



# Common Sense Initiative

Mike DeWine, Governor  
Jon Husted, Lt. Governor

Joseph Baker, Director

## Business Impact Analysis

Agency, Board, or Commission Name: Ohio Environmental Protection Agency

Rule Contact Name and Contact Information: Mandi Payton, [Amanda.Payton@epa.ohio.gov](mailto:Amanda.Payton@epa.ohio.gov)

Regulation/Package Title (a general description of the rules' substantive content):  
Standardized Permitting, RAP, RD&D Permits

Rule Number(s): OAC Chapters 3745-50, 3745-51, 3745-52, 3745-53, 3745-54, 3745-55, 3745-57, 3745-65, 3745-66, 3745-205, 3745-256, 3745-266, 3745-267, 3745-270, 3745-273

Date of Submission for CSI Review: September 20, 2024

Public Comment Period End Date: October 21, 2024

**Rule Type/Number of Rules:**

New/ 78 rules

No Change/ 0 rules (FYR? 0)

Amended/ 118 rules (FYR? 63)

Rescinded/ 5 rules (FYR? 2)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

### **Reason for Submission**

1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

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Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☒ Requires a license, permit, or any other prior authorization to engage in or operate a line of business.
- b. ☒ Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.
- c. ☒ Requires specific expenditures or the report of information as a condition of compliance.
- d. ☐ Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

### **Regulatory Intent**

#### **2. Please briefly describe the draft regulation in plain language.**

*Please include the key provisions of the regulation as well as any proposed amendments.*

This rule package includes 201 hazardous waste management rules regarding requirements and permitting (Chapter 3745-50); identification and listing of hazardous waste (Chapter 3745-51); generator standards (Chapter 3745-52); transporter standards (Chapter 3745-53); treatment, storage, and disposal standards (Chapters 3745-54, 3745-55, 3745-57, 3745-65, 3745-66, 3745-205, and 3745-256); management of specific types of hazardous waste (Chapter 3745-266); standards for owners and operators of hazardous waste management facilities operating under a standardized permit (Chapter 3745-267); land disposal restrictions (Chapter 3745-270); and universal waste management (Chapter 3745-273).

Draft regulations in this package cover three new-to-Ohio hazardous waste permitting concepts: Standardized Permitting; Hazardous Waste Management Requirements For Remedial Action Plan Permits (RAP); and Research, Development, and Demonstration (RD&D) Permits. All these federal rules are optional for state adoption and provide for an alternative approach to the traditional (current) process of obtaining a hazardous waste permit. This rule package also addresses a Technical Corrections Federal Register (FR) which covers amendments to rules from the federal Generator Improvements rule, the Export-Import rule, the Hazardous Waste Pharmaceutical rule, and the Definition of Solid Waste rule, all of which Ohio addressed in a prior rulemaking.

Federal Register (FR) subject	FR Page and Date	OAC Rules
Research, Development, and Demonstration (RD&D) Permits	50 FR 28751, 07/15/1995	<b>Amended:</b> 3745-50-10, 3745-50-41, 3745-65-01 <b>New:</b> 3745-50-65
Hazardous Remediation Waste Management Requirements Remedial Action Plans (HWIR Media, RAPs portion) <sup>1</sup>	63 FR 65874, 11/30/1998	<b>Amended:</b> 3745-50-10, 3745-50-40, 3745-50-42, 3745-51-04, 3745-54-01, 3745-57-74 <b>New:</b> 3745-50-68, 3745-50-80, 3745-50-95, 3745-50-130, 3745-50-170, 3745-50-210, 3745-50-230

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Federal Register (FR) subject	FR Page and Date	OAC Rules
Standardized Permit for RCRA Hazardous Waste Management Permits	70 FR 53420, 09/08/2005	<b>Amended:</b> 3745-50-02, 3745-50-10, 3745-50-11, 3745-50-41, 3745-50-51, 3745-50-52, 3745-50-57, 3745-51-01, 3745-51-07, 3745-205-30, 3745-205-33, 3745-205-50, 3745-205-80 <b>Rescinded:</b> 3745-50-56 <b>New:</b> 3745-50-47, 3745-50-56, 3745-50-67, 3745-50-250, 3745-50-270, 3745-50-290, 3745-50-320, 3745-50-501, 3745-50-502, 3745-50-505, 3745-50-531, 3745-50-700, 3745-50-702, 3745-50-704, 3745-50-707, 3745-50-711, 3745-267-01, 3745-267-10, 3745-267-13, 3745-267-14, 3745-267-15, 3745-267-16, 3745-267-17, 3745-267-18, 3745-267-30, 3745-267-50, 3745-267-70, 3745-267-110, 3745-267-70, 3745-267-71, 3745-267-72, 3745-267-73, 3745-267-74, 3745-267-75, 3745-267-76, 3745-267-90, 3745-267-110, 3745-267-140, 3745-267-141, 3745-267-142, 3745-267-143, 3745-267-147, 3745-267-148, 3745-267-151, 3745-267-170, 3745-267-190, 3745-267-191, 3745-267-192, 3745-267-193, 3745-267-194, 3745-267-195, 3745-267-196, 3745-267-197, 3745-267-198, 3745-267-199, 3745-267-200, 3745-267-201, 3745-267-202, 3745-267-203, 3745-267-204, 3745-267-900, 3745-267-901, 3745-267-902, 3745-267-903, 3745-267-904, 3745-267-905, 3745-267-906, 3745-267-907, 3745-267-908
Hazardous Waste Technical Corrections and Clarifications Rule <sup>2</sup>	75 FR 12989, 03/18/2010	<b>Amended:</b> 3745-51-06, 3745-51-07, 3745-51-30, 3745-52-10, 3745-52-11, 3745-52-41, 3745-53-12, 3745-266-22, 3745-266-70, 3745-266-80, 3745-266-101
Revisions to procedural rules to clarify practices and procedures applicable in permit appeals pending before the Environmental Appeals Board <sup>1</sup>	78 FR 5288, 01/25/2013	<b>New:</b> 3745-50-130 (updated)
Hazardous Waste Export-Import Revisions rule <sup>2</sup>	81 FR 85696, 11/28/2016	<b>New:</b> 3745-267-71 (corrected)
Hazardous Waste Generator Improvements Rule <sup>2</sup>	81 FR 85732, 11/28/2016	<b>New:</b> 3745-267-71 (corrected)

Federal Register (FR) subject	FR Page and Date	OAC Rules
Technical Corrections Rule, Direct Final Rule	88 FR 54086, 08/09/2023	<b>Amended:</b> 3745-50-10, 3745-50-45, 3745-51-01, 3745-51-04, 3745-51-06, 3745-51-11, 3745-51-30, 3745-51-143, 3745-51-147, 3745-51-151, 3745-51-400, 3745-51-410, 3745-51-411, 3745-51-420, 3745-51-783, 3745-51-784, 3745-51-789, 3745-52-01, 3745-52-10, 3745-52-11, 3745-52-14, 3745-52-16, 3745-52-17, 3745-52-42, 3745-52-200, 3745-52-212, 3745-52-232, 3745-54-01, 3734-54-15, 3745-54-72, 3745-65-72, 3745-266-100, 3745-266-108, 3745-266-502, 3745-266-503, 3745-266-504, 3745-266-505, 3745-266-506, 3745-266-507, 3745-266-508, 3745-266-510
Partial Withdrawal of the Technical Corrections Rule, Direct Final Rule	88 FR 84718, 12/06/2023	<b>Withdrawn amendments:</b> 3745-51-04 (E)(1); 3745-52-11 (D) and (G); 3745-52-16 (B)(1); 3745-52-17 (A)(8)(a) and (A)(8)(a)(i); 3745-52-232 (B)(6)(d); 3745-266-508 (A)(2)(b)
Housekeeping, state-initiated amendments not directly related to the above FRs, including 5-year review amendments	Not in FRs	<b>Amended:</b> 3745-50-01, 3745-50-02, 3745-50-10, 3745-50-11, 3745-50-28, 3745-50-40, 3745-50-41, 3745-50-42, 3745-50-44, 3745-50-45, 3745-50-46, 3745-50-48, 3745-50-49, 3745-50-51, 3745-50-52, 3745-50-57, 3745-50-58, 3745-51-01, 3745-51-03, 3745-51-04, 3745-51-07, 3745-51-08, 3745-51-09, 3745-51-20, 3745-51-30, 3745-51-143, 3745-51-147, 3745-51-151, 3745-51-400, 3745-51-410, 3745-51-411, 3745-51-420, 3745-51-733, 3745-51-783, 3745-52-01, 3745-52-10, 3745-52-11, 3745-52-13, 3745-52-14, 3745-52-15, 3745-52-16, 3745-52-17, 3745-52-41, 3745-52-42, 3745-52-200, 3745-52-212, 3745-52-213, 3745-52-232, 3745-53-12, 3745-53-20, 3745-54-01, 3745-54-12, 3745-54-15, 3745-54-16, 3745-54-18, 3745-54-72, 3745-54-101, 3745-55-13, 3745-55-43, 3745-55-93, 3745-57-72, 3745-57-73, 3745-57-74, 3745-57-83, 3745-57-91, 3745-65-01, 3745-65-71, 3745-65-72, 3745-66-19, 3745-66-74, 3745-66-93, 3745-205-30, 3745-205-33, 3745-205-50, 3745-205-80, 3745-205-82, 3745-205-87, 3745-256-30, 3745-256-33, 3745-256-50, 3745-256-83, 3745-256-88, 3745-266-22, 3745-266-23, 3745-266-70, 3745-266-80, 3745-266-100, 3745-266-101, 3745-266-108, 3745-266-200, 3745-266-203, 3745-266-205, 3745-266-206, 3745-266-255, 3745-266-501, 3745-266-502, 3745-266-503, 3745-266-504,

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<del>-continued-</del> Housekeeping, state-initiated amendments not directly related to the above FRs, including 5-year review amendments	<del>-continued-</del> Not in FRs	<del>-continued-</del> <b>Amended:</b> 3745-266-505, 3745-266-506, 3745-266-508, 3745-266-510, 3745-270-02, 3745-270-03, 3745-270-50, 3745-273-01, 3745-273-03, 3745-273-13, 3745-273-17, 3745-273-33, 3745-273-37, 3745-273-54, 3745-273-80 <b>Rescinded:</b> 3745-50-21, 3745-50-22, 3745-50-39, 3745-65-12 <b>New:</b> 3745-50-506, 3745-50-508, 3745-50-531, 3745-65-12
Notes 1 Ohio EPA will address only the RAP portions of this FR at this time. Other provisions in this FR were addressed in a prior rulemaking  2 Ohio EPA will address only the Standardized Permitting portions of this FR at this time. Other provisions in this FR were addressed in a prior rulemaking		

This package contains the following 201 rules:

Rule Number	Title * means this is the amended title	5-year Review	Action
3745-50-01	General information	Review, Continue Review	Amend
3745-50-02	Business confidentiality - hazardous waste management	Review, Request Exemption	Amend
3745-50-10	Definitions and computation of time	Review, Continue Review	Amend
3745-50-11	Incorporated by reference	Review, Request Exemption	Amend
3745-50-21	Draft permits	Exempt	Rescind
3745-50-22	Fact sheet	Exempt	Rescind
3745-50-28	Procedures for case-by-case regulation of hazardous waste recycling activities	Review, Request Exemption	Amend
3745-50-39	Specific public notice procedures applicable to hazardous waste management permits	(Review)	Rescind
3745-50-40	Submittal of hazardous waste permit applications	Review, Continue Review	Amend
3745-50-41	Application for a permit	Review, Continue Review	Amend

Rule Number	Title * means this is the amended title	5-year Review	Action
3745-50-42	Signatories to permit applications and reports	Review, Request Exemption	Amend
3745-50-44	Contents of "Part B" of the permit application	Exempt, Remains Exempt	Amend
3745-50-45	Special inclusions and exclusions for hazardous waste permits	Review, Continue Review	Amend
3745-50-46	Permits by rule	Review, Continue Review	Amend
3745-50-47	Overview of the hazardous waste management permit program	Request Exemption	New
3745-50-48	Requirements for recording and reporting of monitoring results	Review, Request Exemption	Amend
3745-50-49	Effect of a permit	Exempt, Remains Exempt	Amend
3745-50-51	Permit modifications	Review, Continue Review	Amend
3745-50-52	Transfer of permits	Review, Continue Review	Amend
3745-50-56	Continuation of expiring permits	(Review)	Rescind
3745-50-56	Continuation of expiring permits	Request Exemption	New
3745-50-57	Emergency permits	Review, Continue Review	Amend
3745-50-58	Conditions applicable to all permits	Review, Continue Review	Amend
3745-50-65	Research, development, and demonstration permits	Request Exemption	New
3745-50-67	Hazardous waste standardized permits for storage units and treatment units	Request Exemption	New
3745-50-68	Remedial action plans	Request Exemption	New
3745-50-80	Remedial action plans - general information	Request Exemption	New
3745-50-95	Applying for a remedial action plan	Request Exemption	New
3745-50-130	Getting a remedial action plan approved	Request Exemption	New
3745-50-170	Procedures to modify or revoke a remedial action plan	Request Exemption	New
3745-50-210	Operating under a remedial action plan	Request Exemption	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	Request Exemption	New

Rule Number	Title * means this is the amended title	5-year Review	Action
3745-50-250	General information about standardized permits - storage units and treatment units	Request Exemption	New
3745-50-270	Applying for a standardized permit - storage units and treatment units	Request Exemption	New
3745-50-290	Information to be kept at the facility - storage units and treatment units	Request Exemption	New
3745-50-320	Modifying a standardized permit - storage units and treatment units	Request Exemption	New
3745-50-501	Permitting program requirements - purpose and scope	Request Exemption	New
3745-50-502	General program requirements - definitions	Make Reviewable	New
3745-50-505	Modification, revocation, or termination of permits	Make Reviewable	New
3745-50-506	Draft permits	Request Exemption	New
3745-50-508	Fact sheet	Request Exemption	New
3745-50-531	Specific public notice procedures applicable to hazardous waste management permits	Request Exemption	New
3745-50-700	General information about standardized permits - standardized permit procedures	Request Exemption	New
3745-50-702	Applying for a standardized permit	Request Exemption	New
3745-50-704	Issuing a standardized permit - preparation of a final standardized permit	Request Exemption	New
3745-50-707	Public involvement in the standardized permitting process	Request Exemption	New
3745-50-711	Maintaining a standardized permit	Request Exemption	New
3745-51-01	Purpose and scope of Chapter 3745-51 of the Administrative Code	Review, Request Exemption	Amend
3745-51-03	Definition of hazardous waste	Review, Request Exemption	Amend
3745-51-04	Exclusions	Review, Continue Review	Amend
3745-51-06	Requirements for recyclable materials	Review, Continue Review	Amend
3745-51-07	Residues of hazardous waste in empty containers	Review, Request Exemption	Amend
3745-51-08	PCB wastes regulated under the Toxic Substances Control Act	Review, Request Exemption	Amend
3745-51-09	Requirements for universal waste	Review, Continue Review	Amend

Rule Number	Title * means this is the amended title	5-year Review	Action
3745-51-11	Criteria for listing hazardous waste	Exempt, Remains Exempt	Amend
3745-51-20	Characteristics of hazardous waste - general *	Review, Request Exemption	Amend
3745-51-30	Lists of hazardous wastes - general	Review, Request Exemption	Amend
3745-51-143	Financial assurance condition - management of excluded hazardous secondary materials	Exempt, Remains Exempt	Amend
3745-51-147	Liability requirements - management of excluded hazardous secondary materials	Exempt, Remains Exempt	Amend
3745-51-151	Wording of the instruments - management of excluded hazardous secondary materials	Exempt, Remains Exempt	Amend
3745-51-400	Applicability - emergency preparedness and response for management of excluded hazardous secondary materials	Exempt, Remains Exempt	Amend
3745-51-410	Preparedness and prevention - emergency preparedness and response for management of excluded hazardous secondary materials	Exempt, Remains Exempt	Amend
3745-51-411	Emergency procedures for facilities that generate or accumulate six thousand kilograms or less of hazardous secondary material	Exempt, Remains Exempt	Amend
3745-51-420	Contingency planning and emergency procedures for facilities that generate or accumulate more than six thousand kilograms of secondary material	Exempt, Remains Exempt	Amend
3745-51-733	Closed-vent systems and control devices - process vents	Exempt, Remains Exempt	Amend
3745-51-783	Material determination procedures - tanks and containers	Exempt, Remains Exempt	Amend
3745-51-784	Tanks - air emission standards for tanks and containers	Exempt, Remains Exempt	Amend
3745-51-789	Recordkeeping requirements - tanks and containers	Exempt, Remains Exempt	Amend
3745-52-01	Definitions - generator standards	Review, Request Exemption	Amend
3745-52-10	Applicability - generator standards *	Review, Request Exemption	Amend
3745-52-11	Hazardous waste determination and recordkeeping	Review, Request Exemption	Amend
3745-52-13	Generator category determinations	Exempt, Remains Exempt	Amend

Rule Number	Title * means this is the amended title	5-year Review	Action
3745-52-14	Conditions for exemption for very small quantity generators	Review, Request Exemption	Amend
3745-52-15	Satellite accumulation area requirements for small quantity generators and large quantity generators	Review, Request Exemption	Amend
3745-52-16	Conditions for exemption for small quantity generators that accumulate hazardous waste	Review, Request Exemption	Amend
3745-52-17	Conditions for exemption for large quantity generators that accumulate hazardous waste	Review, Request Exemption	Amend
3745-52-41	Biennial report for large quantity generators	Review, Continue Review	Amend
3745-52-42	Exception report for small quantity generators and large quantity generators	Exempt, Remains Exempt	Amend
3745-52-200	Definitions - university labs	Exempt, Remains Exempt	Amend
3745-52-212	Making the hazardous waste determination at an on-site interim or permitted treatment, storage, or disposal facility	Exempt, Remains Exempt	Amend
3745-52-213	Laboratory clean-outs	Exempt, Remains Exempt	Amend
3745-52-232	Conditions for generators that manage hazardous waste from an episodic event	Review, Request Exemption	Amend
3745-53-12	Transfer facility requirements	Review, Request Exemption	Amend
3745-53-20	The manifest system and acceptance and handling of hazardous waste	Exempt, Remains Exempt	Amend
3745-54-01	Purpose, scope, and applicability of Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code	Review, Continue Review	Amend
3745-54-12	Required notices	Exempt, Remains Exempt	Amend
3745-54-15	General inspection requirements	Exempt, Remains Exempt	Amend
3745-54-16	Personnel training	Review, Continue Review	Amend
3745-54-18	Location standards	Review, Request Exemption	Amend
3745-54-72	Manifest discrepancies	Exempt, Remains Exempt	Amend
3745-54-101	Corrective action for waste management units	Exempt, Make Reviewable	Amend

Rule Number	Title * means this is the amended title	5-year Review	Action
3745-55-13	Closure and time allowed for closure *	Exempt, Remains Exempt	Amend
3745-55-43	Financial assurance for facility closure	Exempt, Remains Exempt	Amend
3745-55-93	Containment and detection of releases - tank systems *	Exempt, Remains Exempt	Amend
3745-57-72	Corrective action management units (CAMUs)	Exempt, Remains Exempt	Amend
3745-57-73	Temporary units	Exempt, Remains Exempt	Amend
3745-57-74	Staging piles	Review, Request Exemption	Amend
3745-57-83	Design and operating requirements for drip pads	Review, Request Exemption	Amend
3745-57-91	Environmental performance standards - miscellaneous units	Exempt, Remains Exempt	Amend
3745-65-01	Purpose, scope, and applicability of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code	Review, Continue Review	Amend
3745-65-12	Required notices	Exempt	Rescind
3745-65-12	Required notices	Request Exemption	New
3745-65-71	Use of manifest system	Exempt, Remains Exempt	Amend
3745-65-72	Manifest discrepancies	Exempt, Remains Exempt	Amend
3745-66-19	Post-closure notices	Exempt, Remains Exempt	Amend
3745-66-74	Inspections - containers	Review, Request Exemption	Amend
3745-66-93	Containment and detection of releases - tanks	Review, Continue Review	Amend
3745-205-30	Applicability - air emission standards for process vents	Exempt, Remains Exempt	Amend
3745-205-33	Process vents - closed-vent systems and control devices	Exempt, Remains Exempt	Amend
3745-205-50	Applicability and definitions - air emission standards for equipment leaks	Exempt, Remains Exempt	Amend

Rule Number	Title * means this is the amended title	5-year Review	Action
3745-205-80	Applicability and definitions - air emission standards for tanks, surface impoundments, and containers	Exempt, Remains Exempt	Amend
3745-205-82	Tanks, surface impoundments, and containers	Exempt, Remains Exempt	Amend
3745-205-87	Closed-vent systems and control devices - tanks, surface impoundments, and containers	Exempt, Remains Exempt	Amend
3745-256-30	Applicability and definitions - air emissions standards for process vents	Exempt, Remains Exempt	Amend
3745-256-33	Closed-vent systems and control devices - process vents	Exempt, Remains Exempt	Amend
3745-256-50	Applicability and definitions - air emission standards for equipment leaks	Exempt, Remains Exempt	Amend
3745-256-83	General - air emission standards for tanks, surface impoundments, and containers	Exempt, Remains Exempt	Amend
3745-256-88	Closed-vent systems and control devices - tanks, surface impoundments, and containers	Exempt, Remains Exempt	Amend
3745-266-22	Standards for storers who are not the ultimate users of materials that are used in a manner that constitutes disposal	Review, Request Exemption	Amend
3745-266-23	Standards for users of materials that are used in a manner that constitutes disposal	Exempt, Remains Exempt	Amend
3745-266-70	Applicability and requirements- recyclable materials utilized for precious metal recovery	Review, Request Exemption	Amend
3745-266-80	Applicability and requirements - spent lead-acid batteries being reclaimed	Review, Continue Review	Amend
3745-266-100	Applicability - boilers and industrial furnaces	Exempt, Remains Exempt	Amend
3745-266-101	Management prior to burning	Review, Request Exemption	Amend
3745-266-108	Small quantity on-site burner exemption	Exempt, Remains Exempt	Amend
3745-266-200	Applicability- military munitions	Review, Request Exemption	Amend
3745-266-203	Standards for the transportation of waste military munitions	Review, Continue Review	Amend
3745-266-205	Standards for the storage of waste military munitions	Review, Request Exemption	Amend
3745-266-206	Standards for the treatment and disposal of waste military munitions	Review, Request Exemption	Amend

Rule Number	Title * means this is the amended title	5-year Review	Action
3745-266-255	Re-entry of LLMW into regulation as a hazardous waste	Review, Request Exemption	Amend
3745-266-501	Applicability - hazardous waste pharmaceuticals	Review, Request Exemption	Amend
3745-266-502	Standards for healthcare facilities that manage non-creditable hazardous waste pharmaceuticals	Exempt, Remains Exempt	Amend
3745-266-503	Standards for healthcare facilities that manage potentially creditable hazardous waste pharmaceuticals	Exempt, Remains Exempt	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 *	Exempt, Remains Exempt	Amend
3745-266-505	Prohibition on sewerage hazardous waste pharmaceuticals *	Exempt, Remains Exempt	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 *	Review, Request Exemption	Amend
3745-266-507	Residues of hazardous waste pharmaceuticals in empty containers	Exempt, Remains Exempt	Amend
3745-266-508	Shipping non-creditable hazardous waste pharmaceuticals from a healthcare facility or evaluated hazardous waste pharmaceuticals from a reverse distributor	Exempt, Remains Exempt	Amend
3745-266-510	Standards for the management of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals at reverse distributors	Review, Request Exemption	Amend
3745-267-01	Standardized permitting - general	Request Exemption	New
3745-267-10	General facility standards - standardized permitting	Request Exemption	New
3745-267-13	Waste analysis requirements - standardized permitting	Request Exemption	New
3745-267-14	Security requirements - standardized permitting	Request Exemption	New
3745-267-15	General inspection requirements - standardized permitting	Request Exemption	New
3745-267-16	Training - standardized permitting	Request Exemption	New

Rule Number	Title * means this is the amended title	5-year Review	Action
3745-267-17	Management of ignitable waste, reactive waste, or incompatible wastes - standardized permitting	Request Exemption	New
3745-267-18	Standards to select the location of the facility - standardized permitting	Request Exemption	New
3745-267-30	Preparedness and prevention - standardized permitting	Request Exemption	New
3745-267-50	Contingency plan and emergency procedures - standardized permitting	Request Exemption	New
3745-267-70	Applicability - manifest system, recordkeeping, reporting, and notifying - standardized permitting	Request Exemption	New
3745-267-71	Use of the manifest system - manifest system, recordkeeping, reporting, and notifying - standardized permitting	Request Exemption	New
3745-267-72	Manifest discrepancies - manifest system, recordkeeping, reporting, and notifying - standardized permitting	Request Exemption	New
3745-267-73	Information - manifest system, recordkeeping, reporting, and notifying - standardized permitting	Request Exemption	New
3745-267-74	Records access - manifest system, recordkeeping, reporting, and notifying - standardized permitting	Request Exemption	New
3745-267-75	Reports - manifest system, recordkeeping, reporting, and notifying - standardized permitting	Request Exemption	New
3745-267-76	Notifications - manifest system, recordkeeping, reporting, and notifying - standardized permitting	Request Exemption	New
3745-267-90	Releases from waste management units - standardized permitting	Request Exemption	New
3745-267-110	Closure - standardized permitting	Request Exemption	New
3745-267-140	Applicability and compliance - financial requirements for standardized permits	Request Exemption	New
3745-267-141	Definitions - financial requirements for standardized permits	Request Exemption	New
3745-267-142	Cost estimate for closure - financial requirements for standardized permits	Request Exemption	New
3745-267-143	Financial assurance for closure - financial requirements for standardized permits	Request Exemption	New
3745-267-147	Liability requirements - financial requirements for standardized permits	Request Exemption	New
3745-267-148	Incapacity of owners or operators, guarantors, or financial institutions - financial requirements for standardized permits	Request Exemption	New

Rule Number	Title * means this is the amended title	5-year Review	Action
3745-267-151	Wording of the instruments - financial requirements for standardized permits	Request Exemption	New
3745-267-170	Use and management of containers - standardized permitting	Request Exemption	New
3745-267-190	Applicability - tank systems - standardized permitting	Request Exemption	New
3745-267-191	Design and construction standards for new tank systems or components - tank systems - standardized permitting	Request Exemption	New
3745-267-192	Handling and inspection procedures during installation of new tank systems - tank systems - standardized permitting	Request Exemption	New
3745-267-193	Testing - tank systems - standardized permitting	Request Exemption	New
3745-267-194	Installation - tank systems - standardized permitting	Request Exemption	New
3745-267-195	Secondary containment - tank systems - standardized permitting	Request Exemption	New
3745-267-196	Required devices for secondary containment and the design, operating, and installation requirements for those devices - tank systems - standardized permitting	Request Exemption	New
3745-267-197	Ancillary equipment - tank systems - standardized permitting	Request Exemption	New
3745-267-198	General operating requirements - tank systems - standardized permitting	Request Exemption	New
3745-267-199	Inspection requirements - tank systems - standardized permitting	Request Exemption	New
3745-267-200	In case of a leak or a spill - tank systems - standardized permitting	Request Exemption	New
3745-267-201	Cessation of operation of a tank system - standardized permitting	Request Exemption	New
3745-267-202	Special requirements for ignitable wastes or reactive wastes - tank systems - standardized permitting	Request Exemption	New
3745-267-203	Special requirements for incompatible wastes - tank systems - standardized permitting	Request Exemption	New
3745-267-204	Air emission standards - tank systems - standardized permitting	Request Exemption	New
3745-267-900	Applicability - containment buildings - standardized permitting	Request Exemption	New
3745-267-901	Design and operating standards - containment buildings - standardized permitting	Request Exemption	New

Rule Number	Title * means this is the amended title	5-year Review	Action
3745-267-902	Other requirements to prevent releases - containment buildings - standardized permitting	Request Exemption	New
3745-267-903	Additional design and operating standards if liquids are in the containment building - standardized permitting	Request Exemption	New
3745-267-904	Waiver from secondary containment requirements - containment buildings - standardized permitting	Request Exemption	New
3745-267-905	Containment buildings that contain areas both with and without secondary containment - containment buildings - standardized permitting	Request Exemption	New
3745-267-906	Detection of release - containment buildings - standardized permitting	Request Exemption	New
3745-267-907	Conditions under which containment buildings may serve as secondary containment systems for tanks placed within the building - standardized permitting	Request Exemption	New
3745-267-908	Cessation of operation of a containment building - standardized permitting	Request Exemption	New
3745-270-02	Definitions - land disposal restrictions *	Exempt, Remains Exempt	Amend
3745-270-03	Dilution prohibited as a substitute for treatment	Exempt, Remains Exempt	Amend
3745-270-50	Prohibition on storage of restricted wastes	Exempt, Remains Exempt	Amend
3745-273-01	Scope of management standards for universal waste	Review, Continue Review	Amend
3745-273-03	Applicability - management standards for universal waste - pesticides *	Review, Request Exemption	Amend
3745-273-13	Waste management - standards for small quantity handlers of universal waste	Review, Continue Review	Amend
3745-273-17	Response to releases - standards for small quantity handlers of universal waste *	Review, Request Exemption	Amend
3745-273-33	Waste management - standards for large quantity handlers of universal waste	Review, Continue Review	Amend
3745-273-37	Response to releases - standards for large quantity handlers of universal waste	Review, Request Exemption	Amend
3745-273-54	Response to releases - standards for universal waste transporters	Review, Request Exemption	Amend
3745-273-80	General requirements for petitions to include other wastes under Chapter 3745-273 of the Administrative Code	Review, Request Exemption	Amend

- 3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.**

Statutory Authority: Ohio Revised Code (ORC) 3734.02, 3734.05, 3734.12

Rules Amplify: ORC 3734.02, 3734.05, 3734.12, 3734.13, 3745.01

- 4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program? If yes, please briefly explain the source and substance of the federal requirement.**

Yes, the regulations in this package implement federal requirements. However, the regulations are optional as they are an alternative approach to the traditional hazardous waste permit process. The proposed regulations are being adopted and amended to enable the state to continue its hazardous waste program. Ohio's hazardous waste program is required to be functionally equivalent to its federal counterparts to maintain authorization to administer the program.

- 5. If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

None of the proposed changes to currently effective rules or proposed new rules exceed the federal requirements. All the rules in this package have been determined to be equivalent to their federal counterpart provisions, consistent with their Ohio statutory intent, or consistent with federally based universal waste management requirements.

- 6. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

In order for Ohio EPA to maintain authorization to regulated hazardous waste in Ohio, Ohio EPA must adopt new rules that are equivalent to the federal requirements. The proposed amended rules are part of the authorized program and must remain equivalent and effective to maintain Ohio's authorization.

These regulations are being proposed to provide facilities alternative methods for obtaining a hazardous waste permit. The Federal Registers that will be addressed by this rulemaking are outlined above.

- 7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

Ohio EPA will measure the success of these regulations through the degree of compliance with these regulations by the regulated community, the minimal occurrences of hazards to public health, safety, and the environment, and the continuation of Ohio EPA's federal authorization to regulate hazardous waste in Ohio.

- 8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**  
*If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.*

No rules are being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, and 121.931.

### **Development of the Regulation**

- 9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**  
*If applicable, please include the date and medium by which the stakeholders were initially contacted.*

The rules included in this package were sent for a 30-day Early Stakeholder Outreach on October 4, 2023.

- 10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

Ohio EPA received one comment during the ESO comment period. This comment regarding contingency plans in OAC rule 3745-51-420. Currently, OAC 3745-51-420 is equivalent to its federal counterpart rule 40 CFR 261.420. Ohio EPA is required to maintain equivalency to continue federal authorization of the hazardous waste program, therefore this comment did not result in any changes to the Interested Parties draft rule.

- 11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

No scientific data was used to develop the rule or the measurable outcomes of the rule. The Ohio hazardous waste rules are required by state and federal law to be equivalent to their federal counterpart rules.

- 12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**  
*Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.*

Alternate provisions would not be appropriate for these rules. The Ohio hazardous waste rules are required by state and federal law to be equivalent to their federal counterpart rules.

**13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

When the amended rules included in this package were originally promulgated, Ohio EPA worked with LSC and the regulated community to ensure that these rules did not duplicate any other Ohio rules. These rules and/or other Ohio EPA rules have been amended in the past to eliminate duplicative requirements. Ohio EPA has worked to ensure that that all new rules in this package do not duplicate any existing requirements from both Ohio EPA and other agencies. Ohio EPA is the only agency that has jurisdiction to adopt regulations governing the management of hazardous waste.

**14. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

Ohio EPA's implementation of these rules will include notifying the regulated community of both the amendments to existing rules and the addition of new rules. Ohio EPA will work to provide guidance to the regulated community as needed. Additionally, Ohio EPA will brief field inspectors and staff on the proposed changes, so that they will be well equipped to offer assistance as they interact with the regulated community.

**Adverse Impact to Business**

**15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:**

**a. Identify the scope of the impacted business community, and**

The business community impacted by Ohio's hazardous waste rules consists of the businesses that generate, treat, dispose of, or transport hazardous waste.

**b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).**

*The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a representative business. Please include the source for your information/estimated impact.*

There are no adverse impacts being added to the amended rules or promulgated by the new rules in this package. The costs in Ohio that may be above the costs in the corresponding federal regulations are discussed in question 5 above.

Amended rules in this package include those that are included to fulfill their five-year review requirement, as well as those that have been updated to match their federal counterpart rule. The proposed amendments do not impact the stringency nor the cost of compliance for these rules. The proposed new rules are functionally equivalent to their federal counterparts. The standardized permitting rules are optional and provide an alternative to the traditional hazardous waste permits.

**Regarding the rules as they exist, as a program, for five-year review purposes:**

Ohio EPA's hazardous waste management rules are required, by federal statute and rule, as well as Ohio statute, to be functionally equivalent to the final federal rules (i.e., there may be text differences from the federal rules, but the resulting requirements must be the same.) Each Ohio rule has a federal counterpart rule (there are a few exceptions to this). If the state hazardous waste rules did not exist, the federal hazardous waste rules would still apply to Ohio businesses, so any costs incurred as a result of compliance with the Ohio rule would also be incurred as a result of compliance with the federal counterpart rules. With the exception of a few Ohio statute-based fee rules, the cost of compliance for state and federal requirements would be similar.

The adverse impact of the hazardous waste management rules (state or federal) varies widely depending on the nature of the management activity being conducted by the regulated community. This can include costs of obtaining a treatment, storage, and disposal permit (which can cost over \$100,000), personnel training, safety equipment, conducting inspections and keeping records, submitting reports to Ohio EPA (electronically in many cases, which incurs a nominal cost), etc.

In promulgating the Ohio hazardous waste rules, Ohio EPA only makes changes necessary to "Ohio-ize" the finalized federal language so that the rules 1) maintain the required equivalence with the federal program, 2) do not create problems (or costs) for the citizens and industries of Ohio that were addressed and resolved during the federal comment-response process and in the federal rule promulgation process, and 3) do not create new problems (or costs) for the citizens and industries of Ohio that were not addressed in that federal comment-response and federal rule promulgation process. Equivalence and state rule stringency is reviewed by U.S. EPA Region 5 via the authorization process that is also a federal requirement (see 40 CFR Part 271).

**16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).**

The amended and new rules in this package are designed to offer an optional, alternative approach to the traditional or current process of obtaining a hazardous waste permit. The planned changes will offer a streamlined approach to obtaining a hazardous waste permit. Use of these options might reduce the regulatory burden, if the regulated entity chose to use them. The amendments will also address previous errors in rules promulgated under the federal Export-Import Rule and the Generator Improvements Rule.

**17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

Ohio EPA must promulgate rules that are equivalent to their federal RCRA counterpart rules in order to maintain its authorization to regulate hazardous waste in Ohio. Without adoption of these rules, Ohio could lose its ability to regulate hazardous waste in Ohio and the impacted community would be subject to the same rules by U.S. EPA.

## **Regulatory Flexibility**

### **18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

The standardized permitting rules provide for an alternative method for obtaining a hazardous waste management permit, as opposed to the traditional permit process.

### **19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

The director will evaluate the applicability of ORC 119.14 to entities regulated by these rules when assessing fines and penalties for paperwork violations and first-time offenders.

### **20. What resources are available to assist small businesses with compliance of the regulation?**

Ohio EPA offers the following resources:

- Ohio EPA offers nonregulatory assistance that provides information and resources to help small businesses comply with environmental regulations. It also helps customers identify and implement pollution prevention measures that can save money, increase business performance and benefit the environment. Services include on-site compliance and pollution prevention assessments, workshops/training, plain-English publications library and assistance in completing permit application forms.
- Ohio EPA also has a permit assistance web page <https://epa.ohio.gov/stay-compliant/get-help/permit-assistance> that contains links to several items to help businesses navigate the permit process, including the Permit Wizard, Answer Place, Ohio EPA's Guide to Environmental Permitting and eBusiness Center.
- Ohio EPA maintains the Compliance Assistance Hotline 1-800-329-7518, weekdays from 8:00 a.m. to 5:00 p.m.
- U.S. EPA Small Business Gateway also has information on environmental regulations for small businesses available at <http://www.epa.gov/smallbusiness/> and a Small Business Ombudsman Hotline 1-800-368-5883.
- Ohio EPA's Division of Environmental Response and Revitalization (DERR) Hazardous Waste Program offers free technical assistance to the regulated community at 614-644-2924.