



State of Ohio Environmental Protection Agency

December 29, 2014

RE: Interested Party Review - Hazardous Waste Management Draft Rules Set L

The Division of Materials and Waste Management (DMWM) is seeking comment on the draft changes to the hazardous waste management rules as follows:

The following would be a “no-change” rule:

<u>Rule #</u>	<u>Title</u>
3745-266-200	Applicability- military munitions

The following would be amended rules:

<u>Rule #</u>	<u>Title</u>	(* this is the amended title)
3745-50-10	Definitions and computation of time	
3745-50-11	Incorporated by reference	
3745-50-20	Petitions to amend Chapter 3745-273 of the Administrative Code to include additional hazardous wastes	
3745-50-21	Draft permits	
3745-50-23	Variances from classification as waste	
3745-50-36	Annual hazardous waste permit fees	
3745-50-38	Contents of the "Siting Criteria Document"	
3745-50-40	Submittal of hazardous waste permit applications	
3745-50-42	Signatories to permit applications and reports	
3745-50-44	Contents of "Part B" of the permit application	
3745-50-45	Special inclusions and exclusions for hazardous waste permits	
3745-50-50	Schedules of compliance	
3745-50-51	Permit modifications	
3745-50-52	Transfer of permits	
3745-50-57	Emergency permits	
3745-50-62	Trial burn	
3745-50-66	Permits for boilers and industrial furnaces burning hazardous waste	
3745-50-235	Options for incinerators, cement kilns, lightweight aggregate kilns, solid fuel boilers, liquid fuel boilers, and hydrochloric acid production furnaces to minimize emissions from startup, shutdown, and malfunction events *	
3745-51-04	Exclusions	

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<u>Rule #</u>	<u>Title</u>	(* this is the amended title)
3745-51-05	Special requirements for hazardous waste generated by conditionally exempt small quantity generators	
3745-51-06	Requirements for recyclable materials	
3745-51-08	PCB wastes regulated under the Toxic Substances Control Act *	
3745-51-10	Criteria for identifying the characteristics of hazardous waste	
3745-51-11	Criteria for listing hazardous waste	
3745-51-20	Characteristics of hazardous waste- general	
3745-51-21	Characteristic of ignitability	
3745-51-22	Characteristic of corrosivity	
3745-51-24	Toxicity characteristic	
3745-51-33	Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof	
3745-51-35	Deletion of certain EPA hazardous waste numbers following equipment cleaning and replacement	
3745-52-21	Manifest tracking numbers, manifest printing, and obtaining manifests	
3745-52-30	Packaging	
3745-52-34	Accumulation time of hazardous waste	
3745-52-200	Definitions- university labs *	
3745-52-201	Applicability- university labs *	
3745-52-206	Labeling and management standards for containers of unwanted material in the laboratory	
3745-52-212	Making the hazardous waste determination at an on-site interim or permitted treatment, storage, or disposal facility	
3745-52-214	Laboratory management plan	
3745-53-22	Recordkeeping- transporters *	
3745-53-30	Immediate action	
3745-53-31	Discharge cleanup *	
3745-54-01	Purpose, scope, and applicability of Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code	
3745-54-13	General waste analysis	
3745-54-15	General inspection requirements	
3745-54-18	Location standards	
3745-54-37	Arrangements with local authorities *	
3745-54-52	Content of contingency plan	
3745-54-53	Copies of contingency plan	
3745-54-54	Amendment of contingency plan	

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<u>Rule #</u>	<u>Title</u>	(* this is the amended title)
3745-54-56	Emergency procedures	
3745-54-70	Applicability- manifest system, recordkeeping, and reporting	
3745-54-73	Operating record	
3745-54-76	Unmanifested waste report	
3745-55-18	Post-closure plan and amendment of post-closure plan *	
3745-55-43	Financial assurance for facility closure	
3745-55-96	Response to leaks or spills and disposition of leaking or unfit for use tank systems	
3745-56-27	Emergency repairs and contingency plans- surface impoundments *	
3745-56-59	Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027- waste piles *	
3745-56-83	Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027- land treatment *	
3745-57-17	Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027- landfills *	
3745-57-90	Applicability- miscellaneous units *	
3745-65-01	Purpose, scope, and applicability of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code	
3745-65-13	General waste analysis	
3745-65-15	General inspection requirements	
3745-65-37	Arrangements with local authorities	
3745-65-52	Content of contingency plan	
3745-65-53	Copies of contingency plan	
3745-65-56	Emergency procedures	
3745-65-70	Applicability- manifest system, recordkeeping, and reporting	
3745-65-73	Operating record	
3745-65-76	Unmanifested waste report	
3745-66-41	Definitions- financial requirements *	
3745-66-93	Containment and detection of releases- tanks *	
3745-66-95	Inspections- tank systems *	
3745-66-96	Response to leaks or spills and disposition of leaking or unfit for use tank systems	
3745-69-40	Applicability- drip pads *	
3745-256-100	Applicability- containment buildings *	
3745-256-101	Design and operating standards for containment buildings	

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<u>Rule #</u>	<u>Title</u>	(* this is the amended title)
3745-266-23	Standards applicable to users of materials that are used in a manner that constitutes disposal	
3745-266-100	Applicability- boilers and industrial furnaces	
3745-266-102	Permit standards for burners	
3745-266-104	Standards to control organic emissions	
3745-266-105	Standards to control particulate matter	
3745-266-106	Standards to control metals emissions	
3745-266-107	Standards to control hydrogen chloride and chlorine gas emissions	
3745-266-108	Small quantity on-site burner exemption	
3745-266-109	Low risk waste exemption	
3745-266-111	Standards for direct transfer	
3745-266-201	Definitions- military munitions *	
3745-266-202	Definition of waste for purposes of military munitions	
3745-266-203	Standards applicable to the transportation of waste military munitions	
3745-266-205	Standards applicable to the storage of waste military munitions	
3745-266-210	Definitions that apply to conditional exemption for LLMW storage and disposal *	
3745-266-260	LLMW storage unit closure	
3745-270-38	Waste specific prohibitions- newly identified organic toxicity characteristic wastes and newly listed coke by-product and chlorotoluene production wastes	
3745-270-40	Applicability- treatment standards *	
3745-270-48	Universal treatment standards	
3745-273-05	Applicability- management standards for universal waste- lamps *	
3745-273-09	Definitions- management standards for universal waste *	
3745-273-39	Tracking universal waste shipments- standards for large quantity handlers of universal waste	
3745-273-62	Tracking universal waste shipments- standards for destination facilities	
3745-279-42	Notification by used oil transporters	
3745-279-43	Used oil transportation	
3745-279-51	Notification by used oil processors and re-refiners	
3745-279-52	General facility standards for used oil processors and re-refiners	
3745-279-62	Notification by used oil burners	
3745-279-73	Notification by a used oil fuel marketer	

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The following would be rescinded and new rules:

<u>Rule #</u>	<u>Title</u>
3745-50-29 rescinded	Inspection of public records
3745-50-30 rescinded	Trade secrets- request for confidentiality
3745-50-30 new	Trade secrets- request for confidentiality
3745-51-38 rescinded	Comparable/syngas fuel exclusion
3745-51-38 new	Exclusion of comparable fuel and syngas fuel
3745-51-100 new	Financial responsibility for seventy-two hour recyclers

The following Federal Registers that amend federal RCRA rules are being addressed in this rulemaking of Ohio's hazardous waste rules:

Expansion of comparable fuels [superseded; see FR 06/15/2010]	73 FR 77954; 12/19/2008
Withdrawal of expansion of comparable fuels [withdraws FR 12/19/2008, preamble discussion linked; re-amends rules]	75 FR 33712; 06/15/2010
Removal of saccharin and its salts (U202) from the lists of hazardous waste constituents and hazardous wastes	75 FR 78918; 12/17/2010
Technical corrections; unwanted material at labs owner by colleges and universities	75 FR 79304; 12/20/2010
LDRs: Revision of the treatment standards for carbamate wastes	76 FR 34147; 06/13/2011
Guidelines establishing test procedures for the analysis of pollutants under the Clean Water Act; analysis and sampling procedures	77 FR 29758; 05/18/2012
Conditional exclusion for solvent-contaminated wipes	78 FR 46447; 07/31/2013
Conditional exclusion for carbon dioxide streams in geologic sequestration activities (RCRA portions)	79 FR 358; 01/03/2014

Where can I get a copy of the draft hazardous waste rules?

You may view the draft rules at <http://www.epa.state.oh.us/dmwm/dmwmrules.aspx>, select the "Interested Party" tab, and select "Set L," or call (614) 644-2621 to obtain a paper copy.

When are my comments due?

This is a 30-day comment period. Please submit your comments by close of business on January 28, 2015.

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Where should I send my comments?

Please send your comments:

via U.S. mail, to:

Kit Arthur
Ohio EPA- DMWM
PO Box 1049
Columbus, OH 43216-1049

via e-mail, to:

Katherine.arthur@epa.ohio.gov

[Please note that her former e-mail address
Kit.arthur@epa.epa.state.oh.us has changed.]

Who can I talk to about the rules?

For questions regarding the rule language or review schedule, please contact Kit Arthur using the above methods, or by telephone at (614) 644-2932. Please include a phone number where you can be reached during regular business hours.

What should I consider as I prepare my comments?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used to support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimates.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the close of the comment period.

Thank you for your interest, and we look forward to hearing from you.

Sincerely,



Pamela S. Allen, Chief
Division of Materials and Waste Management