

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, and 3734.12 of the Ohio Revised Code and in accordance with Chapter 119, proposes to original file (propose) the following rules of the Ohio Administrative Code:

OAC Rule #	Rule Title * indicates amended title	Action
3745-50-01	General information	Amend
3745-50-02	Business confidentiality - hazardous waste management	Amend
3745-50-10	Definitions and computation of time	Amend
3745-50-11	Incorporated by reference	Amend
3745-50-21	Draft permits	Rescind
3745-50-22	Fact sheet	Rescind
3745-50-39	Specific public notice procedures applicable to hazardous waste management permits	Rescind
3745-50-40	Submittal of hazardous waste permit applications	Amend
3745-50-41	Application for a permit	Amend
3745-50-42	Signatories to permit applications and reports	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
3745-50-46	Permits by rule	Amend
3745-50-47	Overview of the hazardous waste management permit program	New
3745-50-48	Requirements for recording and reporting of monitoring results	Amend
3745-50-49	Effect of a permit	Amend
3745-50-51	Permit modifications Appendix	Amend
3745-50-52	Transfer of permits	Amend
3745-50-56	Continuation of expiring permits	Rescind
3745-50-56	Continuation of expiring permits	New
3745-50-57	Emergency permits	Amend
3745-50-58	Conditions applicable to all permits	Amend
3745-50-65	Research, development, and demonstration permits	New
3745-50-67	Hazardous waste standardized permits for storage units and treatment units	New
3745-50-68	Remedial action plans	New
3745-50-80	Remedial action plans - general information	New
3745-50-95	Applying for a remedial action plan	New

OAC Rule #	Rule Title * indicates amended title	Action
3745-50-130	Getting a remedial action plan approved	New
3745-50-170	Procedures to modify or revoke a remedial action plan	New
3745-50-210	Operating under a remedial action plan	New
3745-50-230	Performance of remediation waste management activities under a remedial action plan at a location removed from the area where the remediation wastes originated	New
3745-50-250	General information about standardized permits - storage units and treatment units	New
3745-50-270	Applying for a standardized permit - storage units and treatment units	New
3745-50-290	Information to be kept at the facility - storage units and treatment units	New
3745-50-320	Modifying a standardized permit - storage units and treatment units	New
3745-50-501	Permitting program requirements - purpose and scope	New
3745-50-502	General program requirements - definitions	New
3745-50-505	Modification, revocation, or termination of permits	New
3745-50-506	Draft permits	New
3745-50-508	Fact sheet	New
3745-50-531	Specific public notice procedures applicable to hazardous waste management permits	New
3745-50-700	General information about standardized permits - standardized permit procedures	New
3745-50-702	Applying for a standardized permit	New
3745-50-704	Issuing a standardized permit - preparation of a final standardized permit	New
3745-50-707	Public involvement in the standardized permitting process	New
3745-50-711	Maintaining a standardized permit	New
3745-51-01	Purpose and scope of Chapter 3745-51 of the Administrative Code	Amend
3745-51-03	Definition of hazardous waste	Amend
3745-51-04	Exclusions	Amend
3745-51-06	Requirements for recyclable materials	Amend
3745-51-07	Residues of hazardous waste in empty containers	Amend
3745-51-08	PCB wastes regulated under the Toxic Substances Control Act	Amend
3745-51-09	Requirements for universal waste	Amend
3745-51-11	Criteria for listing hazardous waste Appendix	Amend
3745-51-20	Characteristics of hazardous waste - general * Appendix	Amend
3745-51-30	Lists of hazardous wastes - general Appendix	Amend
3745-51-143	Financial assurance condition - management of excluded hazardous secondary materials	Amend

OAC Rule #	Rule Title * indicates amended title	Action
3745-51-147	Liability requirements - management of excluded hazardous secondary materials	Amend
3745-51-151	Wording of the instruments - management of excluded hazardous secondary materials	Amend
3745-51-400	Applicability - emergency preparedness and response for management of excluded hazardous secondary materials	Amend
3745-51-410	Preparedness and prevention - emergency preparedness and response for management of excluded hazardous secondary materials	Amend
3745-51-411	Emergency procedures for facilities that generate or accumulate six thousand kilograms or less of hazardous secondary material	Amend
3745-51-420	Contingency planning and emergency procedures for facilities that generate or accumulate more than six thousand kilograms of secondary material	Amend
3745-51-733	Closed-vent systems and control devices - process vents	Amend
3745-51-783	Material determination procedures - tanks and containers	Amend
3745-51-784	Tanks - air emission standards for tanks and containers	Amend
3745-51-789	Recordkeeping requirements - tanks and containers	Amend
3745-52-01	Definitions - generator standards	Amend
3745-52-10	Applicability - generator standards *	Amend
3745-52-11	Hazardous waste determination and recordkeeping	Amend
3745-52-13	Generator category determinations	Amend
3745-52-14	Conditions for exemption for very small quantity generators	Amend
3745-52-15	Satellite accumulation area requirements for small quantity generators and large quantity generators	Amend
3745-52-16	Conditions for exemption for small quantity generators that accumulate hazardous waste	Amend
3745-52-17	Conditions for exemption for large quantity generators that accumulate hazardous waste	Amend
3745-52-41	Biennial report for large quantity generators	Amend
3745-52-42	Exception report for small quantity generators and large quantity generators	Amend
3745-52-200	Definitions - university labs	Amend
3745-52-212	Making the hazardous waste determination at an on-site interim or permitted treatment, storage, or disposal facility	Amend
3745-52-213	Laboratory clean-outs	Amend
3745-52-232	Conditions for generators that manage hazardous waste from an episodic event	Amend
3745-53-12	Transfer facility requirements	Amend
3745-54-01	Purpose, scope, and applicability of Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code	Amend
3745-54-12	Required notices	Amend
3745-54-15	General inspection requirements	Amend

OAC Rule #	Rule Title * indicates amended title	Action
3745-54-16	Personnel training	Amend
3745-54-18	Location standards	Amend
3745-54-72	Manifest discrepancies	Amend
3745-54-101	Corrective action for waste management units	Amend
3745-55-13	Closure and time allowed for closure *	Amend
3745-55-43	Financial assurance for facility closure	Amend
3745-55-93	Containment and detection of releases - tank systems *	Amend
3745-57-72	Corrective action management units (CAMUs)	Amend
3745-57-73	Temporary units	Amend
3745-57-74	Staging piles	Amend
3745-57-83	Design and operating requirements for drip pads	Amend
3745-57-91	Environmental performance standards - miscellaneous units	Amend
3745-65-01	Purpose, scope, and applicability of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code	Amend
3745-65-12	Required notices	Rescind
3745-65-12	Required notices	New
3745-65-71	Use of manifest system	Amend
3745-65-72	Manifest discrepancies	Amend
3745-66-19	Post-closure notices	Amend
3745-66-93	Containment and detection of releases - tanks	Amend
3745-205-30	Applicability - air emission standards for process vents	Amend
3745-205-33	Process vents - closed-vent systems and control devices	Amend
3745-205-50	Applicability and definitions - air emission standards for equipment leaks	Amend
3745-205-80	Applicability and definitions - air emission standards for tanks, surface impoundments, and containers	Amend
3745-205-82	Tanks, surface impoundments, and containers	Amend
3745-205-87	Closed-vent systems and control devices - tanks, surface impoundments, and containers	Amend
3745-256-30	Applicability and definitions - air emissions standards for process vents	Amend
3745-256-33	Closed-vent systems and control devices - process vents	Amend
3745-256-50	Applicability and definitions - air emission standards for equipment leaks	Amend
3745-256-83	General - air emission standards for tanks, surface impoundments, and containers	Amend
3745-256-88	Closed-vent systems and control devices - tanks, surface impoundments, and containers	Amend
3745-266-22	Standards for storers who are not the ultimate users of materials that are used in a manner that constitutes disposal	Amend

OAC Rule #	Rule Title * indicates amended title	Action
3745-266-23	Standards for users of materials that are used in a manner that constitutes disposal	Amend
3745-266-70	Applicability and requirements- recyclable materials utilized for precious metal recovery	Amend
3745-266-80	Applicability and requirements - spent lead-acid batteries being reclaimed	Amend
3745-266-100	Applicability - boilers and industrial furnaces Appendix A Appendix B Appendix C	Amend
3745-266-101	Management prior to burning	Amend
3745-266-108	Small quantity on-site burner exemption	Amend
3745-266-200	Applicability- military munitions	Amend
3745-266-203	Standards for the transportation of waste military munitions	Amend
3745-266-205	Standards for the storage of waste military munitions	Amend
3745-266-206	Standards for the treatment and disposal of waste military munitions	Amend
3745-266-255	Re-entry of LLMW into regulation as a hazardous waste	Amend
3745-266-501	Applicability - hazardous waste pharmaceuticals	Amend
3745-266-502	Standards for healthcare facilities that manage non-creditable hazardous waste pharmaceuticals	Amend
3745-266-503	Standards for healthcare facilities that manage potentially creditable hazardous waste pharmaceuticals	Amend
3745-266-504	Healthcare facilities that are very small quantity generators for both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste that are not operating under rules 3745-266-500 to 3745-266-510 of the Administrative Code *	Amend
3745-266-505	Prohibition on sewerage hazardous waste pharmaceuticals *	Amend
3745-266-506	Conditional exemption for hazardous waste pharmaceuticals that are also controlled substances and household hazardous waste pharmaceuticals collected by an authorized collector *	Amend
3745-266-507	Residues of hazardous waste pharmaceuticals in empty containers	Amend
3745-266-508	Shipping non-creditable hazardous waste pharmaceuticals from a healthcare facility or evaluated hazardous waste pharmaceuticals from a reverse distributor	Amend
3745-266-510	Standards for the management of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals at reverse distributors	Amend
3745-267-01	Standardized permitting - general	New
3745-267-10	General facility standards - standardized permitting	New
3745-267-13	Waste analysis requirements - standardized permitting	New
3745-267-14	Security requirements - standardized permitting	New
3745-267-15	General inspection requirements - standardized permitting	New

OAC Rule #	Rule Title * indicates amended title	Action
3745-267-16	Training - standardized permitting	New
3745-267-17	Management of ignitable waste, reactive waste, or incompatible wastes - standardized permitting	New
3745-267-18	Standards to select the location of the facility - standardized permitting	New
3745-267-30	Preparedness and prevention - standardized permitting	New
3745-267-50	Contingency plan and emergency procedures - standardized permitting	New
3745-267-70	Applicability - manifest system, recordkeeping, reporting, and notifying - standardized permitting	New
3745-267-71	Use of the manifest system - manifest system, recordkeeping, reporting, and notifying - standardized permitting	New
3745-267-72	Manifest discrepancies - manifest system, recordkeeping, reporting, and notifying - standardized permitting	New
3745-267-73	Information - manifest system, recordkeeping, reporting, and notifying - standardized permitting	New
3745-267-74	Records access - manifest system, recordkeeping, reporting, and notifying - standardized permitting	New
3745-267-75	Reports - manifest system, recordkeeping, reporting, and notifying - standardized permitting	New
3745-267-76	Notifications - manifest system, recordkeeping, reporting, and notifying - standardized permitting	New
3745-267-90	Releases from waste management units - standardized permitting	New
3745-267-110	Closure - standardized permitting	New
3745-267-140	Applicability and compliance - financial requirements for standardized permits	New
3745-267-141	Definitions - financial requirements for standardized permits	New
3745-267-142	Cost estimate for closure - financial requirements for standardized permits	New
3745-267-143	Financial assurance for closure - financial requirements for standardized permits	New
3745-267-147	Liability requirements - financial requirements for standardized permits	New
3745-267-148	Incapacity of owners or operators, guarantors, or financial institutions - financial requirements for standardized permits	New
3745-267-151	Wording of the instruments - financial requirements for standardized permits	New
3745-267-170	Use and management of containers - standardized permitting	New
3745-267-190	Applicability - tank systems - standardized permitting	New
3745-267-191	Design and construction standards for new tank systems or components - tank systems - standardized permitting	New
3745-267-192	Handling and inspection procedures during installation of new tank systems - tank systems - standardized permitting	New
3745-267-193	Testing - tank systems - standardized permitting	New

OAC Rule #	Rule Title * indicates amended title	Action
3745-267-194	Installation - tank systems - standardized permitting	New
3745-267-195	Secondary containment - tank systems - standardized permitting	New
3745-267-196	Required devices for secondary containment and the design, operating, and installation requirements for those devices - tank systems - standardized permitting	New
3745-267-197	Ancillary equipment - tank systems - standardized permitting	New
3745-267-198	General operating requirements - tank systems - standardized permitting	New
3745-267-199	Inspection requirements - tank systems - standardized permitting	New
3745-267-200	In case of a leak or a spill - tank systems - standardized permitting	New
3745-267-201	Cessation of operation of a tank system - standardized permitting	New
3745-267-202	Special requirements for ignitable wastes or reactive wastes - tank systems - standardized permitting	New
3745-267-203	Special requirements for incompatible wastes - tank systems - standardized permitting	New
3745-267-204	Air emission standards - tank systems - standardized permitting	New
3745-267-900	Applicability - containment buildings - standardized permitting	New
3745-267-901	Design and operating standards - containment buildings - standardized permitting	New
3745-267-902	Other requirements to prevent releases - containment buildings - standardized permitting	New
3745-267-903	Additional design and operating standards if liquids are in the containment building - standardized permitting	New
3745-267-904	Waiver from secondary containment requirements - containment buildings - standardized permitting	New
3745-267-905	Containment buildings that contain areas both with and without secondary containment - containment buildings - standardized permitting	New
3745-267-906	Detection of release - containment buildings - standardized permitting	New
3745-267-907	Conditions under which containment buildings may serve as secondary containment systems for tanks placed within the building - standardized permitting	New
3745-267-908	Cessation of operation of a containment building - standardized permitting	New
3745-270-02	Definitions - land disposal restrictions *	Amend
3745-270-03	Dilution prohibited as a substitute for treatment Appendix	Amend
3745-270-50	Prohibition on storage of restricted wastes	Amend
3745-273-01	Scope of management standards for universal waste	Amend
3745-273-03	Applicability - management standards for universal waste - pesticides *	Amend

OAC Rule #	Rule Title * indicates amended title	Action
3745-273-13	Waste management - standards for small quantity handlers of universal waste	Amend
3745-273-17	Response to releases - standards for small quantity handlers of universal waste *	Amend
3745-273-33	Waste management - standards for large quantity handlers of universal waste	Amend
3745-273-37	Response to releases - standards for large quantity handlers of universal waste	Amend
3745-273-54	Response to releases - standards for universal waste transporters	Amend
3745-273-80	General requirements for petitions to include other wastes under Chapter 3745-273 of the Administrative Code.	Amend

These rules address the Hazardous Waste Management Program regulations. There are two purposes for this rulemaking. First, some of these rules are submitted for their required five-year review under Ohio Revised Code 119. Second, the remaining rules in this package have either been amended to improve the equivalence of the Ohio rule with its federal counterpart provision, rescinded (to be replaced by a new rule), or promulgated as new to add an Ohio equivalent to the federal rules. Under both state and federal regulations, 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 or adding Ohio rules accordingly.

Federal Register (FR) subject	Page and Date in FR
Research, Development, and Demonstration (RD&D) Permits	50 FR 28751, 07/15/1995
Hazardous Remediation Waste Management Requirements Remedial Action Plans (HWIR Media-RAPs)	63 FR 65874, 11/30/1998
Standardized Permit for RCRA Hazardous Waste Management Permits	70 FR 53420, 09/08/2005
Hazardous Waste Technical Corrections and Clarifications Rule	75 FR 12989, 03/18/2010
Revisions to Procedural Rules to Clarify Practices and Procedures Applicable In Permit Appeals Pending Before the Environmental Appeals Board	78 FR 5288, 01/25/2013
Hazardous Waste Export-Import Revisions rule	81 FR 85696, 11/28/2016
Hazardous Waste Generator Improvements Rule	81 FR 85732, 11/28/2016
Technical Corrections Rule, Direct Final Rule	88 FR 54086, 08/09/2023
Partial Withdrawal of the Technical Corrections Rule, Direct Final Rule	88 FR 84718, 12/06/2023
Housekeeping, state-initiated amendments not directly related to the above FRs, including 5-year review amendments	Not in FRs

The public comment period will run until December 20, 2024. 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 hold an in-person and virtual

public hearing on the rules on December 20, at 2:00pm. The in-person hearing will be at the same time and date and 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://attendee.gotowebinar.com/register/8475887092056971615>

Registration for the in-person hearing is not required. Citizens 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 or by emailing mary.mccarron@epa.ohio.gov. 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.

Written testimony should be sent to the attention of Kit Arthur and Zak Kabelen at the Division of Environmental Response and Revitalization, P.O. Box 1049, Columbus Ohio 43216-1049, or can be submitted here: <https://ohioepa.commentinput.com?id=pTGNJUu5t>

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 December 20, 2024, 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.

Questions regarding this rule package should be directed to Kit Arthur at 614/644-2932 or Zak Kabelen at 614/441-0262, at the Division of Environmental Response and Revitalization, or by email at derr_rulecomments@epa.ohio.gov.

To receive a copy of the proposed rules, please contact the Division of Environmental Response and Revitalization receptionist at 614/644-2924. The proposed rules are also accessible on the Division of Environmental Response and Revitalization's proposed rules web page at <https://epa.ohio.gov/divisions-and-offices/environmental-response-revitalization/regulations/proposed-rules>.

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