



Early Stakeholder Outreach – Hazardous Waste Management Program: Generator Improvement, Export/Import Revisions and Clarification of Exemption for Uniquely Associated Waste Co-disposed with Fossil Fuel Combustion Residuals (hazardous waste provision only)

Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules. What do these rules cover?

The rules addressed by this Early Stakeholder Outreach (ESO) are in the Hazardous Waste Management program, and they regulate all facets of the program including permitting; identification and listing of hazardous waste; transporter standards; generator standards; treatment, storage, and disposal standards; land disposal restrictions; universal waste management; and used oil management. These rules are in the Ohio Administrative Code (OAC) Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, 3745-270, 3745-273, and 3745-279.

Why are these rules being sent out for Early Stakeholder Outreach?

The first step in the rulemaking process is for Ohio EPA to identify what rules need to be amended, rescinded, or created. In response to Executive Order 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rulemaking process as early as possible. This additional interested party notification and request for information will allow for early feedback before rule language has been developed by the Ohio EPA.

What changes are being considered?

The changes under consideration are Federally-driven updates. Ohio's hazardous waste rules must match their federal Resource Conservation and Recovery Act (RCRA) counterpart regulations in 40 CFR Parts 260 to 279. A number of Ohio rules need to be rescinded, added, or amended to address changes to, or the creation of, their federal RCRA counterpart provisions, as published in the following Federal Registers (FRs):

- Hazardous Waste Export/Import Revisions, [81 FR 85696](#), dated 11/28/2016. Ohio rules to be determined. States do not have the authority to regulate international commerce, so some of the federal rule language in this Federal Register is not applicable to Ohio. For more information, visit epa.ohio.gov • 50 W. Town St., Ste. 700 • P.O. Box 1049 • Columbus, OH 43216-1049 • (614) 644-3020 • (614) 644-2737 (fax)

How can I provide input?

Ohio EPA is seeking stakeholder input on the potential adoption into the Ohio EPA hazardous waste management rules of the federal Coal Combustion Residuals hazardous waste provision, Export/Import Revisions Rule, and the Generator Improvement Rule.

When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business **September 26, 2017**.

Please submit input to:

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What if I have questions?

Please contact Karen Hale at (614) 644-2927 or Karen.hale@epa.ohio.gov

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Register cannot be translated into state regulatory language. This concept will be addressed in the Ohio rule drafting process. Federal authority over export and import activities will be maintained as appropriate.

- Generator Improvement Rule, [81 FR 85732](#), dated 11/28/2016. Ohio rules to be determined. Many of the provisions of these new or amended rules are optional for states to adopt. Please see “What input is Ohio EPA seeking?” below. These rules consolidate all of the requirements for companies that generate hazardous waste and are intended to reduce the regulatory burden on those companies.
- Coal Combustion Residulas (CCR), [80 FR 21302](#), dated 04/17/2015. Ohio rule 3745-51-04(B)(4). This Ohio rulemaking addresses only the hazardous waste provision in 40 CFR 261.4(b)(4)(i) clarifying which uniquely associated wastes are exempt when codisposed with flyash, bottom ash, slag waste and flue gas emission control waste generated from burning fossil fuels ; the non-hazardous waste provisions clarifying the types of wastes that are in this FR are not under consideration in this ESO.

Who will be affected by these rules?

Anyone who is currently regulated by the hazardous waste management rules as a generator of hazardous waste or are an exporter or importer of hazardous waste are regulated by the rules in this ESO. In addition, electric utilities who burn coal will also be affected.

What is the rulemaking schedule?

These rules will be subject to this ESO review for approximately 30 days, when comments will be due. We will consider all the comments we receive, and we will prepare a package of draft rules to be reviewed by Interested Parties prior to the rules' submittal to JCARR as proposed rules.

What input is Ohio EPA seeking?

The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should Ohio EPA consider any alternative framework?
- What options are available for improving an identified concept? What options are available for improving the existing rules?
- Are there considerations Ohio EPA should take into account when updating the existing rules? Are there considerations Ohio EPA should take into account when developing a specific concept?
- Is there any information or data Ohio EPA should be aware of when developing program concepts or rule language?

Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted by the amended and/or new program elements.

- Would this regulatory program have a positive impact on your business? Please explain how.
- Would this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).
- Ohio EPA would like your input on whether we should adopt the following optional provisions. You can read about all these rule changes at [81 FR 85732](#), dated 11/28/2016, in the preamble of the Generator Improvement federal rule.
 - i. Allowing very small quantity generators (VSQGs) to voluntarily send hazardous waste to large quantity generators (LQGs) under the control of the same person (preamble section IX.K).
 - ii. Defining and renaming “conditionally exempt small quantity generators (CESQG)” as “very small quantity generators (VSQG)”.
 - iii. Allowing LQGs to apply for a waiver from their local fire department to accumulate ignitable wastes and reactive wastes within the 50-foot facility boundary (preamble section IX.H).

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- iv. Allowing VSQs and small quantity generators (SQGs) to voluntarily maintain their existing regulatory status if they have an episodic event that generates additional amounts of hazardous waste which would have resulted in them moving into a higher generator category for a short period, so long as they comply with specified conditions (preamble section X).
- v. Reorganizing the hazardous waste generator rules to make them more user-friendly (preamble section VI).
- vi. Defining “central accumulation area” and the generator categories (preamble section VII).
- vii. Mixing a nonhazardous waste with a hazardous waste (preamble section IX.C).
- viii. Repeating the prohibition for generators from sending hazardous liquids to landfills (preamble section IX.M).
- ix. Replacing the list of specific data elements with a requirement to complete and submit all data elements required in the Biennial Report form (preamble section IX.N).

Contact

For more information, contact Karen Hale at Karen.hale@epa.ohio.gov or (614) 644-2927.