

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

Why is Ohio EPA proposing these rules?

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 Specifically, these rules are amended, or rescinded and promulgated as new, pursuant to the RCRA rules addressed by the following Federal Registers (FRs) regarding U.S. EPA's hazardous waste rule-making:

FR 05/14/2001 at 66 FR 24270	National emissions standards for hazardous air pollutants (NESHAP) (RCRA portion only): Standards for hazardous air pollutants for hazardous waste combustors (also known as the NIC rule)
FR 02/13/2002 at 67 FR 6792	Hazardous air pollutant standards for combustors- interim standards
FR 12/19/2002 at 67 FR 77687	NESHAP correction
FR 07/30/2003 at 68 FR 44659	Recycled used oil management standards
FR 04/22/2004 at 69 FR 21737, FR 10/25/2004 at 69 FR 62217	National environmental performance track program, and its correction
FR 02/24/2005 at 70 FR 9138, FR 6/16/2005 at 70 FR 35032	Dyes and pigment production wastes (K181), and its correction
FR 03/04/2005 at 70 FR 10775, FR 06/16/2005 at 70 FR 35034	Manifest system rule, and its correction
FR 06/14/2005 at 70 FR 34537 *	Methods innovation rule and SW-846 final updates IIIB
FR 10/04/2005 at 70 FR 57769	Revision of wastewater treatment exemption for hazardous waste mixtures (also known as the headworks exemption rule)
FR 10/12/2005 at 70 FR 59401 *	Final standards for hazardous air pollutants for hazardous waste combustors (Phase I final replacement standards and Phase II) (also known as BIF/MACT corrections)
FR 07/14/2006 at 71 FR 40254 *	Hazardous waste and used oil management, corrections to 40 CFR

* Please note that Ohio EPA is not addressing all of the regulatory components of this particular federal rule-making; at this time, we are not proposing some components. For the Methods innovation rule and the BIF/MACT corrections rule, the provisions we're not proposing are those in 40 CFR Parts 264 and 265, subparts AA, BB, and CC, which are not yet included in Ohio's hazardous waste management program. For the 40 CFR Corrections Rule, the federal rules amended by this FR are so many that we're breaking up Ohio's adoption of the corrections into a number of rule-makings over the next several years. This is the first portion of the Corrections Rule addressed in Ohio rule-making.

Several of these proposed Ohio rules are also amended to address cross-referencing requirements within rules. 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.

What rules are we proposing to amend, rescind, and promulgate as new rules?

The Ohio Environmental Protection Agency proposes to amend, rescind, and promulgate as new the following rules of the Administrative Code [all handled by Ohio EPA's Division of Hazardous Waste Management (DHWM)]:

<u>Rule number</u>	<u>Rule title</u>	<u>Type of rule</u>
3745-50-235	Options for incinerators, cement kilns, lightweight aggregate kilns, solid fuel boilers, liquid fuel boilers, and hydrochloric acid production furnaces to minimize emissions from startup, shutdown, and malfunction events	new
3745-51-32	Hazardous waste from specific sources	rescinded
3745-51-32	Hazardous waste from specific sources	new
3745-52-21	Manifest tracking numbers, manifest printing, and obtaining manifests	new
3745-52-27	Waste minimization certification	new
3745-54-72	Manifest discrepancies	rescinded
3745-54-72	Manifest discrepancies	new
3745-65-71	Use of manifest system	rescinded
3745-65-71	Use of manifest system	new
3745-65-72	Manifest discrepancies	rescinded
3745-65-72	Manifest discrepancies	new

<u>Rule number</u>	<u>Rule title</u>	<u>Type of rule</u>
3745-266-22	Standards applicable to storers of materials that are to be used in a manner that constitutes disposal who are not the ultimate users	amended
3745-266-101	Management prior to burning	amended
3745-266-102	Permit standards for burners	amended
3745-266-112	Regulation of residues	amended
3745-270-01	Purpose, scope, and applicability- land disposal restrictions	amended
3745-270-20	Waste specific prohibitions- dyes and/or pigments production wastes	new
3745-270-40	Applicability- treatment standards	amended
3745-270-48	Universal treatment standards	amended
3745-273-60	Applicability- standards for destination facilities	amended
3745-279-10	Applicability- recycled used oil management standards	amended
3745-279-44	Rebuttable presumption for used oil transporters	amended
3745-279-53	Rebuttable presumption for used oil for processors and re-refiners	amended
3745-279-55	Analysis plan at used oil for processing and re-refining facilities	amended
3745-279-63	Rebuttable presumption for used oil burners	amended
3745-279-74	Tracking of used oil to a burner	amended

What is the relationship of this proposal to Ohio EPA DHWM’s “Set I-b” rules that I’ve been watching for?

The rules listed above constitute about one third of the Set I-b rules package that you might have seen when they were released in draft form in March 2007. Set I-b contains over 100 rules, so we broke it into three separate proposal groups (A, B, and C) so that the public, the regulated community, and JCARR are not overwhelmed with that volume of rules to review all at once in a short time-frame. Today’s proposal is the **third proposal group**, known as **Set I-b:C**. It was preceded several weeks ago by the first and second proposals of the series (Set I-b:A and Set I-b:B), each of which contained 26 to 41 rules. Although these rules have three proposal dates, it is our intent to give all the rules in the three proposals the same effective date when they are adopted (see the public notice of adoption). If you need more information about this phased proposal approach, please call Kit Arthur at the number shown at the end of this notice.

When can I tell Ohio EPA what I think about these proposed rules?

A public hearing pursuant to ORC sections 119.02 through 119.04 will be conducted on Wednesday, October 22, 2008 at 9:30 a.m. in conference center room D at the Ohio Environmental Protection Agency, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, OH. 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 10:30 a.m. or until all interested parties have been heard if that time interval is insufficient.

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 visitor badge at all times while in the building. Please arrive a few minutes early to complete security procedures.

How and when do I provide my comments to Ohio EPA on these proposed rules?

To provide notice of intent to give verbal comments at the public hearing, contact Ms. Kit Arthur, Division of Hazardous Waste Management, Ohio EPA, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, OH, 43215. 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 Tuesday, October 21, 2008. People who provide Ohio EPA with prior notice will be heard before those who register at the hearing.

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 Thursday, October 23, 2008. Written communications may be filed with Ms. Arthur at the above address or with the presiding officer during the hearing. Your emailed comments on these rules are welcome but may require additional information from the sender, so please contact Ms. Arthur for further information about providing your comments electronically.

How do I get a copy of these proposed rules?

These 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. Ohio EPA does not have a downloadable "package" of these proposed rules; you will need to access them via the ROO.

To obtain a hard copy of these proposed rules, please contact Kit Arthur at the number below, request "Proposed rules Set I-b:C," and be sure to include your name and phone number if you leave a message. There is no charge for proposed rules.

Who do I call if I have questions about the proposed rules?

Questions concerning these proposed rules may be addressed to Ohio EPA DHWM's Kit Arthur at 614/644-2932.

end notice