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State of Ohio Environmental Protection Agency

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August 31, 2009

Dear Interested Party:

In conformance with Ohio Revised Code (ORC) section 119.032 and the Division's interest to seek stakeholder input on our draft rules, we are providing notice of a draft rules package to our Interested Parties prior to the rules' filing with the Joint Committee on Agency Rule Review (JCARR). This letter is our notification to you that draft rules are now available for your review and comment.

This rules package contains 213 rules. Most of these rules (147 of them) are included because their RCRA federal counterpart provisions were amended in the Federal Register on various dates, and Ohio's rules are being updated to match their federal counterparts. In addition, many of these are rules that must be reviewed every five years and filed with JCARR.

The list of rules in this package appears in Attachment A. The procedures for obtaining a copy of these draft rules appears in Attachment B. They are available to download, or a hard copy can be made and mailed. Attachment C is a list of the Federal Registers and subjects being addressed in this package.

Please provide your comments to Kit Arthur regarding these draft rules by October 15, 2009; see Attachment B for comment submittal information. After that date, we will consider all comments received, revise the rules accordingly, and file them with JCARR. A public notice will be issued, but you will not receive another letter like this one regarding these rules. We intend to file these rules with JCARR in the first half of 2010.

While we encourage you to look at 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 regarding these rules. 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. 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,

Michael A. Savage, Chief
Division of Hazardous Waste Management

KA/g:SetJ-IP-Let

Attachments

cc (w/o attachments):

Dave Sholtis, Assistant Chief, DHWM
Jeff Mayhugh, Supervisor, CAS, DHWM
Kit Arthur, RISS, DHWM
Mandi Payton, Director's Office
Jeremy Carroll, Mgr., RISS, DHWM
Geetha Kumar, RISS, DHWM
Todd Anderson, Legal

Attachment A
List of Rules in Set J

3745-50-01 NC	3745-52-200 NW	3745-55-45	3745-66-42	3745-266-109
3745-50-10	3745-52-201 NW	3745-55-47	3745-66-43	3745-266-111
3745-50-11	3745-52-202 NW	3745-55-51	3745-66-44	3745-266-200 NC
3745-50-19	3745-52-203 NW	3745-55-91	3745-66-45	3745-266-201
3745-50-20 NC	3745-52-204 NW	3745-55-92	3745-66-47	3745-266-202
3745-50-21	3745-52-205 NW	3745-55-93	3745-66-74	3745-266-203
3745-50-24	3745-52-206 NW	3745-55-95 RS	3745-66-91	3745-266-205
3745-50-27	3745-52-207 NW	3745-55-95 NW	3745-66-92	3745-266-210
3745-50-29	3745-52-208 NW	3745-55-96	3745-66-93	3745-266-260
3745-50-30	3745-52-209 NW	3745-55-98	3745-66-95	3745-270-01
3745-50-36 NC	3745-52-210 NW	3745-56-21	3745-66-96	3745-270-04
3745-50-38	3745-52-211 NW	3745-56-23	3745-66-98	3745-270-07
3745-50-39	3745-52-212 NW	3745-56-51	3745-66-101	3745-270-09
3745-50-41	3745-52-213 NW	3745-56-80	3745-67-21	3745-270-32 NW
3745-50-42	3745-52-214 NW	3745-57-03	3745-67-23 RS	3745-270-40
3745-50-43	3745-52-215 NW	3745-57-04	3745-67-24 NW	3745-270-42
3745-50-44	3745-52-216 NW	3745-57-06	3745-67-28	3745-270-45
3745-50-45	3745-53-10 NC	3745-57-40	3745-67-55	3745-270-48
3745-50-51	3745-53-11 NC	3745-57-43	3745-67-59	3745-270-49
3745-50-53 NC	3745-54-01	3745-57-47	3745-67-80	3745-273-01
3745-50-54 NC	3745-54-03	3745-57-72	3745-68-03	3745-273-04
3745-50-56 NC	3745-54-11 NC	3745-57-74	3745-68-05	3745-273-09
3745-50-58	3745-54-12 NC	3745-57-75	3745-68-10 NC	3745-273-13
3745-50-62	3745-54-15	3745-57-81	3745-68-16	3745-273-14
3745-51-02	3745-54-16	3745-57-83	3745-69-30	3745-273-20 NC
3745-51-03	3745-54-52	3745-57-84	3745-69-41	3745-273-32
3745-51-04	3745-54-56	3745-65-01	3745-69-43	3745-273-33
3745-51-05	3745-54-72	3745-65-11 NC	3745-69-44	3745-273-34
3745-51-06	3745-54-73	3745-65-15	3745-69-45	3745-273-40 NC
3745-51-09	3745-54-77	3745-65-16	3745-205-100	3745-273-56 NC
3745-51-23	3745-54-94 NC	3745-65-52	3745-205-101	3745-273-60
3745-51-31	3745-54-97	3745-65-56	3745-205-200 NC	3745-273-70 NC
3745-51-33	3745-54-98	3745-65-72	3745-205-201 NC	3745-279-01
3745-51-39 NW	3745-54-99	3745-65-73	3745-256-101	3745-279-11
3745-51-40 NW	3745-54-100	3745-65-90	3745-256-200 NC	3745-279-42 NC
3745-51-41 NW	3745-54-101	3745-65-92 NC	3745-256-201 NC	3745-279-43
3745-52-10	3745-55-11	3745-65-93	3745-266-20	3745-279-51
3745-52-11	3745-55-13	3745-66-11	3745-266-80	3745-279-52
3745-52-12	3745-55-15	3745-66-12	3745-266-102	3745-279-62 NC
3745-52-34	3745-55-20	3745-66-13	3745-266-103	3745-279-73
3745-52-44	3745-55-40	3745-66-15	3745-266-104	3745-279-81 NC
3745-52-53	3745-55-42	3745-66-20	3745-266-105 NC	
3745-52-56	3745-55-43	3745-66-40	3745-266-107	

NW indicates a new rule; **RS** indicates a rule that will be rescinded;
NC indicates a no-change rule that will be submitted for review without amendment

Attachment B

Commenting on Hazardous Waste Management Rules- Draft Set J

How to get a copy of the draft rules:

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.
-If you have questions about downloading or about using the web site, please call Geetha Kumar at 614/644-2667.
-Questions about the rules or the rule-making process should be directed to Kit Arthur.

Hard Copy: Call Kit Arthur at 614/644-2932 and request a hard copy of the "**Draft Set J 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.

Submittal of Comments:

In all correspondence, please indicate that your comments are about the "**Draft Set J 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 **October 15, 2009**, 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
(Note: electronic comments are welcome, but they must include your name, mailing address, and phone number or they will not be considered.)

Attachment C
List of Subjects and Federal Registers addressed in Draft Set J

Title/Subject Federal Register (FR) location; date	Ohio rules
Deferral of LDR Phase IV standards for PCBs as a constituent subject to treatment in soil 65 FR 81373; 12/26/2000	3745-270-32 new, 3745-270-48, 3745-270-49
Zinc fertilizers made from recycled hazardous secondary materials 67 FR 48393; 07/24/2002	3745-51-04, 3745-266-20, 3745-270-40
LDRs, Treatment variance subcategories for radioactively contaminated cadmium-, mercury-, and silver-containing batteries 67 FR 62618; 10/07/2002	3745-270-40
Mercury-containing equipment rule 70 FR 45508; 08/05/2005	3745-50-10, 3745-50-45, 3745-51-09, 3745-54-01, 3745-65-01, 3745-270-01, 3745-273-01, 3745-273-04, 3745-273-09, 3745-273-13, 3745-273-14, 3745-273-32, 3745-273-33, 3745-273-34 Housekeeping: 3745-50-10, 3745-273-09
Burden reduction rule 71 FR 16861; 04/04/2006	3745-50-24, 3745-50-44, 3745-51-04, 3745-54-16, 3745-54-52, 3745-54-56, 3745-54-73, 3745-54-98, 3745-54-99, 3745-54-100, 3745-55-13, 3745-55-15, 3745-55-20, 3745-55-43, 3745-55-45, 3745-55-47, 3745-55-91, 3745-55-92, 3745-55-93, 3745-55-95 rescind, 3745-55-95 new, 3745-55-96, 3745-56-51, 3745-56-80, 3745-57-43, 3745-57-47, 3745-57-74, 3745-57-81, 3745-57-83, 3745-57-84, 3745-65-16, 3745-65-52, 3745-65-56, 3745-65-73, 3745-65-90, 3745-65-93, 3745-66-13, 3745-66-15, 3745-66-20, 3745-66-43, 3745-66-45, 3745-66-47, 3745-66-91, 3745-66-92, 3745-66-93, 3745-66-95, 3745-66-101, 3745-67-21, 3745-67-23 rescind, 3745-67-24 new, 3745-67-80, 3745-68-05, 3745-69-41, 3745-69-43, 3745-69-44, 3745-205-101, 3745-256-101, 3745-266-102, 3745-266-103, 3745-270-07, 3745-270-09 Housekeeping: 3745-50-10, 3745-50-51, 3745-54-15, 3745-54-73, 3745-54-77, 3745-65-15

Title/Subject Federal Register (FR) location; date	Ohio rules
Hazardous waste and used oil; corrections to 40 CFR 71 FR 40254; 07/14/2006	3745-50-27, 3745-51-31, 3745-51-33, 3745-52-53, 3745-52-56, 3745-54-01, 3745-54-73, 3745-54-97, 3745-54-101, 3745-55-11, 3745-55-40, 3745-55-51, 3745-55-93, 3745-56-21, 3745-56-23, 3745-57-03, 3745-57-04, 3745-57-06, 3745-57-72, 3745-57-74, 3745-57-75, 3745-65-73, 3745-66-11, 3745-66-12, 3745-66-40, 3745-67-21, 3745-67-24 new, 3745-67-28, 3745-67-55, 3745-67-59, 3745-68-03, 3745-68-05, 3745-68-16, 3745-69-43, 3745-69-45, 3745-205-101, 3745-256-101, 3745-266-109, 3745-270-04, 3745-270-07, 3745-270-42, 3745-270-45, 3745-273-34, 3745-279-01, 3745-279-11, 3745-279-43, 3745-279-52
Hazardous waste management system; modification of hazardous waste program; cathode ray tubes (aka: CRT rule) 71 FR 42927; 07/28/2006	3745-50-10, 3745-51-04, 3745-51-39 new, 3745-51-40 new, 3745-51-41 new Housekeeping: 3745-50-10
U.S. EPA HQ memo correcting manifest rules memo date 05/14/2007	3745-54-72, 3745-65-72
Regulation of oil-bearing hazardous secondary materials from the petroleum refining industry processed in a gasification system to produce synthesis gas (aka Gasification Rule) 73 FR 57; 01/02/2008	3745-50-10, 3745-51-04 Housekeeping: 3745-50-10
NESHAP: HW combustors, amendment [amends FR 10/12/05 final standards for hazardous air pollutants for HW combustors (Phase I final replacement standards & Phase II)] [BIF/MACT corrections] 73 FR 18970; 04/08/2008	3745-57-40
LDRs: Site-specific treatment variance for P- and U-listed hazardous mixed wastes treated by vacuum thermal desorption at the Energy Solutions facility in Clive, UT 73 FR 27761; 05/14/2008	3745-270-42

Title/Subject Federal Register (FR) location; date	Ohio rules
Amendment to hazardous waste code F019 (aka Exclusion F019 from auto assembly plants) 73 FR 31756; 06/04/2008	3745-51-31
Standards applicable to generators of hazardous waste; alternative requirements for hazardous waste determination and accumulation of unwanted material at laboratories owned by colleges and universities and other eligible academic entities formally affiliated with colleges and universities (aka university lab rule) 73 FR 72912; 12/01/2008	3745-51-05, 3745-52-10, 3745-52-200 new, 3745-52-201 new, 3745-52-202 new, 3745-52-203 new, 3745-52-204 new, 3745-52-205 new, 3745-52-206 new, 3745-52-207 new, 3745-52-208 new, 3745-52-209 new, 3745-52-210 new, 3745-52-211 new, 3745-52-212 new, 3745-52-213 new, 3745-52-214 new, 3745-52-215 new, 3745-52-216 new
U.S. EPA HQ memo abandoning the Performance Track program (prior to FR publication) memo date 03/16/2009	3745-50-10, 3745-50-51, 3745-52-34, 3745-52-200 new, 3745-52-211 new, 3745-54-15, 3745-55-74, 3745-55-95 new, 3745-65-15, 3745-66-74, 3745-66-95, 3745-66-101, 3745-205-101, 3745-256-101
Recyclers amendment (aka 72-hour rule) no FR	3745-51-06, 3745-266-80, 3745-273-60
Housekeeping-Set J (typos, spelling, word choice, rule cross-reference corrections, etc.) no FR	3745-50-10, 3745-50-11, 3745-50-19, 3745-50-21, 3745-50-27, 3745-50-29, 3745-50-30, 3745-50-38, 3745-50-41, 3745-50-42, 3745-50-43, 3745-50-44, 3745-50-58, 3745-50-62, 3745-51-03, 3745-51-04, 3745-51-06, 3745-51-23, 3745-51-33, 3745-51-39, 3745-52-10, 3745-52-11, 3745-52-34, 3745-52-44, 3745-52-200, 3745-52-203, 3745-52-204, 3745-52-205, 3745-52-206, 3745-54-01, 3745-54-03, 3745-54-15, 3745-54-52, 3745-54-73, 3745-54-97, 3745-54-98, 3745-55-13, 3745-55-15, 3745-55-42, 3745-55-43, 3745-55-45, 3745-55-47, 3745-55-51, 3745-55-92, 3745-55-93, 3745-55-95, 3745-55-96, 3745-55-98, 3745-56-21, 3745-56-23, 3745-56-51, 3745-57-03, 3745-57-06, 3745-57-40, 3745-57-43, 3745-57-47, 3745-57-72, 3745-57-74, 3745-57-75, 3745-57-81, 3745-57-84, 3745-65-15, 3745-65-73, 3745-65-93, 3745-66-11, 3745-66-12, 3745-66-13, 3745-66-15, 3745-66-42, 3745-66-43, 3745-66-44, 3745-66-45, 3745-66-47, 3745-66-74, 3745-66-91, 3745-66-92, 3745-66-93, 3745-66-95, 3745-66-96, 3745-66-98, 3745-66-101, 3745-67-21, 3745-67-55, 3745-68-03, 3745-68-05, 3745-68-16, 3745-69-30, 3745-69-41, 3745-69-43, 3745-69-44, 3745-69-45, 3745-205-100, 3745-205-101, 3745-256-101, 3745-266-20, 3745-266-80, 3745-266-103, 3745-266-104, 3745-266-107, 3745-266-109, 3745-266-111, 3745-266-201, 3745-266-202, 3745-266-203, 3745-266-205, 3745-266-210, 3745-266-260, 3745-270-04, 3745-270-07, 3745-270-09, 3745-270-42, 3745-270-45, 3745-270-49, 3745-273-09, 3745-273-13, 3745-273-33, 3745-273-60, 3745-279-11, 3745-279-52, 3745-279-73

Title/Subject Federal Register (FR) location; date	Ohio rules
State rules submitted to JCARR for 5-yr review in Set J no FR	**Amend, continue review:** 3745-50-10, 3745-50-11, 3745-50-19, 3745-50-21, 3745-50-29, 3745-50-30, 3745-50-38, 3745-50-39, 3745-50-41, 3745-50-42, 3745-50-43, 3745-50-44, 3745-50-45, 3745-50-51, 3745-50-58, 3745-50-62, 3745-51-02, 3745-51-03, 3745-51-04, 3745-51-05, 3745-51-06, 3745-51-23, 3745-51-31, 3745-52-10, 3745-52-11, 3745-52-12, 3745-52-34, 3745-52-53, 3745-52-56, 3745-54-01, 3745-54-15, 3745-54-56, 3745-54-73, 3745-54-77, 3745-55-42, 3745-55-43, 3745-55-45, 3745-55-98, 3745-57-74, 3745-65-01, 3745-65-15, 3745-65-56, 3745-65-73, 3745-66-12, 3745-66-42, 3745-66-43, 3745-66-44, 3745-66-45, 3745-66-47, 3745-66-74, 3745-66-93, 3745-66-95, 3745-66-96, 3745-66-98, 3745-66-101, 3745-67-59, 3745-68-03, 3745-69-30, 3745-205-100, 3745-205-101, 3745-256-101, 3745-266-80, 3745-266-102, 3745-266-103, 3745-266-104, 3745-266-107, 3745-266-111, 3745-266-201, 3745-266-202, 3745-266-203, 3745-266-205, 3745-266-210, 3745-266-260, 3745-270-09, 3745-270-42, 3745-270-48, 3745-273-60, 3745-279-01, 3745-279-51, 3745-279-73 **Amend, request exemption:** 3745-54-03, 3745-54-100, 3745-55-51, 3745-55-93, 3745-266-20, 3745-270-04 **No-Change, continue review:** 3745-50-20, 3745-50-36, 3745-50-53, 3745-50-54, 3745-50-56, 3745-53-10, 3745-53-11, 3745-54-12, 3745-54-94, 3745-65-92, 3745-266-105, 3745-266-200, 3745-273-20, 3745-273-40, 3745-273-56, 3745-273-70, 3745-279-42, 3745-279-62, 3745-279-81 **No-Change, request exemption:** 3745-50-01, 3745-54-11, 3745-65-11, 3745-68-10, 3745-205-200, 3745-205-201, 3745-256-200, 3745-256-201 **New, assign review date:** 3745-52-200, 3745-52-203, 3745-52-204, 3745-52-205, 3745-52-206, 3745-52-209, 3745-52-210, 3745-52-211, 3745-52-212, 3745-52-215, 3745-55-95, 3745-67-24 **New, request exemption:** 3745-51-39, 3745-51-40, 3745-51-41, 3745-52-201, 3745-52-202, 3745-52-207, 3745-52-208, 3745-52-213, 3745-52-214, 3745-52-216, 3745-270-32

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