



MEMORANDUM OF RESPONSE

To: Jacob Ritzenthaler, Business Advocate

From: Mandi Payton, Rules Coordinator

Date: March 24, 2023

Subject: Memorandum of Response to CSI Review – Hazardous Waste - Organic Air Emissions, Definition of Solid Waste Rules

Recommendations

On March 24, 2023, Ohio EPA received the recommendations for the Division Environmental Response and Revitalization's Hazardous Waste - Organic Air Emissions, Definition of Solid Waste (OAC 3745-50-10, 3745-50-11, 3745-50-15, 3745-50-16, 3745-50-17, 3745-50-23, 3745-50-24, 3745-50-26, 3745-50-44, 3745-50-49, 3745-50-51, 3745-51-01, 3745-51-02, 3745-51-04, 3745-51-06, 3745-51-140, 3745-51-142, 3745-51-143, 3745-51-147, 3745-51-148, 3745-51-151, 3745-51-170, 3745-51-170, 3745-51-190, 3745-51-191, 3745-51-193, 3745-51-194, 3745-51-196 through 3745-51-200, 3745-51-400, 3745-51-410, 3745-51-411, 3745-51-420, 3745-51-730 through 3745-51-735, 3745-51-750, 3745-51-752 through 3745-51-764, 3745-51-780, 3745-51-781, 3745-51-782, 3745-51-783, 3745-51-784, 3745-51-786, 3745-51-787, 3745-51-788, 3745-51-789, 3745-54-01, 3745-54-10, 3745-54-13, 3745-54-15, 3745-54-73, 3745-54-77, 3745-55-17, 3745-55-18, 3745-55-70, 3745-55-79, 3745-55-90, 3745-55-100, 3745-56-20, 3745-56-32, 3745-57-91, 3745-65-01, 3745-65-13, 3745-65-15, 3745-65-73, 3745-65-77, 3745-66-17, 3745-66-18, 3745-66-70, 3745-66-78, 3745-66-90, 3745-66-93, 3745-66-102, 3745-67-20, 3745-67-31, 3745-67-40, 3745-69-01, 3745-205-30 through 3745-205-36, 3745-205-50, 3745-205-52 through 3745-205-65, 3745-205-80, 3745-205-82 through 3745-205-90, 3745-205-200, 3745-256-30, 3745-256-32, 3745-256-33, 3745-256-34, 3745-256-35, 3745-256-50, 3745-256-52 through 3745-256-64, 3745-256-80 through 3745-256-90, 3745-256-200, 3745-266-22, 3745-266-80, 3745-266-100, 3745-266-102, 3745-266-103, 3745-266-106, 3745-266-107, 3745-266-111, 3745-266-112, 3745-270-42, 3745-273-13, and 3745-273-33) rules.

The CSI memorandum stated that:

"During early stakeholder outreach, OEPA sent the proposed rules to industry stakeholders for feedback. During that time, OEPA received comments that supported the adoption of these requirements while also suggesting clarifications to the rule language. OEPA did not make these changes, citing the need to remain consistent with federal regulations. During the CSI public comment period, OEPA received comments from two stakeholders. One stakeholder suggested clarifying the applicability of federal requirements within the rule language, and another stakeholder suggested removing addresses and office and home phone numbers of persons qualified to act as an emergency coordinator from the list of required information. OEPA stated that, since this rule language must be equivalent to that of the federal authorizing statute, it would not make the suggested changes.

The business community impacted by these rules includes all businesses that generate, treat, store, dispose of, or transport hazardous waste. Adverse impacts created by the rules include requirements to obtain permits, comply with requirements for facilities and equipment, personnel training, inspections, and recordkeeping. OEPA notes that obtaining a permit can cost over \$100,000 depending on the size and waste management activity of the facility. OEPA states that the adverse impacts created by the rules are necessary to regulate the potentially harmful effects of hazardous waste, as well as to comply with federal statute.

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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.”

Next Steps

Currently, 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.