



MEMORANDUM OF RESPONSE

To: Ethan Wittkorn, Regulatory Policy Advocate

From: Mandi Payton, Rules Coordinator

Date: July 1, 2020

Subject: Memorandum of Response to CSI Review – Generator Improvements, Export/Import, CCR, Hazardous Waste Pharmaceuticals, and Hazardous Airbag Wastes

Recommendations

On June 26, 2020, Ohio EPA received the Division of Environmental Response and Revitalization's Generator Improvements, Export/Import, CCR, Hazardous Waste Pharmaceuticals, and Hazardous Airbag Wastes rules.

The CSI memorandum stated that:

"During the period of early stakeholder outreach, the EPA shared the proposed rules with their Hazardous Waste email list, consisting of regulated entities, professional associations, environmental groups, consultants, and attorneys. The EPA received two comments of support regarding rules on generator improvements, export/import, and Coal Combustion Residuals (CCR), as well as one comment of support for rules related to pharmaceuticals and airbags. During the CSI public comment period, the EPA received comments from CVS Health, Ohio Environmental Service Industries, and the U.S. EPA. Both CVS Health and Ohio Environmental Service Industries expressed their support for the rules. Several changes were made as a result of comments from the U.S. EPA, which include some clarifications and the addition of language to ensure consistency across the rules.

Impacted communities include businesses that generate, treat, store, dispose of, or transport hazardous waste. Potential adverse impacts of the rules include administrative costs associated with training. Additionally, the EPA estimates that the initial annualized cost to comply with generator improvement rules will range from \$5.9 million to \$13.3 million, associated with the costs of training, contingency plans, recordkeeping and reporting, and waste management. Initial annualized costs associated with pharmaceutical rules is estimated to be from \$6.59 million to \$7.99 million, and an estimated annual cost of \$130,792 for airbag rules. The EPA notes that the proposed changes of the rules will result in savings ranging from \$16.06 million to \$30.16 million annually. The EPA states that the proposed rules are necessary to manage hazardous waste for the protection of human health and the environment. Additionally, the EPA states that the rules provide regulatory flexibility and cost savings.

Based on the information above, the CSI Office has no recommendations on this rule package.

The CSI Office concludes that the EPA should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review."

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 614-644-3134.