

Hearing Summary

Rule Package: DERR Organic Air Emissions, Definition of Solid Waste ("OrgAirDSW")

Original filing date: March 27, 2023

Public comment start date: March 27, 2023

Public comment end date: May 3, 2023

Public hearing date: May 3, 2023

List of Rules: 3745-50-10, 3745-50-11, 3745-50-15, 3745-50-16, 3745-50-17, 3745-50-23, 3745-50-24, 3745-50-26, 3745-50-44, 3745-50-49, 3745-50-51, 3745-51-01, 3745-51-02, 3745-51-04, 3745-51-06, 3745-51-140, 3745-51-142, 3745-51-143, 3745-51-147, 3745-51-148, 3745-51-151, 3745-51-170, 3745-51-190, 3745-51-191, 3745-51-193, 3745-51-194, 3745-51-196, 3745-51-197, 3745-51-198, 3745-51-199, 3745-51-200, 3745-51-400, 3745-51-410, 3745-51-411, 3745-51-420, 3745-51-730, 3745-51-731, 3745-51-732, 3745-51-733, 3745-51-734, 3745-51-735, 3745-51-750, 3745-51-752, 3745-51-753, 3745-51-754, 3745-51-755, 3745-51-756, 3745-51-757, 3745-51-758, 3745-51-759, 3745-51-760, 3745-51-761, 3745-51-762, 3745-51-763, 3745-51-764, 3745-51-780, 3745-51-781, 3745-51-782, 3745-51-783, 3745-51-784, 3745-51-786, 3745-51-787, 3745-51-788, 3745-51-789, 3745-52-17, 3745-54-01, 3745-54-10, 3745-54-13, 3745-54-15, 3745-54-73, 3745-54-77, 3745-55-17, 3745-55-18, 3745-55-70, 3745-55-79, 3745-55-90, 3745-55-100, 3745-56-20, 3745-56-32, 3745-57-40, 3745-57-91, 3745-65-01, 3745-65-13, 3745-65-15, 3745-65-73, 3745-65-77, 3745-66-17, 3745-66-18, 3745-66-70, 3745-66-78, 3745-66-90, 3745-66-93, 3745-66-102, 3745-67-20, 3745-67-31, 3745-68-40, 3745-69-01, 3745-205-30, 3745-205-31, 3745-205-32, 3745-205-33, 3745-205-34, 3745-205-35, 3745-205-36, 3745-205-50, 3745-205-52, 3745-205-53, 3745-205-54, 3745-205-55, 3745-205-56, 3745-205-57, 3745-205-58, 3745-205-59, 3745-205-60, 3745-205-61, 3745-205-62, 3745-205-63, 3745-205-64, 3745-205-65, 3745-205-80, 3745-205-82, 3745-205-83, 3745-205-84, 3745-205-85, 3745-205-86, 3745-205-87, 3745-205-88, 3745-205-89, 3745-205-90, 3745-205-200, 3745-256-30, 3745-256-32, 3745-256-33, 3745-256-34, 3745-256-35, 3745-256-50, 3745-256-52, 3745-256-53, 3745-256-54, 3745-256-55, 3745-256-56, 3745-256-57, 3745-256-58, 3745-256-59, 3745-256-60, 3745-256-61, 3745-256-62, 3745-256-63, 3745-256-64, 3745-256-80, 3745-256-81, 3745-256-82, 3745-256-83, 3745-256-84, 3745-256-85, 3745-256-86, 3745-256-87, 3745-256-88, 3745-256-89, 3745-256-90, 3745-256-200, 3745-266-22, 3745-266-80, 3745-266-100, 3745-266-102, 3745-266-103, 3745-266-106, 3745-266-107, 3745-266-111, 3745-266-112, 3745-270-42, 3745-273-13, 3745-273-33



Hearing Summary

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.

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

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
3745-50-10	Definitions and computation of time	Amend
3745-50-11	Incorporated by reference	New
3745-50-15	Non-waste determinations	New
3745-50-16	Notification requirement for hazardous secondary materials	New
3745-50-17	Legitimate recycling of hazardous secondary materials	Amend
3745-50-23	Non-waste determinations and variances from classification as waste *	Amend
3745-50-24	Standards and criteria for variances from classification as a waste	Amend
3745-50-26	Procedures for variances from classification as a waste, for variances to be classified as a boiler, or for non-waste determinations *	Amend
3745-50-44	Contents of "Part B" of the permit application	Amend
3745-50-49	Effect of a permit	Amend
3745-50-51	Permit modifications	Amend
3745-51-01	Purpose and scope of Chapter 3745-51 of the Administrative Code	Amend
3745-51-02	Definition of waste	Amend
3745-51-04	Exclusions	Amend
3745-51-06	Requirements for recyclable materials	New
3745-51-140	Applicability and definitions - financial requirements for management of excluded hazardous secondary materials	New
3745-51-142	Cost estimate - management of excluded hazardous secondary materials	New
3745-51-143	Financial assurance condition - management of excluded hazardous secondary materials	New
3745-51-147	Liability requirements - management of excluded hazardous secondary materials	New
3745-51-148	Incapacity of owners or operators, guarantors, or financial institutions - managements of excluded hazardous secondary materials	New
3745-51-151	Wording of the instruments - management of excluded hazardous secondary materials	New
3745-51-170	Use and management of containers	New
3745-51-190	Applicability - tank systems	New

OAC Rule #	Rule Title * indicates amended title	Action
3745-51-191	Assessment of existing tank system's integrity	New
3745-51-193	Containment and detection of releases - tank systems	New
3745-51-194	General operating requirements - tank systems	New
3745-51-196	Response to leaks or spills and disposition of leaking or unfit-for-use tank systems	New
3745-51-197	Termination of remanufacturing exclusion - tank systems	New
3745-51-198	Special requirements for ignitable materials or reactive materials - tank systems	New
3745-51-199	Special requirements for incompatible materials - tank systems	New
3745-51-200	Air emission standards - tank systems	New
3745-51-400	Applicability - emergency preparedness and response for management of excluded hazardous secondary materials	New
3745-51-410	Preparedness and prevention - emergency preparedness and response for management of excluded hazardous secondary materials	New
3745-51-411	Emergency procedures for facilities that generate or accumulate six thousand kilograms or less of hazardous secondary material	New
3745-51-420	Contingency planning and emergency procedures for facilities that generate or accumulate more than six thousand kilograms of secondary material	New
3745-51-730	Applicability - air emission standards for process vents	New
3745-51-731	Definitions - air emission standards for process vents	New
3745-51-732	Emission standards for process vents	New
3745-51-733	Closed-vent systems and control devices - process vents	New
3745-51-734	Test methods and procedures - process vents	New
3745-51-735	Recordkeeping requirements - process vents	New
3745-51-750	Applicability and definitions - air emission standards for equipment leaks	New
3745-51-752	Pumps in light liquid service - equipment leaks	New
3745-51-753	Compressors - equipment leaks	New
3745-51-754	Pressure relief devices in gas or vapor service - equipment leaks	New
3745-51-755	Sampling connection systems - equipment leaks	New
3745-51-756	Open-ended valves or lines - equipment leaks	New
3745-51-757	Valves in gas or vapor service or in light liquid service - equipment leaks	New
3745-51-758	Pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service, and flanges and other connectors - equipment leaks	New
3745-51-759	Delay of repair - equipment leaks	New
3745-51-760	Closed-vent systems and control devices - equipment leaks	New

OAC Rule #	Rule Title * indicates amended title	Action
3745-51-761	Alternative standards for valves in gas or vapor service or in light liquid service; percentage of valves allowed to leak - equipment leaks	New
3745-51-762	Alternative standards for valves in gas or vapor service or in light liquid service; skip period leak detection and repair - equipment leaks	New
3745-51-763	Test methods and procedures - equipment leaks	New
3745-51-764	Recordkeeping requirements - equipment leaks	New
3745-51-780	Applicability - air emission standards for tanks and containers	New
3745-51-781	Definitions - air emission standards for tanks and containers	New
3745-51-782	General standards - tanks and containers	New
3745-51-783	Material determination procedures - tanks and containers	New
3745-51-784	Tanks - air emission standards for tanks and containers	New
3745-51-786	Containers - air emission standards for tanks and containers	New
3745-51-787	Closed-vent systems and control devices - air emission standards for tanks and containers	New
3745-51-788	Inspection and monitoring requirements - tanks and containers	New
3745-51-789	Recordkeeping requirements - tanks and containers	Amend
3745-52-17	Conditions for exemption for large quantity generators that accumulate hazardous waste	Amend
3745-54-01	Purpose, scope, and applicability of Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code	Amend
3745-54-10	Applicability - general facility standards	Amend
3745-54-13	General waste analysis	Amend
3745-54-15	General inspection requirements	Amend
3745-54-73	Operating record	Amend
3745-54-77	Additional reports	Amend
3745-55-17	Post-closure care and use of property	Amend
3745-55-18	Post-closure plan and amendment of post-closure plan	Amend
3745-55-70	Applicability - use and management of containers	Amend
3745-55-79	Air emission standards - containers	Amend
3745-55-90	Applicability - tank systems *	Amend
3745-55-100	Air emission standards - tank systems	New
3745-56-20	Applicability - surface impoundments	Amend
3745-56-32	Air emission standards - surface impoundments	New
3745-57-40	Applicability - incinerators *	Amend
3745-57-91	Environmental performance standards - miscellaneous units *	Amend

OAC Rule #	Rule Title * indicates amended title	Action
3745-65-01	Purpose, scope, and applicability of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code	Amend
3745-65-13	General waste analysis	Amend
3745-65-15	General inspection requirements	Amend
3745-65-73	Operating record	Amend
3745-65-77	Additional reports	Amend
3745-66-17	Post-closure care and use of property	Amend
3745-66-18	Post-closure plan and amendment of post-closure plan	Amend
3745-66-70	Applicability - use and management of containers *	Amend
3745-66-78	Air emission standards - containers	New
3745-66-90	Applicability - tanks	Amend
3745-66-93	Containment and detection of releases - tanks *	Amend
3745-66-102	Air emission standards - tanks	New
3745-67-20	Applicability - surface impoundments *	Amend
3745-67-31	Air emission standards - surface impoundments	New
3745-68-40	Applicability - incinerators *	Amend
3745-69-01	General operating requirements and applicability - chemical, physical, and biological treatment *	New
3745-205-30	Applicability - air emission standards for process vents	New
3745-205-31	Definitions - air emission standards for process vents	New
3745-205-32	Process vents - air emission standards for process vents	New
3745-205-33	Process vents - closed-vent systems and control devices	New
3745-205-34	Test methods and procedures - process vents	New
3745-205-35	Recordkeeping - process vents	New
3745-205-36	Reporting - process vents	New
3745-205-50	Applicability and definitions - air emission standards for equipment leaks	New
3745-205-52	Pumps in light liquid service - equipment leaks	New
3745-205-53	Compressors - equipment leaks	New
3745-205-54	Pressure relief devices in gas or vapor service - equipment leaks	New
3745-205-55	Sampling connecting systems - equipment leaks	New
3745-205-56	Open-ended valves or lines - equipment leaks	New
3745-205-57	Valves in gas or vapor service or in light liquid service - equipment leaks	New
3745-205-58	Pumps and valves in heavy liquid service, pressure relief devices in light liquid service or in heavy liquid service, and flanges and other connectors - equipment leaks	New
3745-205-59	Delay of repair - equipment leaks	New

OAC Rule #	Rule Title * indicates amended title	Action
3745-205-60	Closed-vent systems and control devices - equipment leaks	New
3745-205-61	Alternate standards for valves in gas or vapor service or in light liquid service; percentage of valves allowed to leak - equipment leaks	New
3745-205-62	Alternate standards for valves in gas or vapor service or in light liquid service; skip period leak detection and repair - equipment leaks	New
3745-205-63	Test methods and procedures - equipment leaks	New
3745-205-64	Recordkeeping - equipment leaks	New
3745-205-65	Reporting - equipment leaks	New
3745-205-80	Applicability and definitions - air emission standards for tanks, surface impoundments, and containers	New
3745-205-82	Tanks, surface impoundments, and containers	New
3745-205-83	Waste determination procedures - tanks, surface impoundments, and containers	New
3745-205-84	Tanks - air emission standards for tanks, surface impoundments, and containers	New
3745-205-85	Surface impoundments - air emission standards for tanks, surface impoundments, and containers	New
3745-205-86	Containers - air emission standards for tanks, surface impoundments, and containers	New
3745-205-87	Closed-vent systems and control devices - tanks, surface impoundments, and containers	New
3745-205-88	Inspection and monitoring - tanks, surface impoundments, and containers	New
3745-205-89	Recordkeeping - tanks, surface impoundments, and containers	New
3745-205-90	Reporting - tanks, surface impoundments, and containers	New
3745-205-200	Applicability - military munitions *	Amend
3745-256-30	Applicability and definitions - air emissions standards for process vents	New
3745-256-32	Process vents - air emissions standards for process vents	New
3745-256-33	Closed-vent systems and control devices - process vents	New
3745-256-34	Test methods and procedures - process vents	New
3745-256-35	Recordkeeping - process vents	New
3745-256-50	Applicability and definitions - air emission standards for equipment leaks	New
3745-256-52	Pumps in light liquid service - equipment leaks	New
3745-256-53	Compressors - equipment leaks	New
3745-256-54	Pressure relief devices in gas or vapor service - equipment leaks	New
3745-256-55	Sampling connecting systems - equipment leaks	New
3745-256-56	Open-ended valves or lines - equipment leaks	New

OAC Rule #	Rule Title * indicates amended title	Action
3745-256-57	Valves in gas or vapor service or in light liquid service - equipment leaks	New
3745-256-58	Pumps and valves in heavy liquid service, pressure relief devices in light liquid service or in heavy liquid service, and flanges and other connectors - equipment leaks	New
3745-256-59	Delay of repair - equipment leaks	New
3745-256-60	Closed-vent systems and control devices - equipment leaks	New
3745-256-61	Alternate standards for valves in gas or vapor service or in light liquid service; percentage of valves allowed to leak - equipment leaks	New
3745-256-62	Alternate standards for valves in gas or vapor service or in light liquid service; skip period leak detection and repair - equipment leaks	New
3745-256-63	Test methods and procedures - equipment leaks	New
3745-256-64	Recordkeeping - equipment leaks	New
3745-256-80	Applicability - air emission standards for tanks, surface impoundments, and containers	New
3745-256-81	Definitions - air emission standards for tanks, surface impoundments, and containers	New
3745-256-82	Schedule to implement air emission standards - tank, surface impoundments, and containers	New
3745-256-83	General - air emission standards for tanks, surface impoundments, and containers	New
3745-256-84	Waste determination procedures - tanks, surface impoundments, and containers	New
3745-256-85	Tanks - air emission standards for tanks, surface impoundments, and containers	New
3745-256-86	Surface impoundments - air emission standards for tanks, surface impoundments, and containers	New
3745-256-87	Containers - tanks, surface impoundments, and containers	New
3745-256-88	Closed-vent systems and control devices - tanks, surface impoundments, and containers	New
3745-256-89	Inspection and monitoring - tanks, surface impoundments, and containers	New
3745-256-90	Recordkeeping - tanks, surface impoundments, and containers	Ne
3745-256-200	Applicability - military munitions *	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
3745-266-80	Applicability and requirements - spent lead-acid batteries being reclaimed *	Amend
3745-266-100	Applicability and requirements - boilers and industrial furnaces *	Amend
3745-266-102	Permit standards for burners	Amend
3745-266-103	Interim standards for burners	Amend

OAC Rule #	Rule Title * indicates amended title	Action
3745-266-106	Standards to control metals emissions	Amend
3745-266-107	Standards to control hydrogen chloride and chlorine gas emissions	Amend
3745-266-111	Standards for direct transfer	Amend
3745-266-112	Regulation of residues	Amend
3745-270-42	Treatment standards expressed as specified technologies	Amend
3745-273-13	Waste management - standards for small quantity handlers of universal waste	Amend
3745-273-33	Waste management - standards for large quantity handlers of universal waste	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 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.

One rule, OAC 3745-52-17, was inadvertently omitted from the Interested Parties Review period for the draft rules, and is added to the proposal package. This rule is being amended to change federal references to their Ohio equivalent references, and to correct several non-substantive errors.

Federal Register (FR) subject	Page and Date in FR	OAC Rules
Organic air emission standards for process vents and equipment leaks (subparts AA and BB initial promulgation)	55 FR 25454, 06/21/1990	Amended: 3745-50-11, 3745-50-44, 3745-51-06, 3745-54-13, 3745-54-15, 3745-54-73, 3745-54-77, 3745-65-13, 3745-65-15, 3745-65-77. New: 3745-205-30, 3745-205-31, 3745-205-32, 3745-205-33, 3745-205-34, 3745-205-35, 3745-205-36, 3745-205-50, 3745-205-52, 3745-205-53, 3745-205-54, 3745-205-55, 3745-205-56, 3745-205-57, 3745-205-58, 3745-205-59, 3745-205-60, 3745-205-61, 3745-205-62, 3745-205-63, 3745-205-64, 3745-205-65, 3745-256-30, 3745-256-32, 3745-256-33, 3745-256-34, 3745-256-35, 3745-256-50, 3745-256-52, 3745-256-53, 3745-256-54, 3745-256-55, 3745-256-56, 3745-256-57, 3745-256-58, 3745-256-59, 3745-256-60, 3745-256-61, 3745-256-62, 3745-256-63, 3745-256-64.
TSD organic air emission standards for process vents and equipment leaks: technical amendment (subparts AA, BB)	56 FR 19290, 04/26/1991	Amended: 3745-50-44, 3745-65-13, 3745-65-77. New: 3745-205-30, 3745-205-33, 3745-205-35, 3745-205-52, 3745-256-30, 3745-256-34, 3745-256-35, 3745-256-52, 3745-256-64.

Federal Register (FR) subject	Page and Date in FR	OAC Rules
Organic air emission standards for process vents and equipment leaks (subparts AA and BB initial promulgation)	55 FR 25454, 06/21/1990	Amended: 3745-50-11, 3745-50-44, 3745-51-06, 3745-54-13, 3745-54-15, 3745-54-73, 3745-54-77, 3745-65-13, 3745-65-15, 3745-65-77. New: 3745-205-30, 3745-205-31, 3745-205-32, 3745-205-33, 3745-205-34, 3745-205-35, 3745-205-36, 3745-205-50, 3745-205-52, 3745-205-53, 3745-205-54, 3745-205-55, 3745-205-56, 3745-205-57, 3745-205-58, 3745-205-59, 3745-205-60, 3745-205-61, 3745-205-62, 3745-205-63, 3745-205-64, 3745-205-65, 3745-256-30, 3745-256-32, 3745-256-33, 3745-256-34, 3745-256-35, 3745-256-50, 3745-256-52, 3745-256-53, 3745-256-54, 3745-256-55, 3745-256-56, 3745-256-57, 3745-256-58, 3745-256-59, 3745-256-60, 3745-256-61, 3745-256-62, 3745-256-63, 3745-256-64.
Organic air emission standards for tanks, surface impoundments, and containers (subpart CC initial promulgation)	59 FR 62896, 12/06/1994	Amended: 3745-50-11, 3745-50-44, 3745-50-49, 3745-54-13, 3745-54-15, 3745-54-73, 3745-54-77, 3745-65-13, 3745-65-15, 3745-65-77. New: 3745-55-79, 3745-55-100, 3745-56-32, 3745-66-78, 3745-66-102, 3745-67-31, 3745-205-33, 3745-205-80, 3745-205-82, 3745-205-83, 3745-205-84, 3745-205-85, 3745-205-86, 3745-205-87, 3745-205-88, 3745-205-89, 3745-205-90, 3745-256-33, 3745-256-80, 3745-256-81, 3745-256-82, 3745-256-83, 3745-256-84, 3745-256-85, 3745-256-86, 3745-256-87, 3745-256-88, 3745-256-89, 3745-256-90.
Subpart CC amendment	61 FR 4903, 02/09/1996	Amended: 3745-54-13, 3745-13. New: 3745-205-33, 3745-205-82, 3745-205-83, 3745-205-84, 3745-205-85, 3745-205-86, 3745-205-87, 3745-205-88, 3745-205-89, 3745-205-90, 3745-256-33, 3745-256-81, 3745-256-83, 3745-256-84, 3745-256-85, 3745-256-86, 3745-256-87, 3745-256-88, 3745-256-89.
Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers**	61 FR 59932, 11/25/1996	New: 3745-205-33, 3745-205-35, 3745-205-50, 3745-205-55, 3745-205-58, 3745-205-64, 3745-205-80, 3745-205-82, 3745-205-83, 3745-205-84, 3745-205-85, 3745-205-86, 3745-205-87, 3745-205-88, 3745-205-89, 3745-205-90, 3745-256-30, 3745-256-33, 3745-256-34, 3745-256-35, 3745-256-50, 3745-256-55, 3745-256-58, 3745-256-64, 3745-256-80, 3745-256-81, 3745-256-83, 3745-256-84, 3745-256-85, 3745-256-86, 3745-256-87, 3745-256-88, 3745-256-89, 3745-256-90.
Testing and monitoring activities amendment III**	62 FR 32452, 06/13/1997	Amended: 3745-266-106. New: 3745-205-34, 3745-256-63.

Federal Register (FR) subject	Page and Date in FR	OAC Rules
Organic air emission standards for process vents and equipment leaks (subparts AA and BB initial promulgation)	55 FR 25454, 06/21/1990	Amended: 3745-50-11, 3745-50-44, 3745-51-06, 3745-54-13, 3745-54-15, 3745-54-73, 3745-54-77, 3745-65-13, 3745-65-15, 3745-65-77. New: 3745-205-30, 3745-205-31, 3745-205-32, 3745-205-33, 3745-205-34, 3745-205-35, 3745-205-36, 3745-205-50, 3745-205-52, 3745-205-53, 3745-205-54, 3745-205-55, 3745-205-56, 3745-205-57, 3745-205-58, 3745-205-59, 3745-205-60, 3745-205-61, 3745-205-62, 3745-205-63, 3745-205-64, 3745-205-65, 3745-256-30, 3745-256-32, 3745-256-33, 3745-256-34, 3745-256-35, 3745-256-50, 3745-256-52, 3745-256-53, 3745-256-54, 3745-256-55, 3745-256-56, 3745-256-57, 3745-256-58, 3745-256-59, 3745-256-60, 3745-256-61, 3745-256-62, 3745-256-63, 3745-256-64.
Subpart CC amendments	62 FR 64635, 12/08/1997	Amended: 3745-50-44, 3745-54-15, 3745-54-73. New: 3745-205-30, 3745-205-31, 3745-205-33, 3745-205-50, 3745-205-60, 3745-205-62, 3745-205-64, 3745-205-80, 3745-205-82, 3745-205-83, 3745-205-84, 3745-205-85, 3745-205-86, 3745-205-87, 3745-205-89, 3745-256-30, 3745-256-33, 3745-256-50, 3745-256-60, 3745-256-62, 3745-256-64, 3745-256-80, 3745-256-81, 3745-256-82, 3745-256-83, 3745-256-84, 3745-256-85, 3745-256-86, 3745-256-87, 3745-256-88, 3745-256-90.
Subpart CC: Clarification and technical amendments	64 FR 3381, 01/21/1999	New: 3745-205-31, 3745-205-80, 3745-205-83, 3745-205-84, 3745-205-86, 3745-256-80, 3745-256-84, 3745-256-85, 3745-256-87.
NESHAP: surface coating of cars and light trucks**	69 FR 22601, 04/26/2004	New: 3745-205-50, 3745-256-50.
Testing and monitoring activities; methods innovation rule and SW- 846 final update IIIB**	70 FR 34537, 06/14/2005	Amended: 3745-50-44, 3745-66-90, 3745-266-100, 3745-266-102. New: 3745-205-34, 3745-205-63, 3745-256-34, 3745-256-63, 3745-256-81, 3745-256-84.
NESHAP/BIF/MACT**	70 FR 59401, 10/12/2005	Amended: 3745-50-44, 3745-50-51.
Burden reduction rule**	71 FR 16861, 04/04/2006	Amended: 3745-50-24, 3745-50-44, 3745-66-93, 3745-266-102, 3745-266-103. New: 3745-205-61, 3745-205-62.
Hazardous waste and used oil, corrections to 40 CFR**	71 FR 40254, 07/14/2006	Amended: 3745-50-10, 3745-50-44, 3745-54-01, 3745-266-102, 3745-266-103. New: 3745-205-33, 3745-205-34, 3745-205-35, 3745-205-50, 3745-205-58, 3745-205-64, 3745-205-80, 3745-205-90, 3745-256-33, 3745-256-35, 3745-256-63, 3745-256-80, 3745-256-85, 3745-256-87, 3745-256-90.

Federal Register (FR) subject	Page and Date in FR	OAC Rules
Organic air emission standards for process vents and equipment leaks (subparts AA and BB initial promulgation)	55 FR 25454, 06/21/1990	Amended: 3745-50-11, 3745-50-44, 3745-51-06, 3745-54-13, 3745-54-15, 3745-54-73, 3745-54-77, 3745-65-13, 3745-65-15, 3745-65-77. New: 3745-205-30, 3745-205-31, 3745-205-32, 3745-205-33, 3745-205-34, 3745-205-35, 3745-205-36, 3745-205-50, 3745-205-52, 3745-205-53, 3745-205-54, 3745-205-55, 3745-205-56, 3745-205-57, 3745-205-58, 3745-205-59, 3745-205-60, 3745-205-61, 3745-205-62, 3745-205-63, 3745-205-64, 3745-205-65, 3745-256-30, 3745-256-32, 3745-256-33, 3745-256-34, 3745-256-35, 3745-256-50, 3745-256-52, 3745-256-53, 3745-256-54, 3745-256-55, 3745-256-56, 3745-256-57, 3745-256-58, 3745-256-59, 3745-256-60, 3745-256-61, 3745-256-62, 3745-256-63, 3745-256-64.
Revisions to the Definition of Solid Waste (DSW #2) [DSW #1 was in a prior rulemaking]	73 FR 64667, 10/30/2008	Amended: 3745-51-02, 3745-51-04. New: 3745-51-140, 3745-51-142, 3745-51-143, 3745-51-147, 3745-51-148, 3745-51-151.
Hazardous waste technical corrections and clarifications rule**	75 FR 12989, 03/18/2010	Amended: 3745-50-49.
Definition of Solid Waste (DSW #3)	80 FR 1694, 01/13/2015	Amended: 3745-50-10, 3745-50-11, 3745-50-23, 3745-50-24, 3745-50-26, 3745-51-01, 3745-51-02, 3745-51-04. New: 3745-50-15, 3745-50-16, 3745-50-17, 3745-51-170, 3745-51-190, 3745-51-191, 3745-51-193, 3745-51-194, 3745-51-196, 3745-51-197, 3745-51-198, 3745-51-199, 3745-51-200, 3745-51-400, 3745-51-410, 3745-51-411, 3745-51-420, 3745-51-730, 3745-51-731, 3745-51-732, 3745-51-733, 3745-51-734, 3745-51-735, 3745-51-750, 3745-51-752, 3745-51-753, 3745-51-754, 3745-51-755, 3745-51-756, 3745-51-757, 3745-51-758, 3745-51-759, 3745-51-760, 3745-51-761, 3745-51-762, 3745-51-763, 3745-51-764, 3745-51-780, 3745-51-781, 3745-51-782, 3745-51-783, 3745-51-784, 3745-51-786, 3745-51-787, 3745-51-788, 3745-51-789.
Waste management system, testing and monitoring activities, notice of availability of final Update V of SW-846 (prompts update to 3745-50-11)	80 FR 48522, 08/13/2015	Amended: 3745-50-11.
Hazardous waste generator improvements rule**	81 FR 85732, 11/28/2016	Amended: 3745-52-17, 3745-54-01. New: 3745-205-30, 3745-205-50, 3745-256-30, 3745-256-50.

Federal Register (FR) subject	Page and Date in FR	OAC Rules
Organic air emission standards for process vents and equipment leaks (subparts AA and BB initial promulgation)	55 FR 25454, 06/21/1990	Amended: 3745-50-11, 3745-50-44, 3745-51-06, 3745-54-13, 3745-54-15, 3745-54-73, 3745-54-77, 3745-65-13, 3745-65-15, 3745-65-77. New: 3745-205-30, 3745-205-31, 3745-205-32, 3745-205-33, 3745-205-34, 3745-205-35, 3745-205-36, 3745-205-50, 3745-205-52, 3745-205-53, 3745-205-54, 3745-205-55, 3745-205-56, 3745-205-57, 3745-205-58, 3745-205-59, 3745-205-60, 3745-205-61, 3745-205-62, 3745-205-63, 3745-205-64, 3745-205-65, 3745-256-30, 3745-256-32, 3745-256-33, 3745-256-34, 3745-256-35, 3745-256-50, 3745-256-52, 3745-256-53, 3745-256-54, 3745-256-55, 3745-256-56, 3745-256-57, 3745-256-58, 3745-256-59, 3745-256-60, 3745-256-61, 3745-256-62, 3745-256-63, 3745-256-64.
Response to court's vacatur of certain provisions of the DSW rule (DSW #4)	83 FR 24664, 05/30/2018	Amended: 3745-50-23, 3745-50-24, 3745-51-04. New: 3745-50-16, 3745-50-17.
Housekeeping, state-initiated amendments not directly related to the above FRs, including 5-year review amendments	Not in FRs	Amended: 3745-50-10, 3745-50-11, 3745-50-23, 3745-50-24, 3745-50-26, 3745-50-44, 3745-50-49, 3745-50-51, 3745-51-01, 3745-51-02, 3745-51-04, 3745-51-06, 3745-52-17, 3745-54-01, 3745-54-10, 3745-54-13, 3745-54-15, 3745-54-73, 3745-54-77, 3745-55-17, 3745-55-18, 3745-55-70, 3745-55-90, 3745-56-20, 3745-57-40, 3745-57-91, 3745-65-01, 3745-65-13, 3745-65-15, 3745-65-73, 3745-65-77, 3745-66-17, 3745-66-18, 3745-66-70, 3745-66-90, 3745-66-93, 3745-67-20, 3745-68-40, 3745-69-01, 3745-205-200, 3745-256-200, 3745-266-22, 3745-266-80, 3745-266-100, 3745-266-102, 3745-266-103, 3745-266-106, 3745-266-107, 3745-266-111, 3745-266-112, 3745-273-13, 3745-273-33.
** We are proposing only the Organic Air portions of this FR; other provisions were addressed in prior rulemakings.		

The public comment period will run until May 3, 2023. 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 May 3, 2023, at 10:30am. The in-person hearing will be at the same time and date and will be located in Conference Room Autumn 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/5706686780059016797>

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 Madison Graham at the Division of Environmental Response and Revitalization, P.O. Box 1049, Columbus Ohio 43216-1049 or can be emailed to derr_rulecomments@epa.ohio.gov. 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 May 3, 2023, 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 Madison Graham at 614/644-2927, 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>

Attachment B: Sign-In Sheet

Date	Time	Attendee Name	Email	Virtual or In-Person	Provided Comments
3-May	10:27	Kevin Culligan	kculligan@rossincineration.com	virtual	none
3-May	10:28	Greg Fouche	gfouche@jcarr.state.oh.us	virtual	none
3-May	10:30	Edward MacCanon	ed.maccanon@atatools.com	virtual	none
3-May	10:30	John Harrod	john.harrod@scotts.com	virtual	none
Ohio EPA Staff Present					
		Mary McCarron	mary.mccarron@epa.ohio.gov		
		Mandi Payton	amanda.payton@epa.ohio.gov		
		Tammy Heffelfinger	tammy.heffelfinger@epa.ohio.gov		
		Kristie Shipley	kristie.shipley@epa.ohio.gov		
		Madison Graham	madison.graham@epa.ohio.gov		

Attachment C: Public Hearing Script

DERR Hazardous Waste Management Program Proposed Rules

May 3, 2023

Hello and welcome to Ohio EPA's public hearing regarding Division of Environmental Response and Revitalization's proposed rules. My name is Mary McCarron and I'm hosting today's public hearing. With me today from Ohio EPA's Division of Environmental Response and Revitalization are Madison Graham, Tammy Heffelfinger, and Kristie Shipley and our Agency Rules Coordinator Mandi Payton. In a moment, we will move to the public hearing where we will take official comments on the proposed rules.

I'd like to note that we are recording this hearing. We will save all comments submitted during the hearing.

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

On this slide here 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 public hearing you are listening in using your computer audio. If you are having sound issues or if the slides stop advancing, try refreshing your browser. If that doesn't work, try logging off and logging back in.

Please submit public comments by clicking on the question mark icon and typing them into the Questions pane on your attendee interface. All comments submitted online will be read aloud for the whole audience to hear.

(You can also click on the document icon to view the included public notice.)

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.

We will now begin the hearing.

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 rules.

Notice is hereby given that the director of Ohio EPA, proposes to original file rules relating to the hazardous waste management program. These rules are found in Ohio Administrative Code (OAC) Chapters:

- OAC 3745-50
- OAC 3745-51
- OAC 3745-50
- OAC 3745-52
- OAC 3745-54
- OAC 3745-55
- OAC 3745-56
- OAC 3745-57
- OAC 3745-65
- OAC 3745-66
- OAC 3745-67
- OAC 3745-68
- OAC 3745-69
- OAC 3745-205
- OAC 3745-256
- OAC 3745-266
- OAC 3745-270
- OAC 3745-273

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 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.

One rule, OAC 3745-52-17, was inadvertently omitted from the Interested Parties Review period for the draft rules, and is added to the proposal package. This rule is being amended to change federal references to their Ohio equivalent references, and to correct several non-substantive errors.

In addition, Ohio EPA revised filed OAC rules 3745-51-194, 3745-51-761, 3745-56-20, and 3745-205-86. Ohio EPA refiled OAC rule 3745-205-86. The reasoning for revise filing and refiling these rules is found on our proposed rules site and I will add that web link to the chat for our online participants.

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 written comments concerning the proposed rule. 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, May 3, 2023. These comments may be typed into the GoTo platform today, spoken in person, or emailed to derr_rulecomments@epa.ohio.gov. All emailed comments submitted for the record receive the same consideration as typed 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. I will read aloud any comments we receive in the GoTo platform. If you are attending in-person and would like to submit testimony, please raise your hand and wait to be called on. I will keep

the GoTo platform open until 11am to provide time for participants to type in 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 11am and this hearing is concluded.