

Re: Interested Parties Draft Rules, Hazardous Waste Management, “**Biennial Set**”

Dear Interested Parties:

The Division of Materials and Waste Management (DMWM) has prepared a set of 9 rules called the “Biennial Set” in order to change the “hazardous waste annual report” to a biennial report, due beginning March 1, 2014. (The annual report due March 1, 2013, for 2012 data, will not be required to be submitted under these amendments.) This rulemaking effort comes from Senate Bill 294, which changes Ohio Revised Code 3734.12 and 3734.121 by changing Ohio EPA’s reporting requirement to the Governor from annual to biennial. In response, we are amending the hazardous waste rules to require the report to Ohio EPA biennially from hazardous waste generators and treatment, storage, and disposal facilities.

As part of the rulemaking process, Ohio EPA is required to prepare and submit a Business Impact Analysis (BIA) form to Ohio’s Common Sense Initiative (CSI) Office. Ohio EPA is also making this form available at this time for public review and comment.

The DMWM is also conducting a review of these to satisfy requirements mandated by Ohio Revised Code (ORC) Section 119.032 which requires all state agencies to review each of their non-exempt rules every five years to determine whether to continue the rules without change, amend the rules, or rescind the rules.

The DMWM has reviewed and drafted amendments for the following rules:

<u>Rule #</u>	<u>Currently effective rule title</u>	<u>Action</u>
3745-50-46	Permits by rule.	amend
3745-50-58	Conditions applicable to all permits.	amend
3745-52-40	Recordkeeping.	amend
3745-52-41	Annual report.	amend
3745-54-75	Annual report.	amend
3745-54-77	Additional reports.	amend
3745-65-75	Annual report.	amend
3745-65-77	Additional reports.	amend
3745-65-94	Recordkeeping and reporting.	amend

Each draft rule is accompanied by a detailed list of amendments drafted into that rule. The following list describes the major changes to these rules as a whole:

- changing references to the “hazardous waste annual report” to the “hazardous waste biennial report”
- changing “shall” to “must” and other minor word-choice corrections (for plain language)

DMWM is seeking input from you on these draft rules. You may view the draft rules at <http://epa.ohio.gov/dmwm/dmwmrules/tabid/5797/LiveTabId/122184/Default.aspx>.

This hazardous waste rulemaking is called the “Biennial Set.” Please submit your comments by close of business on **Friday, October 12, 2012** to:

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Thank you for your participation. Please contact us if you have any questions.