

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

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

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 3734.02, 3734.05, 3734.09, 3734.12, 3734.18, and 734.45 of the Ohio Revised Code and in accordance with Chapter 119, proposes to originally file (propose) the following rules of the Ohio Administrative Code:

Rule number	Rule title	* indicates amended title
3745-50-01	General information	
3745-50-03	Use of number and gender	
3745-50-10	Definitions and computation of time	
3745-50-11	Incorporated by reference	
3745-50-19	Petitions to amend rules 3745-51-30 to 3745-51-35 of the Administrative Code to exclude a waste generated at a particular facility	
3745-50-31	Exemptions	
3745-50-32	Definitions- fee rules	
3745-50-33	Fees for the off-site disposal of hazardous waste	
3745-50-34	Fees for on-site or satellite disposal of hazardous waste	
3745-50-35	Fees for the treatment of hazardous waste	
3745-50-37	Permit application fee	
3745-50-39	Specific public notice procedures applicable to hazardous waste management permits	
3745-50-41	Application for a permit	
3745-50-43	Contents of "Part A" of the permit application	
3745-50-45	Special inclusions and exclusions for hazardous waste permits	
3745-50-46	Permits by rule	
3745-50-48	Requirements for recording and reporting of monitoring results	
3745-50-53	Permit revocation	
3745-50-56	Continuation of expiring permits	
3745-50-58	Conditions applicable to all permits	
3745-51-02	Definition of waste	
3745-51-03	Definition of hazardous waste	
3745-51-06	Requirements for recyclable materials	
3745-51-09	Requirements for universal waste	
3745-51-21	Characteristic of ignitability	
3745-51-31	Hazardous waste from non-specific sources	

Rule number	Rule title * indicates amended title
3745-51-32	Hazardous waste from specific sources
3745-52-11	Hazardous waste determination and recordkeeping
3745-52-13	Generator category determinations
3745-52-215	Unwanted material that is not waste or hazardous waste
3745-52-265	Emergency procedures- preparedness, prevention, and emergency procedures for large quantity generators
3745-54-01	Purpose, scope, and applicability of Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code
3745-54-16	Personnel training
3745-54-77	Additional reports
3745-54-93	Hazardous constituents
3745-54-94	Concentration limits
3745-55-12	Closure plan and amendment of closure plan
3745-55-95	Inspections - tank systems
3745-55-98	Special requirements for ignitable waste or reactive waste - tank systems
3745-57-74	Staging piles
3745-57-83	Design and operating requirements for drip pads
3745-57-91	Environmental performance standards - miscellaneous units
3745-65-01	Purpose, scope, and applicability of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code
3745-65-14	Security
3745-65-16	Personnel training
3745-65-33	Testing and maintenance of equipment
3745-65-77	Additional reports
3745-65-90	Applicability - ground water monitoring
3745-65-92	Sampling and analysis
3745-65-93	Preparation, evaluation, and response Appendix
3745-66-12	Closure plan and amendment of closure plan
3745-66-19	Post-closure notices
3745-66-73	Management of containers
3745-66-92	Design and installation of new tank systems or components
3745-66-98	Special requirements for ignitable waste or reactive waste - tank systems
3745-67-24	Response actions - surface impoundments
3745-67-59	Response actions - waste piles
3745-68-03	Response actions - landfills
3745-69-30	Applicability - underground injection
3745-69-30	Applicability - underground injection

Rule number	Rule title * indicates amended title
3745-69-45	Closure of drip pads
3745-270-01	Purpose, scope, and applicability - land disposal restrictions
3745-270-09	Special rules regarding wastes that exhibit a characteristic
3745-270-42	Treatment standards expressed as specified technologies Appendix A Appendix B
3745-273-01	Scope of management standards for universal waste
3745-273-03	Applicability - management standards for universal waste – pesticides
3745-273-06	Applicability- aerosol cans
3745-273-09	Definitions - management standards for universal waste
3745-273-13	Waste management - standards for small quantity handlers of universal waste
3745-273-14	Labeling or marking - standards for small quantity handlers of universal waste
3745-273-15	Accumulation time limits - standards for small quantity handlers of universal waste
3745-273-17	Response to releases - standards for small quantity handlers of universal waste
3745-273-20	Exports - standards for small quantity handlers of universal waste
3745-273-32	Notification - standards for large quantity handlers of universal waste
3745-273-33	Waste management - standards for large quantity handlers of universal waste
3745-273-34	Labeling or marking - standards for large quantity handlers of universal waste
3745-273-35	Accumulation time limits - standards for large quantity handlers of universal waste
3745-273-37	Response to releases - standards for large quantity handlers of universal waste
3745-273-39	Tracking universal waste shipments - standards for large quantity handlers of universal waste
3745-273-40	Exports - standards for large quantity handlers of universal waste
3745-273-54	Response to releases - standards for universal waste transporters
3745-273-56	Exports - standards for universal waste transporters
3745-273-60	Applicability - standards for destination facilities
3745-273-62	Tracking universal waste shipments - standards for destination facilities
3745-273-70	Imports of universal waste
3745-273-89	Applicability - management standards for Ohio-specific universal waste

These rules address the Hazardous Waste Management Program. There are two purposes for this rulemaking. First, many of these rules are submitted for their required five-year review under Ohio Revised Code 119. Second, several of these rules are amended to improve the equivalence of the Ohio rule with its federal counterpart provision, as amended. Ohio's hazardous waste rules are required to be equivalent to their federal counterpart provisions. Those federal provisions were changed in the following Federal Registers (FRs), and we are updating the Ohio rules accordingly.

Federal Register (FR) subject	FR location, date	Ohio rules proposed to address these federal rule changes
Increasing recycling: adding aerosol cans to the universal waste regulations (aka: Aerosol Cans Rule)	84 FR 67202, dated 12/09/2019	3745-50-10, 3745-50-45, 3745-51-09, 3745-54-01, 3745-65-01, 3745-270-01, 3745-273-01, 3745-273-03, 3745-273-06, 3745-273-09, 3745-273-13, 3745-273-14, 3745-273-32, 3745-273-33, 3745-273-34
Modernizing ignitable liquids determinations	85 FR 40594, dated 07/07/2020	3745-50-11, 3745-51-21

The public comment period will run until Wednesday, August 24, 2022. A public hearing on this proposed rulemaking will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. Ohio EPA will be holding an in-person and virtual public hearing on the rules on Wednesday August 24, 2022, at 10:30am in Conference Room A (Autumn). The in-person hearing will be located at Ohio EPA, Suite 700, 50 W. Town Street, Columbus, Ohio 43215. During the hearing, the public may submit written comments on the record about the proposed rules if participating virtually and verbally if participating in person.

Citizens who want to participate virtually must register in advance for the meeting at: <https://tinyurl.com/y5kyvmxd>

To facilitate the scheduling of oral 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. Oral 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 oral and/or written comments concerning the proposed rulemaking. To request a reasonable accommodation due to a disability, please go to www.epa.ohio.gov/ada for assistance.

Written testimony should be emailed to derr_rulecomments@epa.ohio.gov or sent to the attention of Kit Arthur and Madison Graham at the Division of Environmental Response and Revitalization (DERR), 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 oral testimony. All testimony received at the hearing or by close of business on Wednesday, August 24, 2022 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 DERR's web page at <https://epa.ohio.gov/divisions-and-offices/environmental-response-revitalization/regulations/proposed-rules>.

Questions regarding this rule package should be directed to Kit Arthur at 614/644-2932 or

Madison Graham at 614/644-2927 at the Division of Environmental Response and Revitalization or by email at derr_rulecomments@epa.ohio.gov.

To request a reasonable accommodation due to a disability, visit <https://epa.ohio.gov/ada>