

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 |

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|-------------|---|--------|
| 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 |

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| 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 |

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| 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 |

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| 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 |

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| 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 |

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| 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 |

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| 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>