

Rules Update: What's In Set K?

By Kit Arthur

On Jan. 7, 2011, Ohio EPA opened the opportunity to review draft rules in a group we call the Set K rules. These draft rules are available from the Division of Hazardous Waste Management's (DHWM) [draft rules web-page](#) during the interested parties review period, which ends on Feb. 7, 2011.

Set K contains 87 draft rules, most of which are reviewed under the Ohio statute that requires them to be submitted to the public via the rule-making process every five years. Many of these rules contain non-substantive amendments, including typographical corrections, rule cross-reference corrections, and similar changes. The more substantive amendments in Set K include three subjects: those made in response to changes in the federal counterpart regulations with regard to imports and exports; time-frame clarifications; and permit modification changes required by House Bill 1 (the 2009 budget bill).

The Set K rules address several Federal Registers that amended RCRA regulations. We are making similar changes to the counterpart state rules. We are also taking this opportunity to update the import/export rules as a whole, which includes rescinding a number of rules in Ohio Administrative Code (OAC) Chapter 3745-52 that are not needed because U.S. EPA maintains the authority for enforcing those requirements in 40 CFR Part 262. Where appropriate, cross-references in the Ohio rules are changed to include those federal requirements.

Set K includes four rules that contain clarifications to time frame references, in an effort to make the requirements clearer. The terms "weekly" and "annually" are clarified in context to explain what is meant by the specific time-frame mentioned. (See Set K rules 3745-54-16, 3745-55-74, 3745-65-16 and 3745-66-74.)

House Bill 1 changed Ohio's statute to clarify that there are different requirements for permit modifications regarding the change of an owner or operator, based on whether the treatment, storage, or disposal facility is an on-site or an off-site facility. One OAC rule is amended to address this, and another OAC rule is rescinded and re-promulgated as a new replacement rule to explain the differences in those requirements. (See [Set K rules](#) 3745-50-51, and 3745-50-52 rescinded and new.)

If you have questions about the content of the Set K rules, please see the [interested parties letter](#) (including its detailed attachments) or contact Kit Arthur at (614) 644-2932.

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