

BEFORE THE OHIO ENVIRONMENTAL PROTECTION AGENCY
PUBLIC NOTICE OF PROPOSED RULE-MAKING
GOVERNING HAZARDOUS WASTE MANAGEMENT

Notice is hereby given that the Director of Environmental Protection, under the authority of Section 3734 of the Ohio Revised Code and in accordance with Chapter 119 of the Ohio Revised Code, proposes to adopt amendments to, rescind, adopt as new, or submit for review pursuant to Ohio Revised Code 119.032 without amendment the following 87 rules of the Ohio Administrative Code (known as "Set K"):

<u>Rule Number</u>	<u>Rule Title</u>	<u>Action</u>
3745-50-28	Procedures for case-by-case regulation of hazardous waste recycling activities	amend
3745-50-31	Exemptions	amend
3745-50-32	Definitions	amend
3745-50-33	Fees for the off-site disposal of hazardous waste	amend
3745-50-34	Fees for on-site or satellite disposal of hazardous waste	amend
3745-50-35	Fees for the treatment of hazardous waste	amend
3745-50-37	Permit application fee	no-change
3745-50-51	Permit modifications	amend
3745-50-52	Transfer of permits	rescind
3745-50-52	Transfer of permits	new
3745-51-01	Purpose and scope of Chapter 3745-51 of the Administrative Code	amend
3745-51-02	Definition of waste	amend
3745-51-04	Exclusions	amend
3745-51-05	Special requirements for hazardous waste generated by conditionally exempt small quantity generators	amend
3745-51-06	Requirements for recycling materials	amend
3745-51-07	Residues of hazardous waste in empty containers	amend
3745-51-23	Characteristic of reactivity	amend
3745-51-30	Lists of hazardous wastes- general	amend
3745-51-33	Discarded commercial chemical products, off-specification species, container residues and residues thereof	amend
3745-51-39	Conditional exclusion for used, broken CRTs and processed CRT glass undergoing recycling	amend
3745-51-40	Conditional exclusion for used, intact CRTs exported for recycling	amend
3745-52-10	Applicability- generator standards	amend
3745-52-20	Manifest- general requirements	amend

<u>Rule Number</u>	<u>Rule Title</u>	<u>Action</u>
3745-52-23	Manifest; use	amend
3745-52-34	Accumulation time of hazardous waste	amend
3745-52-40	Recordkeeping	no-change
3745-52-42	Exception report	amend
3745-52-50	Applicability- exports of hazardous waste to a foreign country	amend
3745-52-51	Definitions pertaining to exports of hazardous waste to a foreign country	rescind
3745-52-52	General requirements for exports of hazardous waste to a foreign country	rescind
3745-52-53	Notification of intent to export to a foreign country	rescind
3745-52-54	Special manifest requirements	rescind
3745-52-55	Exception reports	rescind
3745-52-56	Annual reports	rescind
3745-52-57	Record keeping	rescind
3745-52-60	Imports of hazardous waste from a foreign country	amend
3745-52-200	Definitions for the university lab rules	amend
3745-52-205	Summary of the requirements of the university lab rules	amend
3745-53-10	Applicability- transporter standards	amend
3745-53-11	Registration of hazardous waste transporters	amend
3745-53-20	Acceptance and handling of hazardous waste and the manifest system	amend
3745-54-12	Required notices	amend
3745-54-16	Personnel training	amend
3745-54-52	Content of contingency plan	amend
3745-54-71	Use of manifest system	amend
3745-54-72	Manifest discrepancies	amend
3745-54-75	Annual report	no-change
3745-54-94	Concentration limits	amend
3745-54-99	Compliance monitoring program	amend
3745-55-44	Cost estimate for post-closure care	amend
3745-55-74	Inspections	amend
3745-55-75	Containment	amend
3745-57-43	Performance standards	amend
3745-57-72	Corrective action management units (CAMUs)	amend
3745-57-91	Environmental performance standards	amend
3745-65-12	Required notices	amend
3745-65-16	Personnel training	amend
3745-65-19	Construction quality assurance (CQA) program	amend
3745-65-33	Testing and maintenance of equipment	no-change

<u>Rule Number</u>	<u>Rule Title</u>	<u>Action</u>
3745-65-52	Content of contingency plan	amend
3745-65-71	Use of manifest system	amend
3745-65-72	Manifest discrepancies	amend
3745-65-75	Annual report	no-change
3745-65-77	Additional reports	amend
3745-66-18	Post-closure plan; amendment of plan	amend
3745-66-74	Inspections	amend
3745-266-20	Applicability- recyclable materials used in a manner constituting disposal	amend
3745-266-70	Applicability and requirements- recyclable materials utilized for precious metal recovery	amend
3745-266-80	Applicability and requirements- spent lead-acid batteries being reclaimed	amend
3745-266-104	Standards to control organic emissions	amend
3745-270-01	Purpose, scope, and applicability- land disposal restrictions	amend
3745-270-02	Definitions applicable in the land disposal restrictions rules	amend
3745-270-03	Dilution prohibited as a substitute for treatment	amend
3745-270-04	Treatment surface impoundment exemption	amend
3745-270-05	Procedures for case-by-case extensions to an effective date	amend
3745-270-06	Petitions to allow land disposal of a waste prohibited under rules 3745-270-30 to 3745-270-39 of the Administrative Code	amend
3745-270-07	Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities	amend
3745-270-31	Waste specific prohibitions- dioxin-containing wastes	amend
3745-270-40	Applicability of treatment standards	amend
3745-270-44	Variance from a treatment standard	amend
3745-270-50	Prohibition on storage of restricted wastes	amend
3745-273-03	Applicability- management standards for universal waste- pesticides	amend
3745-273-08	Applicability- household and conditionally exempt small quantity generator waste	amend
3745-273-20	Exports- standards for small quantity handlers of universal waste	amend
3745-273-40	Exports- standards for large quantity handlers of universal waste	amend
3745-273-56	Exports- standards for universal waste transporters	amend
3745-273-70	Imports of universal waste	amend

Purpose of rule-making. The primary purpose of this proposed rule-making is to adopt rules consistent with and equivalent to regulations adopted by the U.S. Environmental Protection Agency (U.S. EPA) pursuant to the Resource Conservation and Recovery Act (RCRA). Specifically, these rules are amended, rescinded, or promulgated as new pursuant to the RCRA regulations addressed by the following Federal Registers (FRs) regarding U.S. EPA’s hazardous waste rule-making, and the state-initiated concepts shown:

FR 04/12/1996; 61 FR 18290	Imports and exports of hazardous waste: Implementation of OECD Council decision (Part 262 subpart H)
FR 01/08/2010; 75 FR 1236	Revision to the requirements for trans-boundary shipments of hazardous waste between OECD member countries, export shipments of spent lead-acid batteries, submitting exception reports for export shipments of hazardous wastes, and imports of hazardous wastes
FR 03/18/2010; 75 FR 12989	Hazardous waste technical corrections and clarifications rule
FR 06/04/2010; 75 FR 31716	Partial withdrawal of hazardous waste technical corrections and clarifications rule (FR 03/18/2010)
no FR	State-initiated changes: Import/ export references (not directly amended by either import/export FR above, but rules need clarification)
no FR	State-initiated changes: Miscellaneous corrections, including the division name change within Ohio EPA, cross-references, spelling, and clarifications to time frame references
no FR	State-initiated changes: Rules submitted for 5-yr review, including amended and no-change
no FR	State-initiated changes: To implement House Bill 1 (128 th General Assembly (Budget Bill), at ORC 3734.05 (I)(1), effective 10/16/2009

Many of these proposed Ohio rules are amended to correct cross-references within rules, to correct typographical errors and rule structure errors (indenting, spacing), and to make other non-substantive corrections. This proposal includes corrections and clarifications that are not directly included in the federal hazardous waste rules, but which are necessary to the Ohio rules to maintain the internal consistency (in wording, references, and format) of the Ohio hazardous waste management program. Many of these rules were also reviewed and amended pursuant to Ohio Revised Code (ORC) section 119.032, which requires Ohio EPA to review certain rules every five years.

A public hearing pursuant to ORC sections 119.02 through 119.04 will be conducted on Friday, January 6, 2012 at 1:30 p.m. in conference center room B at the Ohio Environmental Protection Agency, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio. All interested parties are entitled to attend or be represented and give their written or verbal comments on this proposed rule-making. A presiding officer will be present until 2:00 p.m. or until all interested parties have been heard if more time is necessary.

If you plan to attend the hearing, please be aware that all visitors to Ohio EPA must register at the security desk in the lobby upon arrival. Please bring photo identification (e.g., a valid driver's license); it is a requirement for building admittance. For security reasons, visitors are required to wear their badge at all times while in the building. Please arrive early to complete security procedures.

To give notice of intent to provide verbal comments at the public hearing, please contact Kit Arthur; her contact information is at the end of this notice. To facilitate scheduling of verbal presentations, people who intend to give testimony at the hearing should ensure that Ohio EPA receives notice of such intent by 5:00 p.m. on Thursday, January 5, 2012. Those who provide Ohio EPA with prior notice will be heard before those who register at the hearing.

Comment due date. In order to assure that written communications are considered as part of the official record of this hearing, written communications must be received by Ohio EPA by 5:00 p.m. on Friday, January 6, 2012. Written communications may be filed with the presiding officer during the hearing, or provided via U.S. mail or email to Kit Arthur. Your emailed comments on these rules are welcome, but *must* include the sender's name and phone number in order to be verified and considered.

Accessing the rules. These proposed rules may be accessed **electronically** via the Register of Ohio (ROO) at <http://www.RegisterOfOhio.state.oh.us/>. Once you enter the ROO website, follow the instructions to access each rule of interest, or search using the "original filing date" so enter "November 30, 2011" at the prompt. Ohio EPA does not have a downloadable "package" of these proposed rules on our website; you will need to access them via the ROO. To obtain a **hard copy** of these proposed rules, please contact Kit Arthur, request "Proposed rules Set K," and be sure to include your name and phone number if you leave a message. There is no charge for proposed rules, but as a cost-savings measure, only one paper copy will be provided per request (paper copies will be made only upon request).

Contact information. Please direct communications concerning these "Set K" proposed rules to Ms. Kit Arthur at email kit.arthur@epa.state.oh.us or via phone at 614/644-2932. The U.S. mail address is Kit Arthur, Division of Materials and Waste Management, Ohio EPA, 50 West Town Street, Suite 700, Columbus, Ohio 43215.