



## Memorandum of Response

**To:** Mark Hamlin, Director of Regulatory Policy  
**From:** Mandi Payton, Rules Coordinator  
**Date:** May 5, 2015  
**Re:** Memorandum of Response to CSI Review – Hazardous Waste Rules “Set L” (OAC Chapters 3745-50 to 3745-57, 3745-65, 3745-66, 3745-69, 3745-256, 3745-266, 3745-270, 3745-273, and 3745-279)

---

### Recommendations

On March 4, 2015, Ohio EPA received the Recommendations for the Division of Materials and Waste Management’s Hazardous Waste Rules “Set L” (OAC Chapters 3745-50 to 3745-57, 3745-65, 3745-66, 3745-69, 3745-256, 3745-266, 3745-270, 3745-273, and 3745-279).

The CSI memorandum stated that:

“Although the requirements imposed on Ohio businesses who handle hazardous waste can be significant, the BIA notes that because the rules are aligned with the federal RCRA regulations, the impacts to businesses would be similar with or without these rules. The Ohio EPA rules ensure that the regulation can be conducted at the state level. Moreover, Ohio EPA did not identify any new impacts from the changes being proposed in the rule package. During the review period, the CSI Office did request a revised BIA to provide more context to the proposed rules and additional explanation of the adverse impacts from the existing rules. The revised BIA was provided on January 28, 2015.

Given the voluminous nature of the rule package and the significant impacts of the requirements, the CSI Office proactively reached out to several of the affected industries to ensure they were aware of the rule submission and were comfortable with the proposals. With the exception of one request to see the entire rule package together instead of the separate links initially provided (Ohio EPA staff subsequently accommodated this request), no concerns were raised about the rules. Therefore, the CSI Office believes that the rules and the changes proposed by Ohio EPA are justified.

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Based on the above comments, the CSI Office concludes that Ohio EPA should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.”

### JCARR Filing

On April 8, 2015, U.S. EPA published a final rule (80 FR 18777) that amends several of the federal counterpart regulations to Set L rules, and removes and reserves one of the counterpart federal rules (in essence, rescinding it). Ohio’s hazardous waste management rules must be amended (or rescinded) to be equivalent to their federal counterpart provisions.

There are 9 facilities in Ohio that are impacted by this Federal rulemaking. Ohio EPA’s DMWM has been in contact with all of these companies, and each has a working plan to maintain compliance with the amended rules. Although these companies will need to make changes to their operations to maintain compliance with

these federal rules, and thus the corresponding state rule amendments when they occur, DMWM has worked with each of these companies to help them find the situation that works best for them under the amended requirements. DMWM will keep them informed as to the state rules’ promulgation, and we will continue to assist them in their compliance efforts as opportunities occur.

Ohio EPA’s plan is to make the following changes to the Set L rules prior to original filing to address these federal rule changes in the Set L rules package:

- Remove the replacement new rule 3745-51-38 from the rules package.
- Add equivalent amendments to amended rules 3745-50-10 and 3745-51-04.

### **Next Steps**

At this time, it is Ohio EPA’s plan to move forward with the original filing of these rules with the Joint Committee on Agency Rule Review.

If you have any questions please contact Mandi Payton at 614-644-2782.