



## MEMORANDUM OF RESPONSE

To: Ethan Wittkorn, Regulatory Policy Advocate, Jacob Ritzenthaler, Regulatory Policy Advocate, and Joseph Baker, Regulatory Policy Advocate

From: Mandi Payton, Rules Coordinator

Date: May 13, 2021

Subject: Memorandum of Response to CSI Review – CSI Review – Hazardous Waste Review 2020

### Recommendations

On May 13, 2021, Ohio EPA received the recommendations for the Division of Environmental Response and Revitalization's Hazardous Waste Review 2020 (OAC 3745-50-20, 3745-50-21, 3745-50-23, 3745-50-36, 3745-50-38, 3745-50-40, 3745-50-42, 3745-50-44, 3745-50-51, 3745-50-52, 3745-50-57, 3745-50-62, 3745-50-66, 3745-51-08, 3745-51-10, 3745-51-20, 3745-51-21, 3745-51-22, 3745-51-24, 3745-51-100, 3745-52-21, 3745-52-42, 3745-52-43, 3745-52-206, 3745-53-30, 3745-54-13, 3745-54-18, 3745-54-53, 3745-54-54, 3745-54-56, 3745-54-72, 3745-54-73, 3745-55-18, 3745-55-42, 3745-55-43, 3745-55-44, 3745-55-45, 3745-55-47, 3745-55-75, 3745-55-96, 3745-57-43, 3745-57-72, 3745-65-13, 3745-65-19, 3745-65-53, 3745-65-56, 3745-65-72, 3745-65-73, 3745-66-18, 3745-66-42, 3745-66-43, 3745-66-44, 3745-66-45, 3745-66-47, 3745-66-95, 3745-66-96, 3745-205-100, 3745-205-101, 3745-256-100, 3745-256-101, 3745-266-23, 3745-266-100, 3745-266-101, 3745-266-102, 3745-266-103, 3745-266-104, 3745-266-105, 3745-266-106, 3745-266-107, 3745-266-200, 3745-266-201, 3745-266-202, 3745-266-203, 3745-266-205, 3745-266-206, 3745-266-210, 3745-266-240, 3745-266-260, 3745-270-02, 3745-270-03, 3745-270-04, 3745-270-31, 3745-270-40, 3745-273-03, 3745-279-42, 3745-279-43, 3745-279-51, 3745-279-52, 3745-279-62, 3745-279-73) rules.

The CSI memorandum stated that:

"The proposed rules may include adverse impacts affecting businesses that generate, treat, store, dispose of, or transport hazardous waste. Impacts created by the rules include administrative costs to comply with storage, maintenance, and treatment of hazardous waste requirements, licensing fees, records maintenance costs, documentation requirements, and record reporting. Additional impacts include costs related to meeting permit requirements and emission control standards. The EPA argues that costs of compliance will be reduced due to the removal of certified mail requirements in several rules. Specific costs related to compliance will vary based on the nature of the activity being conducted at a given facility. The EPA also stressed that when it reviews these rules, it seeks to make changes that customize the federally required rules for Ohio and avoid creating new costs or problems for Ohio's citizens and regulated industries.

The EPA states in the BIA that the adverse impact to business is justified as the rules in this package are modeled to be functionally equivalent to federal counterparts. If the Ohio EPA does not promulgate rules equivalent to the federal requirements, the Ohio EPA could lose its ability to regulate hazardous waste and the affected business community would be subject to the federal regulations and any associated adverse impacts. Overall, the rules help to manage hazardous waste in Ohio to protect the public and the environment from mismanagement of these wastes.

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."

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### **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 [amanda.payton@epa.ohio.gov](mailto:amanda.payton@epa.ohio.gov).