



State of Ohio Environmental Protection Agency

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January 7, 2011

Dear Interested Party:

This letter is notification that draft rules are now available for review and comment. The Division of Hazardous Waste Management (DHWM) is providing notice of these draft rules to Interested Parties in advance of formally filing the rules with the Joint Committee on Agency Rule Review (JCARR). For more information on JCARR and the rule-making process, please refer to the enclosed *Ohio EPA: Guide to Rule-Making*.

About this Rules Package

Ohio maintains a federally authorized hazardous waste program which means that most of the State's hazardous waste rules are adopted and/or changed in response to federal rule-making. In addition, Ohio law requires certain rules to be reviewed on a five-year basis to determine if they are still needed. Today's rules package contains 87 rules and has been designated as the "Set K" rules package. Attachment A to this letter provides a list of these rules, and Attachment B provides a summary, in table form, of the corresponding subjects and rationale behind the rule-making action.

Providing Input on this Rules Package

Copies of the package may be obtained in the following two ways:

Via Internet: Go to our DHWM home page www.epa.ohio.gov/dhwm. Select "Laws and Rules", select "**Draft Rules**" then follow the instructions to download.

Hard Copy: Call Kit Arthur at 614/644-2932 and request a hard copy of the "**Draft Set K Rules**". Be sure to provide your phone number and mailing address. There is no fee, but only one copy will be provided to an address.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Guidelines for Submitting Comments:

In all correspondence, please indicate that your comments are about the "**Draft Set K Rules**". Please be sure to include your name, mailing address, and phone number. Comments from unidentifiable sources or sources we are unable to contact for verification will not be considered.

When: Comments must be received by Ohio EPA by February 7, 2011, close of business.

Send comments to: Kit Arthur via any of the following methods:

Mailing address: Ohio EPA- DHWM
Lazarus Government Center
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, OH 43216-1049

Street address: Ohio EPA- DHWM
Lazarus Government Center
50 West Town Street, Suite 700
Columbus, OH 43215

Fax number: 614/728-1245

E-mail address: kit.arthur@epa.state.oh.us

After the close of the comment period, Ohio EPA will consider all comments received, revise the rules accordingly, and file them with JCARR. We intend to file these rules with JCARR in Spring of 2011.

While we encourage you to take this opportunity to review these rules prior to their JCARR filing, this review and comment period on the Interested Parties draft rules does not constitute your only opportunity to participate in the rule-making process. A formal public comment period of about forty days, with a public hearing, will begin upon filing these rules with JCARR. If you choose not to review or comment on these draft rules at this time, you will have another chance to do so after they are filed with JCARR.

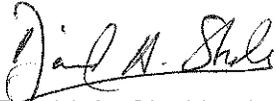
A detailed list of changes that are made between the Draft rules and the Proposed (originally filed with JCARR) rules will be maintained, and will be available after proposal.

Thank you for participating in this review process. We look forward to hearing from you.

Interested Parties - Input on Draft rules
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Please call Kit Arthur at (614) 644-2932 if you have any questions or if we can make the review process easier for you.

Sincerely,



David A. Sholtis, Acting Chief
Division of Hazardous Waste Management

KA/g:SetK-IP-Let

Attachments

cc (w/o attachments):

Jeff Mayhugh, Supervisor, CAS, DHWM
Kit Arthur, RIS, DHWM
Mandi Payton, Director's Office

Jeremy Carroll, Mgr., RIS, DHWM
Geetha Kumar, RIS, DHWM
Todd Anderson, Legal

Attachment A
List of Rules in Draft Set K

* 3745-50-28	3745-52-51 RS	* 3745-65-33 NC
* 3745-50-31	3745-52-52 RS	3745-65-52
* 3745-50-32	* 3745-52-53 RS	* 3745-65-71
* 3745-50-33	3745-52-54 RS	3745-65-72
* 3745-50-34	3745-52-55 RS	* 3745-65-75 NC
* 3745-50-35	* 3745-52-56 RS	* 3745-65-77
* 3745-50-37 NC	3745-52-57 RS	3745-66-18
* 3745-50-51	* 3745-52-60	* 3745-66-74
* 3745-50-52 RS	* 3745-52-200	3745-266-20
* 3745-50-52 NW	* 3745-52-205	* 3745-266-70
* 3745-51-01	* 3745-53-10	* 3745-266-80
* 3745-51-02	* 3745-53-11	* 3745-266-104
* 3745-51-04	* 3745-53-20	3745-270-01
* 3745-51-05	* 3745-54-12	3745-270-02
* 3745-51-06	* 3745-54-16	3745-270-03
* 3745-51-07	3745-54-52	3745-270-04
* 3745-51-23	* 3745-54-71	* 3745-270-05
3745-51-30	3745-54-72	* 3745-270-06
3745-51-33	* 3745-54-75 NC	3745-270-07
* 3745-51-39	* 3745-54-94	3745-270-31
* 3745-51-40	* 3745-54-99	3745-270-40
* 3745-52-10	* 3745-55-44	* 3745-270-44 NC
3745-52-20	* 3745-55-74	3745-270-50
3745-52-23	3745-55-75	3745-273-03
* 3745-52-34	3745-57-43	* 3745-273-08
* 3745-52-40 NC	3745-57-72	* 3745-273-20
3745-52-42	* 3745-57-91	* 3745-273-40
* 3745-52-50	* 3745-65-12	* 3745-273-56
	* 3745-65-16	* 3745-273-70
	3745-65-19	

* indicates a rule submitted for 5-year review

NC indicates a no-change rule that will be submitted for review without amendment

RS indicates a rule that will be rescinded

NW indicates a new rule

Attachment B
List of Subjects Addressed in Draft Set K

Title/Subject of Federal Register (FR) location; date	Rationale for Change	Amended Ohio rules (rules are listed in each row that pertains, so any given rule may appear in multiple rows)
Imports and exports of hazardous waste: implementation of OECD council decision 61 FR 18290; 04/12/1996	FR 04/12/1996 was optional for state adoption, and Ohio chose not to adopt it. The new rules created by this FR (40 CFR 262.58 and 40 CFR 262 subpart H, 262.80 to 262.89) contain authorities that are not delegable to states, so they are not addressed by Ohio rulemaking. (This includes amendments to these provisions in FR 01/08/2010 and FR 03/18/2010 as well.) In the Ohio rules, all references to those provisions refer to the federal provisions.	3745-51-06, 3745-52-10, 3745-53-10, 3745-53-20, 3745-54-12, 3745-54-71, 3745-65-12, 3745-65-71, 3745-266-70, 3745-273-20, 3745-273-40, 3745-273-56, 3745-273-70
Transboundary shipments of hazardous waste between OECD member countries, export shipments of spent lead-acid batteries, exception reports for export shipments of, and imports of hazardous wastes 75 FR 1236; 01/08/2010	FR 04/12/1996 was optional for state adoption, and Ohio chose not to adopt it. The new rules created by this FR (40 CFR 262.58 and 40 CFR 262 subpart H, 262.80 to 262.89) contain authorities that are not delegable to states, so they are not addressed by Ohio rulemaking. (This includes amendments to these provisions in FR 01/08/2010 and FR 03/18/2010 as well.) In the Ohio rules, all references to those provisions refer to the federal provisions.	3745-52-10, 3745-53-10, 3745-54-12, 3745-54-71, 3745-65-12, 3745-65-71, 3745-266-80

Title/Subject of Federal Register (FR) location; date	Rationale for Change	Amended Ohio rules (rules are listed in each row that pertains, so any given rule may appear in multiple rows)
Hazardous waste technical corrections and clarifications rule 75 FR 12989; 03/18/2010	FR 04/12/1996 was optional for state adoption, and Ohio chose not to adopt it. The new rules created by this FR (40 CFR 262.58 and 40 CFR 262 subpart H, 262.80 to 262.89) contain authorities that are not delegable to states, so they are not addressed by Ohio rulemaking. (This includes amendments to these provisions in FR 01/08/2010 and FR 03/18/2010 as well.) In the Ohio rules, all references to those provisions refer to the federal provisions.	3745-51-01, 3745-51-02, 3745-51-04, 3745-51-05, 3745-51-06, 3745-51-07, 3745-51-23, 3745-51-30, 3745-51-33, 3745-52-10, 3745-52-23, 3745-52-34, 3745-52-42, 3745-52-60, 3745-54-52, 3745-54-72, 3745-57-72, 3745-65-52, 3745-65-72, 3745-266-20, 3745-266-80, 3745-270-40
Partial withdrawal of hazardous waste technical corrections and clarifications rule (FR 03/18/2010) 75 FR 31716; 06/04/2010	FR 04/12/1996 was optional for state adoption, and Ohio chose not to adopt it. The new rules created by this FR (40 CFR 262.58 and 40 CFR 262 subpart H, 262.80 to 262.89) contain authorities that are not delegable to states, so they are not addressed by Ohio rulemaking. (This includes amendments to these provisions in FR 01/08/2010 and FR 03/18/2010 as well.) In the Ohio rules, all references to those provisions refer to the federal provisions. FR 06/04/2010 withdrew several of the amendments that were made by FR 03/18/2010. The Ohio rules were re-drafted accordingly.	3745-52-34, 3745-266-20

Title/Subject of Federal Register (FR) location; date	Rationale for Change	Amended Ohio rules (rules are listed in each row that pertains, so any given rule may appear in multiple rows)
None	State rules submitted to JCARR for 5-yr review	<p>Amend, continue review: 3745-50-28, 3745-50-31, 3745-50-32, 3745-50-33, 3745-50-34, 3745-50-35, 3745-50-51, 3745-51-01, 3745-51-02, 3745-51-04, 3745-51-05, 3745-51-06, 3745-51-07, 3745-51-23, 3745-52-10, 3745-52-34, 3745-52-200, 3745-52-205, 3745-53-10, 3745-53-11, 3745-53-20, 3745-54-12, 3745-54-71, 3745-54-94, 3745-55-44, 55-74, 3745-65-12, 3745-65-71, 3745-66-74, 3745-266-70, 3745-266-80, 3745-266-104, 3745-270-05, 3745-270-06, 3745-273-20, 3745-273-40, 3745-273-56, 3745-273-70</p> <p>Amend, change from exempt to review: 3745-51-39, 3745-51-40, 3745-52-50, 3745-52-60, 3745-54-16, 3745-54-99, 3745-57-91, 3745-65-16, 3745-65-77, 3745-273-08</p> <p>No-Change, continue review: 3745-50-37, 3745-52-40, 3745-54-75, 3745-65-33, 3745-65-75, 3745-270-44</p> <p>Review and rescind: 3745-50-52 rescind, 3745-52-53 rescind, 3745-52-56 rescind</p> <p>New, assign review date: 3745-50-52 new</p>

Title/Subject of Federal Register (FR) location; date	Rationale for Change	Amended Ohio rules (rules are listed in each row that pertains, so any given rule may appear in multiple rows)
None	<p>House Bill 1 (128th GA / Representative Sykes & Sen. Carey) at 3734.05 (I)(1); bill effective 10/16/2009</p> <p>House Bill 1 (HB 1) of the 128th General Assembly (Representative Sykes and Senator Carey) was the Budget Bill but contained many other amendments. It amended ORC 3734.05 (I)(1) so that a change to the owner or operator of an on-site treatment facility is a Class 1* permit modification instead of a Class 3 permit modification. To accomplish the intent of the statute change, rule 3745-50-52 is rescinded and re-promulgated as a new rule having a different structure to make clear the differences in requirements for on-site and off-site permits. Rule 3745-50-51 is amended to match.</p>	3745-50-51, 3745-50-52 rescind, 3745-50-52 new

Title/Subject of Federal Register (FR) location; date	Rationale for Change	Amended Ohio rules (rules are listed in each row that pertains, so any given rule may appear in multiple rows)
None	Housekeeping- typos, spelling, word choice, rule cross-reference corrections, etc.	3745-50-28, 3745-50-31, 3745-50-32, 3745-50-33, 3745-50-34, 3745-50-35, 3745-50-51, 3745-50-52 new, 3745-51-01, 3745-51-02, 3745-51-04, 3745-51-05, 3745-51-06, 3745-51-07, 3745-51-23, 3745-51-30, 3745-51-33, 3745-51-39, 3745-51-40, 3745-52-10, 3745-52-20, 3745-52-23, 3745-52-42, 3745-52-50, 3745-52-60, 3745-52-200, 3745-52-205, 3745-53-10, 3745-53-11, 3745-53-20, 3745-54-12, 3745-54-71, 3745-54-72, 3745-54-94, 3745-54-99, 3745-55-44, 3745-55-75, 3745-57-43, 3745-57-72, 3745-57-91, 3745-65-12, 3745-65-19, 3745-65-71, 3745-65-72, 3745-65-77, 3745-66-18, 3745-266-20, 3745-266-70, 3745-266-80, 3745-266-104, 3745-270-01, 3745-270-02, 3745-270-03, 3745-270-04, 3745-270-05, 3745-270-06, 3745-270-07, 3745-270-31, 3745-270-40, 3745-270-50, 3745-273-03, 3745-273-08, 3745-273-20, 3745-273-40, 3745-273-56, 3745-273-70
None	Clarification of time-frame requirements	3745-54-16, 3745-55-74, 3745-65-16, 3745-66-74

Title/Subject of Federal Register (FR) location; date	Rationale for Change	Amended Ohio rules (rules are listed in each row that pertains, so any given rule may appear in multiple rows)
None	<p>Housekeeping pertaining to import/export corrections</p> <p>FR 04/12/1996 was optional for state adoption, and Ohio chose not to adopt it. The new rules created by this FR (40 CFR 262.58 and 40 CFR 262 subpart H, 262.80 to 262.89) contain authorities that are not delegable to states, so they are not addressed by Ohio rulemaking. (This includes amendments to these provisions in FR 01/08/2010 and FR 03/18/2010 as well.) In the Ohio rules, all references to those provisions refer to the federal provisions.</p>	<p>3745-50-28, 3745-51-06, 3745-51-39, 3745-51-40, 3745-52-10, 3745-52-50, 3745-52-51 rescind, 3745-52-52 rescind, 3745-52-53 rescind, 3745-52-54 rescind, 3745-52-55 rescind, 3745-52-56 rescind, 3745-52-57 rescind, 3745-52-60, 3745-53-10, 3745-53-20, 3745-54-12, 3745-54-71, 3745-65-12, 3745-65-71, 3745-266-70, 3745-266-80, 3745-273-20, 3745-273-40, 3745-273-56, 3745-273-70</p>

end