

Hearing Summary

Rule Package: DERR Hazardous Waste Management, "Review 2021"

Original filing date: July 20, 2022

Public comment start date: July 20, 2022

Public comment end date: August 24, 2022

Public hearing date: August 24, 2022

List of Rules: 3745-50-01, 3745-50-03, 3745-50-10, 3745-50-11, 3745-50-19, 3745-50-31, 3745-50-32, 3745-50-33, 3745-50-34, 3745-50-35, 3745-50-37, 3745-50-39, 3745-50-41, 3745-50-43, 3745-50-45, 3745-50-46, 3745-50-48, 3745-50-53, 3745-50-56, 3745-50-58, 3745-51-02, 3745-51-03, 3745-51-06, 3745-51-09, 3745-51-21, 3745-51-31, 3745-51-32, 3745-52-11, 3745-52-13, 3745-52-215, 3745-52-265, 3745-54-01, 3745-54-16, 3745-54-77, 3745-54-93, 3745-54-94, 3745-55-12, 3745-55-95, 3745-55-98, 3745-57-74, 3745-57-83, 3745-57-91, 3745-65-01, 3745-65-14, 3745-65-16, 3745-65-33, 3745-65-77, 3745-65-90, 3745-65-92, 3745-65-93, 3745-66-12, 3745-66-19, 3745-66-73, 3745-66-92, 3745-66-98, 3745-67-24, 3745-67-59, 3745-68-03, 3745-69-30, 3745-69-45, 3745-270-01, 3745-270-09, 3745-270-42, 3745-273-01, 3745-273-06, 3745-273-09, 3745-273-13, 3745-273-14, 3745-273-15, 3745-273-17, 20, 3745-273-32, 3745-273-33, 3745-273-34, 3745-273-35, 3745-273-37, 3745-273-39, 3745-273-40, 3745-273-54, 3745-273-56, 3745-273-60, 3745-273-62, 3745-273-70, 3745-273-89

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.



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.

Attachment A:
Public Notice

**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>

Attachment B:
Sign-In Sheet

Review 2021 Public Hearing Sign-In Sheet (virtual attendance):

Registration first name	Registration last name	Registration email	Registration time	Registration status	How will you attend	attended?
William	Nobles	william.nobles@lubrizol.com	7/20/22, 4:19:37 PM	Registered	Online	yes
Nicholas	Georges	ngeorges@thehcpa.org	7/20/22, 4:36:09 PM	Registered	Online	yes
Brian	Mullen	brian.mullen@aptim.com	7/21/22, 6:55:02 AM	Registered	Online	yes
Eric	Anderson	eric.a.anderson@toyota.com	7/21/22, 7:07:38 AM	Registered	Online	yes
Carrie	Botticher	Carriebotticher@gmail.com	7/21/22, 8:22:26 AM	Registered	Online	yes
Eva	Lytmer	elytmer@bgsu.edu	7/21/22, 10:58:18 AM	Registered	Online	
Sarah	Holod	sholod@phdmc.org	7/21/22, 1:12:57 PM	Registered	Online	
Jennifer	Gile	gilej@wittenberg.edu	7/21/22, 1:37:26 PM	Registered	Online	yes
Matt	Mullin	matt.mullin@cincinnati-oh.gov	7/21/22, 1:38:59 PM	Registered	Online	
Theresa	McGeady	theresa.mcgeady@daytonohio.gov	7/22/22, 9:05:35 AM	Registered	Online	
Colleen	Lear	Clear@eqm.com	7/25/22, 11:20:07 AM	Registered	Online	
Sarah	Andersson	anderssons@neorsd.org	7/28/22, 9:01:46 AM	Registered	Online	yes
Kaley	Greenwood	kgreenwood@amtrim.com	7/28/22, 4:33:24 PM	Registered	Online	
Rafael	Garcia	garcia.935@osu.edu	8/9/22, 10:57:06 AM	Registered	Online	yes
Lauren	Kukwa	lauren.kukwa@lubrizol.com	8/23/22, 9:01:33 AM	Registered	Online	yes
Jeffrey	Kocian	jkocian@anomatic.com	8/23/22, 9:04:11 AM	Registered	Online	yes
Carrie	Botticher					yes
Honor	Banvard					yes
Kit	Arthur					yes
Tammy	Heffelfinger					yes

Attachment C: Hearing Script

Haz Waste Program Management Rules Hearing

August 24, 2022

Hello and welcome to Ohio EPA's virtual public hearing regarding the proposed rules for the Hazardous Waste Program. My name is Mary McCarron and I'll be hosting today's public hearing.

With me online from Ohio EPA is Madison Graham and Amanda Payton. I'd like to note that we are recording this hearing. We will save all comments submitted during the hearing.

Please note that in this hearing will not have a question and answer portion. We will accept your questions as submitted comments.

Before we get started, I'd like to go over a few items to help our online participants navigate the Microsoft Teams platform.

You may submit your comments in three ways:

1. For those attending in person, you may submit your testimony verbally by moving close to the broadcast tablet, stating your name, and proceeding with your testimony when we call on you.
2. For those attending online, you can raise your hand in the Teams platform as shown on this screen, and I will call on you and unmute your microphone.
3. You may submit your comments by typing them into the chat and I will read them aloud.

I encourage you to submit any written testimony by attaching the file to the Teams platform as shown on the screen or email the written testimony to derr_rulecomments@epa.ohio.gov by 5:00 p.m. today.

If you are having technical difficulties, please chat those in and staff will respond.

PUBLIC HEARING SPEECH

Thank you for taking time to attend this hearing before Ohio EPA. The purpose of the hearing today is to obtain comments from any interested person regarding Ohio EPA's proposed originally file a number of rules in Chapters 3745-95-50, 51, 52, 54, 55, 57, 65, 66, 67, 68, 69, 270, and 273 of the Ohio Administrative Code (OAC).

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.

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

All interested persons are entitled to attend or be represented, and to present comments concerning the proposed rules. All 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, August 24, 2022. These comments may be submitted today or emailed to derr_rulecomments@epa.ohio.gov. All emailed comments submitted for the record receive the same consideration as comments 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 chat. I will keep the hearing open until 11:00 a.m. to provide time for participants to submit comments.

CLOSING

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.

Attachment
D: Response
to Comments



Division of Environmental Response and Revitalization Response to Comments on Proposed Rules

Rules: 3745-50-01, 3745-50-03, 3745-50-10, 3745-50-11, 3745-50-19, 3745-50-31, 3745-50-32, 3745-50-33, 3745-50-34, 3745-50-35, 3745-50-37, 3745-50-39, 3745-50-41, 3745-50-43, 3745-50-45, 3745-50-46, 3745-50-48, 3745-50-53, 3745-50-56, 3745-50-58, 3745-51-02, 3745-51-03, 3745-51-06, 3745-51-09, 3745-51-21, 3745-51-31, 3745-51-32, 3745-52-11, 3745-52-13, 3745-52-215, 3745-52-265, 3745-54-01, 3745-54-16, 3745-54-77, 3745-54-93, 3745-54-94, 3745-55-12, 3745-55-95, 3745-55-98, 3745-57-74, 3745-57-83, 3745-57-91, 3745-65-01, 3745-65-14, 3745-65-16, 3745-65-33, 3745-65-77, 3745-65-90, 3745-65-92, 3745-65-93, 3745-66-12, 3745-66-19, 3745-66-73, 3745-66-92, 3745-66-98, 3745-67-24, 3745-67-59, 3745-68-03, 3745-69-30, 3745-69-45, 3745-270-01, 3745-270-09, 3745-270-42, 3745-273-01, 3745-273-06, 3745-273-09, 3745-273-13, 3745-273-14, 3745-273-15, 3745-273-17, 20, 3745-273-32, 3745-273-33, 3745-273-34, 3745-273-35, 3745-273-37, 3745-273-39, 3745-273-40, 3745-273-54, 3745-273-56, 3745-273-60, 3745-273-62, 3745-273-70, 3745-273-89.

Agency Contact For This Package

Division Contact: Mitch Mathews, DERR, 614/644-2953, Mitchell.Mathews@epa.ohio.gov

Ohio EPA held a public hearing on August 24, 2022, regarding rules in the hazardous waste management program's "Review 2021" rule package. This document summarizes the comments and questions received at the public hearing and during the associated comment period, which ended on August 24, 2022.

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.

One person provided comments on this rules package. The name of the commenter follows the comment in parentheses.

General/Overall Concerns

Comment 1: **The commenter supports Ohio's adoption of the federal universal waste aerosol can rules. (Nicholas B. Georges, Senior Vice President, Scientific and International Affairs, Household & Commercial Products Association)**

Response 1: Ohio EPA would like to thank the Household & Commercial Products Association for their support of Ohio's adoption of the federal universal waste aerosol can rules. Ohio EPA's rules must be equivalent to their federal counterparts for the agency to maintain authorization to regulate hazardous waste in Ohio and this rulemaking reflects that requirement.

End of Response to Comments