

## Early Stakeholder Outreach Hazardous Waste Management Rules

### Why are these rules subject to early stakeholder outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded or created, prior to any language being drafted. In response to Executive Order 2011-01K, Ohio EPA now provides an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by Ohio EPA.

### What rule changes are being considered?

A number of hazardous waste management rules regarding permitting; fees; identification and listing of hazardous waste; transporter standards; generator standards; treatment, storage, and disposal standards; universal waste management; used oil management; and land disposal restrictions will be considered and bundled together as the "Set L" rules. In general, the "Set L" rules will fall into three basic categories:

**State-initiated changes.** The following concepts specific to Ohio will be updated or corrected in the "Set L" rules package (these changes are not shown in the federal counterpart provisions):

- Correction of Ohio EPA division names and contact information (as a result of reorganization within Ohio EPA). Rules: 3745-50-29, 3745-53-30, 3745-279-42, 3745-279-43, 3745-279-51, 3745-279-52, 3745-279-62, 3745-279-63.
- Contingency plan rule changes. Rules: 3745-50-44, 3745-50-51, 3745-51-06, 3745-52-34, 3745-54-01, 3745-54-50, 3745-54-51, 3745-54-52, 3745-54-53, 3745-54-54, 3745-54-55, 3745-54-56, 3745-54-73, 3745-56-21, 3745-57-80, 3745-65-01, 3745-65-16, 3745-65-50, 3745-65-51, 3745-65-52, 3745-65-53, 3745-65-54, 3745-65-55, 3745-65-56, 3745-65-72, 3745-65-73, 3745-66-95, 3745-66-96, 3745-69-40, 3745-205-201, 3745-256-201, 3745-266-80, 3745-266-220, 3745-279-52.
- Changes to allow waste collection events to more easily accept hazardous wastes from conditionally exempt small quantity generators (CESQG).

Rules: 3745-50-45, 3745-51-05, 3745-53-12, 3745-54-01, 3745-65-01.

- Universal wastes- the addition of aerosol cans and antifreeze to wastes deemed "universal wastes" in Ohio. Rules: 3745-50-10, 3745-50-45, 3745-51-09, 3745-54-01, 3745-65-01, 3745-270-01, 3745-273-01, 3745-273-06 (new, for aerosol cans), 3745-273-07 (new, for antifreeze), 3745-273-09, 3745-273-13, 3745-273-14, 3745-273-32, 3745-273-33, 3745-273-34, 3745-273-39, 3745-273-62.
- Miscellaneous corrections (typos, spelling, cross-references, etc.). Rule changes (rules not mentioned elsewhere in this document): 3745-50-50, 3745-51-10, 3745-51-32, 3745-51-35, 3745-52-22, 3745-52-30, 3745-52-31, 3745-52-43, 3745-52-201, 3745-53-22, 3745-53-31, 3745-54-37, 3745-56-59, 3745-56-83, 3745-57-17, 3745-266-108, 3745-270-07, 3745-270-38, 3745-273-05.

**Federally driven changes:** Ohio's hazardous waste rules must match their federal Resource Conservation and Recovery Act (RCRA) counterpart rules. A number of the "Set L" rules need to be amended to address changes to their federal RCRA counterpart provisions, as published in the following Federal Registers:

- Comparable fuels, 73 FR 77954, dated 12/19/2008, and 75 FR 33712, dated 6/15/2010. Rules: 3745-51-04, 3745-51-38.
- Removal of saccharin and its salts (U202) from the list of hazardous wastes, 75 FR 78918, dated 12/17/2010. Rules: 3745-51-11, 3745-51-33, 3745-270-40.
- Colleges and universities, technical corrections to Subpart K, 75 FR 79304, dated 12/20/2010. Rules: 3745-52-200, 3745-52-206, 3745-52-212, 3745-52-214.
- Land disposal restrictions- revision of treatment standards for carbamates, 76 FR 34147, dated 6/13/2011. Rules: 3745-270-40, 3745-270-48.
- Manifest printing specifications, 76 FR 36363, dated 06/22/2011. Rules: 3745-52-21.

**ORC 119.032 reviews:** Many of these rules are subject to review under ORC 119.032, the five-year review requirements. Ohio EPA has not identified any major problems with any of these rules, but minor corrections (to spelling, punctuation, word choice, outline structure, rule cross-reference errors and updates, etc.) will be made. If

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no amendments are needed in reviewable rules, they will be submitted for review as “no-change” rules. Rules: 3745-50-10, 3745-50-11, 3745-50-20, 3745-50-21, 3745-50-29, 3745-50-30, 3745-50-36, 3745-50-38, 3745-50-40, 3745-50-42, 3745-50-44, 3745-50-45, 3745-50-46, 3745-50-51, 3745-50-52, 3745-50-57, 3745-50-58, 3745-50-62, 3745-50-66, 3745-50-235, 3745-50-62, 3745-50-66, 3745-50-235, 3745-51-04, 3745-51-05, 3745-51-06, 3745-51-08, 3745-51-09, 3745-51-11, 3745-51-20, 3745-51-21, 3745-51-22, 3745-51-24, 3745-51-30, 3745-51-38, 3745-52-21, 3745-52-34, 3745-52-41, 3745-52-200, 3745-52-206, 3745-52-212, 3745-54-01, 3745-54-13, 3745-54-18, 3745-54-56, 3745-54-70, 3745-54-73, 3745-54-76, 3745-55-18, 3745-55-43, 3745-65-01, 3745-65-13, 3745-65-16, 3745-65-56, 3745-65-70, 3745-65-73, 3745-65-76, 3745-66-41, 3745-66-95, 3745-66-96, 3745-256-100, 3745-256-101, 3745-266-23, 3745-266-80, 3745-266-100, 3745-266-102, 3745-266-105, 3745-266-106, 3745-266-107, 3745-266-111, 3745-266-200, 3745-266-201, 3745-266-202, 3745-266-203, 3745-266-205, 3745-266-210, 3745-266-260, 3745-270-48, 3745-279-42, 3745-279-51, 3745-279-62, 3745-279-73.

Additional hazardous waste management rules from Ohio Administrative Code Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, 3745-270, 3745-273, and 3745-279 might be added to “Set L” if stakeholder comments indicate that DMWM left rules out of the set of concepts to be addressed. If some of these rules don’t need to be amended, they will be removed from the “Set L” rules package.

### **Who will be regulated by these rules?**

Anyone currently regulated by the hazardous waste management rules is regulated by the “Set L” rules. If you plan to manage aerosol cans or antifreeze as universal wastes in Ohio, then you will also be regulated by some of these rules.

### **What is the rulemaking schedule?**

**Early stakeholder input will be sought from March 30 to April 30, 2012.** The rule language will then be drafted, and the Draft “Set L” rules will be made available for review by Interested Parties (IPs) for approximately one month in mid-2012. Comments received will be considered, and the rules will be prepared for proposal (original filing) with JCARR. Proposal is planned for late 2012, and the target effective date for the “Set L” rules is early 2013.

### **What additional information is Ohio EPA seeking?**

Ohio EPA wants to hear from interested stakeholders who may be impacted by these rule changes. General comments and specific factual information are welcome. Ohio EPA is specifically asking for stakeholders to identify the following:

- Do these rules impact your business?
- Do these rules have an adverse impact on your business? If so, please identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance).
- Are there any alternative rules (or specific provisions within the rule) that Ohio EPA should consider?

### **What should I consider as I prepare my comments?**

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

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

### **How can I provide input on the rules?**

Please submit your written early stakeholder input to Kit Arthur, DMWM’s hazardous waste rules coordinator. Make sure they include reference to “Set L” so we know which rules package you’re commenting on. You may mail your comments to the address on the first page of this fact sheet, or you may e-mail them to [Kit.arthur@epa.state.oh.us](mailto:Kit.arthur@epa.state.oh.us). Comments are due by close of business on April 30, 2012.

### **How can I get more information?**

Please contact Kit Arthur at (614) 644-2932, or at the e-mail address above, if you have any questions.