Chapter 119, proposes to originally file the following rules of the Ohio Administrative Code, commonly referred to as Hazardous Waste Management "Set L":

| <u>Rule Number</u> | <u>Rule Title * this is the amended title ** is a no-change submittal</u> |
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| 3745-50-10 | Definitions and computation of time |
| 3745-50-11 | Incorporated by reference |
| 3745-50-20 | Petitions to amend Chapter 3745-273 of the Administrative Code to include additional hazardous wastes |
| 3745-50-21 | Draft permits |
| 3745-50-23 | Variances from classification as waste |
| 3745-50-29 rescind | Inspection of public records |
| 3745-50-30 rescind | Trade secrets- request for confidentiality |
| 3745-50-30 new | Trade secrets- confidentiality of information * |
| 3745-50-36 | Annual hazardous waste permit fees |
| 3745-50-38 | Contents of the "Siting Criteria Document" |
| 3745-50-40 | Submittal of hazardous waste permit applications |
| 3745-50-42 | Signatories to permit applications and reports |
| 3745-50-44 | Contents of "Part B" of the permit application |
| 3745-50-45 | Special inclusions and exclusions for hazardous waste permits |
| 3745-50-50 | Schedules of compliance |
| 3745-50-51 | Permit modifications |
| 3745-50-52 | Transfer of permits |
| 3745-50-57 | Emergency permits |
| 3745-50-62 | Trial burn |
| 3745-50-66 | Permits for boilers and industrial furnaces burning hazardous waste |
| 3745-50-235 | Options for incinerators, cement kilns, lightweight aggregate kilns, solid fuel boilers, liquid fuel boilers, and hydrochloric acid production furnaces to minimize emissions from startup, shutdown, and malfunction events * |
| 3745-51-04 | Exclusions |
| 3745-51-05 | Special requirements for hazardous waste generated by conditionally exempt small quantity generators |
| 3745-51-06 | Requirements for recyclable materials |

| <u>Rule Number</u> | <u>Rule Title * this is the amended title ** is a no-change submittal</u> |
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| 3745-51-08 | PCB wastes regulated under the Toxic Substances Control Act * |
| 3745-51-10 | Criteria for identifying the characteristics of hazardous waste |
| 3745-51-11 | Criteria for listing hazardous waste |
| 3745-51-20 | Characteristics of hazardous waste- general |
| 3745-51-21 | Characteristic of ignitability |
| 3745-51-22 | Characteristic of corrosivity |
| 3745-51-24 | Toxicity characteristic |
| 3745-51-33 | Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof |
| 3745-51-35 | Deletion of certain EPA hazardous waste numbers following equipment cleaning and replacement |
| 3745-51-38 rescind | Comparable/syngas fuel exclusion |
| 3745-51-100 new | Financial assurance for seventy-two hour recyclers |
| 3745-52-21 | Manifest tracking numbers, manifest printing, and obtaining manifests |
| 3745-52-30 | Packaging |
| 3745-52-34 | Accumulation time of hazardous waste |
| 3745-52-200 | Definitions- university labs * |
| 3745-52-201 | Applicability- university labs * |
| 3745-52-206 | Labeling and management standards for containers of unwanted material in the laboratory |
| 3745-52-212 | Making the hazardous waste determination at an on-site interim or permitted treatment, storage, or disposal facility |
| 3745-52-214 | Laboratory management plan |
| 3745-53-22 | Recordkeeping- transporters * |
| 3745-53-30 | Immediate action |
| 3745-53-31 | Discharge cleanup * |
| 3745-54-01 | Purpose, scope, and applicability of Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code |
| 3745-54-13 | General waste analysis |
| 3745-54-15 | General inspection requirements |
| 3745-54-18 | Location standards |
| 3745-54-37 | Arrangements with local authorities * |
| 3745-54-52 | Content of contingency plan |
| 3745-54-53 | Copies of contingency plan |
| 3745-54-54 | Amendment of contingency plan |
| 3745-54-56 | Emergency procedures |
| 3745-54-70 | Applicability- manifest system, recordkeeping, and reporting |
| 3745-54-73 | Operating record |

| <u>Rule Number</u> | <u>Rule Title * this is the amended title ** is a no-change submittal</u> |
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| 3745-54-76 | Unmanifested waste report |
| 3745-55-18 | Post-closure plan and amendment of post-closure plan * |
| 3745-55-43 | Financial assurance for facility closure |
| 3745-55-96 | Response to leaks or spills and disposition of leaking or unfit for use tank systems |
| 3745-56-27 | Emergency repairs and contingency plans- surface impoundments * |
| 3745-56-59 | Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027- waste piles * |
| 3745-56-83 | Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027- land treatment * |
| 3745-57-17 | Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027- landfills * |
| 3745-57-90 | Applicability- miscellaneous units * |
| 3745-65-01 | Purpose, scope, and applicability of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code |
| 3745-65-13 | General waste analysis |
| 3745-65-15 | General inspection requirements |
| 3745-65-37 | Arrangements with local authorities |
| 3745-65-52 | Content of contingency plan |
| 3745-65-53 | Copies of contingency plan |
| 3745-65-56 | Emergency procedures |
| 3745-65-70 | Applicability- manifest system, recordkeeping, and reporting |
| 3745-65-73 | Operating record |
| 3745-65-76 | Unmanifested waste report |
| 3745-66-41 | Definitions- financial requirements * |
| 3745-66-93 | Containment and detection of releases- tanks * |
| 3745-66-95 | Inspections- tank systems * |
| 3745-66-96 | Response to leaks or spills and disposition of leaking or unfit for use tank systems |
| 3745-69-40 | Applicability- drip pads * |
| 3745-256-100 | Applicability- containment buildings * |
| 3745-256-101 | Design and operating standards for containment buildings |
| 3745-266-23 | Standards applicable to users of materials that are used in a manner that constitutes disposal |
| 3745-266-100 | Applicability- boilers and industrial furnaces |
| 3745-266-102 | Permit standards for burners |
| 3745-266-104 | Standards to control organic emissions |
| 3745-266-105 | Standards to control particulate matter |

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| 3745-266-106 | Standards to control metals emissions |
| 3745-266-107 | Standards to control hydrogen chloride and chlorine gas emissions |
| 3745-266-108 | Small quantity on-site burner exemption |
| 3745-266-109 | Low risk waste exemption |
| 3745-266-111 | Standards for direct transfer |
| 3745-266-200 ** | Applicability- military munitions |
| 3745-266-201 | Definitions- military munitions * |
| 3745-266-202 | Definition of waste for purposes of military munitions |
| 3745-266-203 | Standards applicable to the transportation of waste military munitions |
| 3745-266-205 | Standards applicable to the storage of waste military munitions |
| 3745-266-210 | Definitions- conditional exemption for LLMW storage and disposal * |
| 3745-266-260 | LLMW storage unit closure |
| 3745-270-38 | Waste specific prohibitions- newly identified organic toxicity characteristic wastes and newly listed coke by-product and chlorotoluene production wastes |
| 3745-270-40 | Applicability- treatment standards * |
| 3745-270-48 | Universal treatment standards |
| 3745-273-05 | Applicability- management standards for universal waste-lamps * |
| 3745-273-09 | Definitions- management standards for universal waste * |
| 3745-273-39 | Tracking universal waste shipments- standards for large quantity handlers of universal waste |
| 3745-273-62 | Tracking universal waste shipments- standards for destination facilities |
| 3745-279-42 | Notification by used oil transporters |
| 3745-279-43 | Used oil transportation |
| 3745-279-51 | Notification by used oil processors and re-refiners |
| 3745-279-52 | General facility standards for used oil processors and re-refiners |
| 3745-279-62 | Notification by used oil burners |
| 3745-279-73 | Notification by a used oil fuel marketer |

One of the reasons Ohio EPA amends the hazardous waste management rules to make the state rules equivalent to their recently amended federal counterpart provisions, as published in the Federal Register (FR). The following is a list of the final federal RCRA Subtitle C (hazardous waste) FRs that are addressed in this rulemaking:

| FR title or subject in Set L | FR date, location |
|--|-------------------------|
| Comparable Fuels: - Expansion of comparable fuels (superseded) | 12/19/2008, 73 FR 77954 |
| - Withdrawal of expansion of comparable fuels (superseded) | 06/15/2010, 75 FR 33712 |
| - Response to court vacatur of comparable fuels and gasification | 04/08/2015, 80 FR 18777 |
| Removal of saccharin and its salts from the lists of hazardous waste constituents and hazardous wastes (U202) | 12/17/2010, 75 FR 78918 |
| Technical corrections; unwanted material at labs owned by colleges and universities (Subpart K corrections) | 12/20/2010, 75 FR 79304 |
| Land Disposal Restrictions- revision of the treatment standards for carbamate wastes | 06/13/2011, 76 FR 34147 |
| Guidelines establishing test procedures for the analysis of pollutants under the Clean Water Act; analysis and sampling procedures | 05/18/2012, 77 FR 29758 |
| Conditional exclusion for solvent-contaminated wipes | 07/31/2013, 78 FR 46447 |
| Conditional exclusion for carbon dioxide streams in geologic sequestration activities (carbon sequestration, RCRA portions) | 01/03/2014, 79 FR 358 |

The purpose of this rulemaking is to address the above-listed federal rule amendments in similar Ohio rule amendments so that the Ohio hazardous waste program is equivalent to these published federal amendments. In addition, several of these proposed Ohio rules are amended to address cross-referencing requirements within rules, make minor stylistic changes, to correct typographical errors and rule structure errors (indenting, spacing). Several of these rules change the current annual reporting requirement to a biennial reporting requirement, consistent with Senate Bill 294 (129th General Assembly, Senator Schaffer sponsor), and consistent with the federal counterpart regulations. 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 (in wording, references, format) of the Ohio hazardous waste management program. An amended rule and a new rule contain state-initiated text designed to clarify requirements regarding recycled materials. Many of these rules were also reviewed and amended pursuant to ORC sections 106.03 and 106.031, which require Ohio EPA to review certain rules every five years.

The public comment period will run until August 4, 2015. A public hearing on this proposed rulemaking will be held to consider public comments in accordance with ORC section 119.03. This public hearing will be held on August 4, 2015 at 10:30 at Ohio EPA, Lazarus Government Center, 50

W. Town Street, Suite 700, Columbus, Ohio.

To facilitate the scheduling of verbal presentations, persons intending to give testimony at the hearing should notify the Ohio EPA Public Interest Center, P.O. Box 1049, Columbus, Ohio 43216-1049, (614) 644-2160. Prior registration will ensure that registrants are heard ahead of those individuals who register at the hearing. Verbal testimony may be limited to five minutes, depending on the number of persons testifying. All interested persons are entitled to attend or be represented and to present verbal and/or written comments concerning the proposed rulemaking.

Written testimony should be sent to the attention of Dan Harris at Ohio EPA, Division of Materials and Waste Management, P.O. Box 1049, Columbus Ohio 43216-1049. Written comments may also be submitted to the Hearing Officer at the public hearing. Written testimony will receive the same consideration as verbal testimony. All testimony received at the hearing or by close of business on August 4, 2015, will be considered by Ohio EPA prior to final action on this rulemaking proposal. Written comments submitted after this date may be considered as time and circumstances permit.

The proposed rules are accessible on DMWM hazardous waste rules web page at <http://www.epa.state.oh.us/dmwm/dmwmrules>, at the "proposed rules" tab. Questions regarding proposed rules Set L should be directed to Dan Harris at the Division of Materials and Waste Management at (614) 728-5377.