

Hearing Summary

Rule Package: RCRA 2020

Original filing date: 6/7/2021

Public comment start date: 6/7/2021

Public comment end date: 7/15/2021

Public hearing date: 7/15/2021

List of Rules: 3745-50-20, 3745-50-21, 3745-50-23, 3745-50-36, 3745-50-38, 3745-50-40, 3745-50-42, 3745-50-44, 3745-50-51, 3745-50-52, 3745-50-62, 3745-50-66, 3745-50-235, 3745-51-08, 3745-51-10, 3745-51-20, 3745-51-21, 3745-51-22, 3745-51-24, 3745-51-100, 3745-52-21, 3745-52-42, 3745-52-43, 3745-52-206, 3745-53-30, 3745-54-13, 3745-54-18, 3745-54-53, 3745-54-54, 3745-54-56, 3745-54-72, 3745-54-73, 3745-55-18, 3745-55-42, 3745-55-43, 3745-55-44, 3745-55-45, 3745-55-47, 3745-55-75, 3745-55-96, 3745-57-43, 3745-57-72, 3745-65-13, 3745-65-19, 3745-65-53, 3745-65-56, 3745-65-72, 3745-65-73, 3745-66-18, 3745-66-42, 3745-66-43, 3745-66-44, 3745-66-45, 3745-66-47, 3745-66-95, 3745-66-96, 3745-205-100, 3745-205-101, 3745-256-100, 3745-256-101, 3745-266-23, 3745-266-100, 3745-266-102, 3745-266-103, 3745-266-104, 3745-266-105, 3745-266-106, 3745-266-107, 3745-266-201, 3745-266-202, 3745-266-203, 3745-266-205, 3745-266-206, 3745-266-210, 3745-266-240, 3745-266-260, 3745-270-02, 3745-270-03, 3745-270-04, 3745-270-31, 3745-270-40, 3745-273-03, 3745-279-42, 3745-279-43, 3745-279-51, 3745-279-52, 3745-279-62, 3745-279-73

Were there any participants in this public hearing beyond Ohio EPA staff or JCARR staff?

☒ Yes

☐ No

Were there comments received during the public comment period outside of those presented at this hearing?

☒ Yes

☐ No

This hearing summary has been compiled to meet the requirements of Section 119.03 of the Revised Code.

This hearing summary includes this cover sheet and the following attachments:

1. **Attachment A** - A copy of the public notice for this hearing.
2. **Attachment B** - A copy of the sign-in sheet for this hearing.
3. **Attachment C** - A copy of the script read into the record to begin and end the hearing.
4. **Attachment D** - A copy of the response to comments.
5. **Attachment E** - A copy of the comment letter received.



Hearing Summary

Ohio EPA's response to comments document includes the comments received, who commented, the agency response to comments, and a statement of whether or not the rule was changed due to the comments.

Ohio EPA digitally records all public hearings for rules. The digital recordings are available upon request. These recordings may be sent out for transcription if necessary.

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

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

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 originally file amended and no-change rules of the Ohio Administrative Code as follows:

Rule number	Rule title * means this is the amended title	Action
3745-50-20	Petitions to amend Chapter 3745-273 of the Administrative Code to include additional hazardous wastes	Review, amend
3745-50-21	Draft permits	Review, amend
3745-50-23	Variances from classification as a waste	Review, amend
3745-50-36	Annual hazardous waste permit fees	Review, amend
3745-50-38	Contents of the "Siting Criteria Document"	Review, amend
3745-50-40	Submittal of hazardous waste permit applications	Review, amend
3745-50-42	Signatories to permit applications and reports	Review, amend
3745-50-44	Contents of "Part B" of the permit application	Review, amend
3745-50-51	Permit modifications Appendix	Review, amend
3745-50-52	Transfer of permits	Review, amend
3745-50-57	Emergency permits	Review, No-change
3745-50-62	Trial burn	Review, amend
3745-50-66	Permits for boilers and industrial furnaces that burn hazardous waste *	Review, amend
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	Review, amend
3745-51-08	PCB wastes regulated under the Toxic Substances Control Act	Review, amend
3745-51-10	Criteria for identifying the characteristics of hazardous waste	Review, amend
3745-51-20	Characteristics of hazardous waste-general Appendix	Review, amend

Rule number	Rule title * means this is the amended title	Action
3745-51-21	Characteristic of ignitability	Review, amend
3745-51-22	Characteristic of corrosivity	Review, amend
3745-51-24	Toxicity characteristic	Review, amend
3745-51-100	Financial assurance for seventy-two hour recyclers	Review, amend
3745-52-21	Manifest tracking numbers, manifest printing, and obtaining manifests	Review, amend
3745-52-42	Exception report for small quantity generators and large quantity generators *	Exempt, amend
3745-52-43	Additional reports for small quantity generators and large quantity generators *	Exempt, amend
3745-52-206	Labeling and management standards for containers of unwanted material in the laboratory	Review, amend
3745-53-30	Immediate action	Review, amend
3745-54-13	General waste analysis	Review, amend
3745-54-18	Location standards	Review, amend
3745-54-53	Copies of contingency plan	Review, amend
3745-54-54	Amendment of contingency plan	Review, amend
3745-54-56	Emergency procedures	Review, amend
3745-54-72	Manifest discrepancies	Exempt, amend
3745-54-73	Operating record Appendix	Review, amend
3745-55-18	Post-closure plan and amendment of post-closure plan	Review, amend
3745-55-42	Cost estimate for closure	Review, amend
3745-55-43	Financial assurance for facility closure	Review, amend
3745-55-44	Cost estimate for post-closure care	Review, amend
3745-55-45	Financial assurance for post-closure care	Review, amend
3745-55-47	Liability requirements	Review, amend
3745-55-75	Containment- containers *	Exempt, amend
3745-55-96	Response to leaks or spills and disposition of leaking or unfit-for-use tank systems *	Review, amend
3745-57-43	Performance standards- incinerators *	Exempt, amend
3745-57-72	Corrective action management units (CAMUs)	Exempt, amend
3745-65-13	General waste analysis	Review, amend

Rule number	Rule title * means this is the amended title	Action
3745-65-19	Construction quality assurance (CQA) program	Exempt, amend
3745-65-53	Copies of contingency plan	Review, amend
3745-65-56	Emergency procedures	Review, amend
3745-65-72	Manifest discrepancies	Exempt, amend
3745-65-73	Operating record Appendix	Review, amend
3745-66-18	Post-closure plan and amendment of post-closure plan *	Exempt, amend
3745-66-42	Cost estimate for closure	Review, amend
3745-66-43	Financial assurance for facility closure	Review, amend
3745-66-44	Cost estimate for post-closure care	Review, amend
3745-66-45	Financial assurance for post-closure care	Review, amend
3745-66-47	Liability requirements	Review, amend
3745-66-95	Inspections- tank systems	Review, amend
3745-66-96	Response to leaks or spills and disposition of leaking or unfit-for-use tank systems *	Review, amend
3745-205-100	Applicability- containment buildings	Review, amend
3745-205-101	Design and operating standards for containment buildings	Review, amend
3745-256-100	Applicability- containment buildings	Review, amend
3745-256-101	Design and operating standards for containment buildings	Review, amend
3745-266-23	Standards for users of materials that are used in a manner that constitutes disposal *	Review, amend
3745-266-100	Applicability- boilers and industrial furnaces Appendix A Appendix B Appendix C	Review, amend
3745-266-101	Management prior to burning	Review, amend
3745-266-102	Permit standards for burners	Review, amend
3745-266-103	Interim standards for burners Appendix	Review, amend
3745-266-104	Standards to control organic emissions	Review, amend
3745-266-105	Standards to control particulate matter	Review, amend
3745-266-106	Standards to control metals emissions Appendix A Appendix B	Review, amend

Rule number	Rule title * means this is the amended title	Action
3745-266-107	Standards to control hydrogen chloride and chlorine gas emissions Appendix A Appendix B	Review, amend
3745-266-200	Applicability- military munitions	Review, No-change
3745-266-201	Definitions- military munitions	Review, amend
3745-266-202	Definition of waste- military munitions *	Review, amend
3745-266-203	Standards for the transportation of waste military munitions *	Review, amend
3745-266-205	Standards for the storage of waste military munitions *	Review, amend
3745-266-206	Standards for the treatment and disposal of waste military munitions *	Exempt, amend
3745-266-210	Definitions- conditional exemption for LLMW storage and disposal	Review, amend
3745-266-240	Loss of conditional exemption for LLMW	Exempt, amend
3745-266-260	LLMW storage unit closure	Review, amend
3745-270-02	Definitions- land disposal restrictions *	Exempt, amend
3745-270-03	Dilution prohibited as a substitute for treatment Appendix	Exempt, amend
3745-270-04	Treatment surface impoundment exemption	Exempt, amend
3745-270-31	Waste specific prohibitions- dioxin-containing wastes	Exempt, amend
3745-270-40	Applicability- treatment standards Appendix	Exempt, amend
3745-273-03	Applicability- management standards for universal waste- pesticides	Exempt, amend
3745-279-42	Notification by used oil transporters	Exempt, amend
3745-279-43	Used oil transportation	Exempt, amend
3745-279-51	Notification by used oil processors and re-refiners	Exempt, amend
3745-279-52	General facility standards for used oil processors and re-refiners	Exempt, amend
3745-279-62	Notification by used oil burners	Exempt, amend
3745-279-73	Notification by a used oil fuel marketer	Exempt, amend

The purpose of this rulemaking is to make minor, non-substantive amendments to correct word choice, readability, punctuation, etc.; to address the Federal Register (FR) described below; and to accomplish the required 5-year review of most of the Ohio rules in this rulemaking.

These rules address Hazardous Waste Management rules. The FR listed below amended the federal RCRA counterpart regulation that corresponds to one of the Ohio rules listed in this notice.

Federal RCRA rule title/subject	Federal Register (FR) page and publication date, and federal Checklist number
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 no federal Checklist #

The public comment period will remain open until close of business on Thursday, July 15, 2021. 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 a virtual public hearing on these rules on Thursday, July 15, 2021 at 2:30pm. The public hearing will be held exclusively online. The virtual public hearing may be accessed through Ohio EPA's website at <https://attendee.gotowebinar.com/register/3554723707026288397>.

Prior to the hearing, and until close of business on the day of the hearing, comments or testimony may be emailed to DERR_rulecomments@epa.ohio.gov. During the virtual hearing, the public may submit written comments that will be read into the record by the hearing host.

All comments received during the virtual public hearing or via email before the close of business on Thursday, July 15, 2021 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 rulemaking should be directed to Tammy Heffelfinger, at the Division of Environmental Response and Revitalization at (614) 644-2954.

At this time, the proposed rules are only accessible on DERR's Hazardous Waste Management Rules web page at <https://epa.ohio.gov/derr/derrrules/rcra#176615081-proposed-rules>.

Comments for this public hearing will only be accepted electronically, as Ohio EPA is unable to access physical mail at this time.

Attachment B

Attendee Report: Public Hearing: Proposed Hazardous Waste Rules - "Review 2020" (Division of Environmental Response & Revitalization- Statewide)

Report Generated:

07/15/2021 04:07 PM EDT

Webinar ID	Actual Start Date/Time	Duration	# Registered	# Attended	Clicked Registration Link	Opened Invitation
461-173-611	07/15/2021 02:02 PM EDT	59 minutes	4	3	13	0

Attendee Details

Attended	Interest Rating	Last Name	First Name	Email Address	Organization
Yes	92	Anderson	Eric	eric.a.anderson@toyota.com	Toyota
Yes	96	Fouche	Greg	gfouche@jcarr.state.oh.us	JCARR
Yes	96	paterson	whitney	wpaterson@jcarr.state.oh.us	
No	0	Boetger	Julie	julieb44004@yahoo.com	Ashtabula County Water Watch

Haz Waste Rules Review 2020

July 15, 2021

Hello and welcome to Ohio EPA's virtual public hearing regarding the Division of Environmental Response and Revitalization proposed rules. My name is Jessica Langdon and I'm hosting today's public hearing. With me online from Ohio EPA Division of Environmental Response and Revitalization are Kit Arthur, Sarah Miles, Mitch Mathews and Tammy Heffelfinger and Rules Coordinator Mandi Payton. I'd like to note that we are recording this hearing. We will save all comments submitted during the hearing.

Before I start the hearing, I have a couple of tips about the technical end of today's hearing.

On this slide, you will see an example screenshot of your Attendee interface. You should see something that looks like this on your computer desktop on the right-hand side of your screen. For this hearing, you are listening in using your computer audio. If you are having sound issues, try refreshing your browser. If that doesn't work, try logging off and logging back in.

Please feel free to submit comments throughout the hearing using the question mark icon and typing them into the Questions pane on your attendee interface.

You can also click on the document icon to view included handouts. The raise hand feature is not active during today's hearing. Also, you cannot use the chat to send us messages. If you run into technical issues and need assistance, please send those messages in via the Questions feature.

PUBLIC HEARING SPEECH

Thank you for taking time to attend this hearing before Ohio Environmental Protection Agency. The purpose of the hearing today is to obtain comments from any interested person regarding Ohio EPA's proposed rules.

Ohio Environmental Protection Agency, Division of Environmental Response and Revitalization is proposing to original file amended and no-change rules of the Ohio Administrative Code. This rules package is referred to as "Review 2020". A list of the rules is available in the public notice that you may download from the handouts button.

The purpose of this rulemaking is to make minor, non-substantive amendments to correct word choice, readability, punctuation, etc.; to address the Federal Register; and to accomplish the required 5-year review of most of the Ohio rules in this rulemaking. These rules address Hazardous Waste Management rules.

These rules have been filed with the Joint Committee on Agency Rule Review. Copies of the rule are available for public review on our website.

All interested persons are entitled to attend or be represented, and to present written comments concerning the proposed rules. All written comments received as part of the official record will be considered by the director of Ohio EPA.

To be included in the official record, written comments must be received by Ohio EPA by the close of business, today, July 15, 2021. These comments may be typed into the chat today or emailed to DERR_rulecomments@epa.ohio.gov. All emailed comments submitted for the record receive the same consideration as typed testimony given today.

Written statements submitted after today may be considered as time and circumstances permit but will not be part of the official record of the hearing.

This hearing affords citizens an opportunity to provide input. Therefore, we will not be able to answer questions today.

YOU MAY NOW SUBMIT COMMENTS IN WRITING. I will read aloud any comments we receive in the hearing question box. I will keep the hearing open until 3:00 p.m. to provide time for participants to type in comments.

CLOSING

We will close the hearing. After the hearing closes, we will accept written comments through 5:00 p.m. today. You can send those comments to the email address on the screen.

Thank you for your comments, cooperation, and participation in Ohio EPA's decision-making process. The time is now _____ and this hearing is concluded.



**Division of Environmental Response and
Revitalization (DERR)
Response to Comments**

Rule: DERR-HW- Review 2020 rules

Agency Contact for this Package

Division Contact: Mitch Mathews, DERR, 614/549-2701, Mitchell.Mathews@epa.ohio.gov

Ohio EPA held a public hearing on Thursday, July 15, 2021 regarding the proposed rules in the Hazardous Waste Management "Review 2020" rules package, which contained 91 amended and no-change rules. This document summarizes the comments received at the public hearing, and during the public comment period which ended at the close of business on Thursday, July 15, 2021.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format. The name of the commenter follows the comment in parentheses.

No comments were provided during the public hearing. There was one letter of comment received during the public comment period on these rules. It was from Ohio Environmental Services Industries (OESI), which is a trade association comprised of commercial hazardous waste management facilities and affiliated businesses within Ohio, an association of chemical recycling, treatment and disposal facilities.

General/Overall

Comment 1: OESI encourages Ohio EPA to adopt amendments to the definition of "treatment" in OAC 3745-50-10. (Tom Pappas, Executive Director, OESI)

Response 1: This comment relates to the adoption of a rule that is not in this rules package. This comment is not relevant to the proposed rules that are the subject of this public hearing or this public comment period.

End of Response to Comments

Attachment E



66 EAST LYNN STREET
COLUMBUS, OHIO 43215

(614) 621-2000
WWW.OESIONLINE.ORG

An association of chemical recycling, treatment and disposal facilities

Rick Timm,
President

Nick Maoloni,
Vice President

Jennifer Zavoda,
Secretary

Craig Cox,
Treasurer

Raymond Wayne,
Board Member

Derek Bedle,
Board Member

Jennifer Zavoda,
Board Member

Dan McCabe,
Board Member

Steve Lonneman,
Board Member

July 15, 2021

The Ohio Environmental Protection Agency
Division of Environmental Response and Revitalization (DERR)
Hazardous Waste Management Program
P.O. Box 1049
Columbus, OH 43216-1049
Attn: Tammy Heffelfinger

Re: Comments - Hazardous Waste Set Review 2020

Dear Ms. Heffelfinger:

Please accept these comments from the Ohio Environmental Services Industries ("OESI") as public comment to the Ohio Environmental Protection Agency ("Ohio EPA" or "the Agency"), Hazardous Waste 5 Year Rule Review 2020; Hazardous Waste Management Program, Ohio Administrative Code Chapters 3745-50 through 3745-69, 3745-256, 3745-266, and 3745-279.

OESI is a trade association comprised of commercial hazardous waste management facilities and affiliated businesses within Ohio. Our member companies provide hazardous waste services including, but not limited to, transportation, storage, treatment, disposal, recycling, and remediation activities. OESI members receive over 90% of the hazardous waste managed commercially in Ohio, and our services are integral to the business community both in and surrounding the State of Ohio. Our members have worked with Ohio EPA in completing effective public participation programs to support the permitting process and regulations for their facilities. They have highly trained employees and advanced environmental management systems to comply with the strict standards of the Clean Air Act, RCRA and other environmental laws.

OESI would reiterate suggest that Ohio EPA amend the current definition of 'treatment' in OAC 3745-50-10 to be the same definition as ORC 3734.01 which was enacted in 2016 to be consistent with federal definition and eliminate inconsistent enforcement. We have provided an outline of the suggested change and the current statute below.

Current OAC 3745-50-10:

(142) "Treat" or "treatment" means any method, technique, or process designed to change the physical, chemical, or biological characteristics or composition of any hazardous waste; to neutralize the waste; to recover energy or material resources from the waste; to render the waste non-hazardous or less hazardous, safer to transport, store, or dispose of, or amenable for recovery, storage, ~~further treatment, or disposal~~; or to reduce the volume of the waste.

Current ORC 3734.01:

(K) "Treat" or "treatment," when used in connection with hazardous waste, means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize the waste; recover energy or material resources from the waste; render the waste nonhazardous or less hazardous, safer to transport, store, or dispose of, or amenable for recovery or storage; or reduce the volume of the waste.

Please note that the above request is the same as that made previously by OESI in its February 27, 2019 and April 19, 2021 communications to the Agency in regards to the Interested Party Rule Comment Period - Hazardous Waste Set Review 2020.

Should you have any questions concerning these comments or desire to discuss them further, please contact me at 614-621-2000.

Sincerely,
OHIO ENVIRONMENTAL SERVICES INDUSTRIES
Thomas P. Pappas
OESI Executive Director / Government Relations Consultant