



MEMORANDUM OF RESPONSE

To: Travis Butchello, Regulatory Policy Advocate

From: Michelle Mountjoy, Division Rules Coordinator

Date: August 3, 2017

Memorandum of Response to CSI Review – Universal Waste Rules – Hazardous Non-Empty Aerosol Containers, Antifreeze, and Paint-related Wastes (OAC 3745-50-45, 3745-51-09, 3745-54-01, 3745-65-01, 3745-270-01, 3745-273-01, 3745-273-09, 3745-273-13, 3745-273-14, 3745-273-15, 3745-273-32,

Subject: 3745-273-33, 3745-273-34, 3745-273-35, 3745-273-39, 3745-273-60, 3745-273-62, and 3745-273-89)

Recommendations

On August 3, 2017, Ohio EPA received the Recommendations for the Division of Division of Environmental Response and Revitalization Universal Waste Rules.

The CSI memorandum stated that:

“Thirty two comments were received during the CSI public comment period. Many commenters expressed discontent or made requests to include additional term definitions in the rules. Specifically, one commenter suggested that OEPA revise the definition of paint to include unpigmented (clear) coatings. OEPA made the change to include such types of pain. Other commenters expressed concerns regarding substantive portions of the rules. One commenter opposed the air emission control provisions required for equipment used for the puncturing of aerosol containers so they may be disposed of or recycled properly. OEPA responded and chose to remove the requirements to limit potential duplicative regulation with provisions imposed by the air pollution control program. Lastly, another commenter noted that the Ohio-specific labeling requirement of universal waste will result in a different labeling format than the federal universal waste program. OEPA replied that was not their intention and modified the rule to clarify that units holding universal waste shall not be labeled to identify which type of universal waste is contained within them.

The rules may impact many different entities, persons, and businesses in the state. OEPA states in the BIA that affected parties can include those who operate in industries such as agriculture, mining, government, manufacturing, transportation, retail, and commercial. The BIA emphasizes that the rules do not impose any fees or permits and that OEPA is in fact reducing the burden on industry and affected parties by streamlining management standards pertaining to these types of waste.

For the reasons explained above, this office does not have any recommendations regarding this rule package.

Based on the above comments, the CSI Office concludes that the Ohio Environmental Protection

Agency should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.”

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Next Steps

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

If you have any questions, please contact Michelle Mountjoy at 614-728-5372.