



MEMORANDUM OF RESPONSE

To: Joseph Baker, Business Advocate

From: Mandi Payton, Rules Coordinator

Date: May 19, 2022

Subject: Memorandum of Response to CSI Review – Hazardous Waste Review 2021
(OAC 3745-50 through 3745-273)

Recommendations

On May 16, 2022, Ohio EPA received the recommendations for the Division of Environmental Response & Revitalization's Hazardous Waste Review 2021 (OAC 3745-50 through 3745-273) rules.

The CSI memorandum stated that:

“During early stakeholder outreach, OEPA shared the proposed rules with a stakeholder list of regulated entities, professional associations, environmental groups, consultants, and attorneys. One comment was received in support of the proposed changes. OEPA also notes that one change was made to OAC 3745-50-10 in response to a comment previously received on a separate rule package. One comment was received from Ohio Environmental Services Industries during the CSI public comment period sharing general support for the rule but recommending that OEPA revise the definition of hazardous waste treatment in OAC 3745-50-10(T)(13) to better align with the Revised Code definition in ORC 3734.01. In response to the comment, OEPA determined to revise the definition accordingly.

The business community impacted by the rules includes businesses in Ohio that generate, treat, store, dispose of, or transport hazardous waste. The adverse impacts to business created by the rules include time and costs associated with paying fees assessed on the disposal or treatment of hazardous waste (ranging from \$2 per ton for hazardous waste disposed by deep well injection to \$9 per ton for hazardous waste disposed of by landfill), preparing and maintaining records and filing various reports with OEPA, complying with public notice requirements for permit modifications, obtaining various permits and licenses from OEPA, ensuring proper personnel training and qualifications, payment of a \$1,500 application fee for hazardous waste facility initial licensure or renewal, complying with inspection requirements and standards, shutting down operations at licensed facility in compliance with rule requirements, complying with various requirements for the maintenance and securing of hazardous waste and related equipment, developing required response, sampling, action, and emergency plans, properly managing various types of classified waste, and related requirements. OEPA states that the adverse impact to business is justified to ensure Ohio compliance with federal Resource Conservation and Recovery Act standards and minimize hazards to the public health, safety and the environment associated with hazardous waste management.

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

The CSI Office concludes that OEPA 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.