



**Environmental
Protection
Agency**

Early Stakeholder Outreach — Hazardous Waste Standardized Permitting, RAPs, RD&D, and Technical Corrections Rules

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 the rules in this package cover?

This rule package generally covers three new permitting rules – standardized permitting, hazardous remediation waste management requirements for remedial action plans (HWIR-RAP) and research, development, and demonstration permits. All these rules are optional and provide for alternative approach to the traditional (current) process of obtaining a hazardous waste permit. This rule package also addresses a technical corrections Federal Register (FR) which covers amendments to rules from the Generator Improvements rule, the Hazardous Waste Pharmaceutical rule, and the Definition of Solid Waste rule.

The standardized permitting rules allow for a streamlined approach to obtaining a hazardous waste permit. Certain owners/operators subject to the hazardous waste permitting standards, who generate and/or receive from off-site generator under the same ownership to store or non-thermally treat hazardous waste in tanks, containers, and containment buildings can obtain a “standardized permit.”

The Hazardous Remediation Waste Management Requirements for Remedial Action Plans (HWIR Media-RAP) rules address hazardous wastes generated and managed during site cleanups. A RAP is a special form of a hazardous waste permit to treat, store, or dispose of hazardous remediation waste at a remediation waste management site.

The Research, Development, and Demonstration (RD&D) Permits rules will allow treatment facilities to apply for an Ohio RD&D permit proposing to use an innovative and experimental hazardous waste treatment technology or process for which permit standards have not yet been promulgated under 40 CFR Part 264 or 266 (OAC Chapters 3745-54 to 3745-57 and 3745-205, or 3745-266).

How can I provide input?

Ohio EPA is seeking stakeholder input on the Standardized Permitting rules package. 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 November 03, 2023. Please submit input to:

Attn: DERR Rules Coordinators
Ohio EPA—DERR
50 W. Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049
derr_rulecomments@epa.ohio.gov

Early Stakeholder Outreach — Standardized Permitting, RAP, RD&D, and Technical Corrections Rules

The technical corrections FR, which addresses rules promulgated in the Generator Improvements rule, the Hazardous Waste Pharmaceutical Rule, and the Definition of Solid Waste rule. This FR corrects or clarifies several provisions of the existing hazardous waste regulations that were promulgated in the aforementioned rules in addition to making minor corrections independent of these rules. These revisions include typographical errors, correcting incorrect or outdated citations, and making minor clarifications to rules in 40 CFR Parts 260, 261, 262, 264, 265, 266, and 270.

This rules package will amend and add approximately 230 Ohio Administrative Code (OAC) rules in the hazardous waste management program, which includes general requirements and permitting (OAC Chapter 3745-50); identification and listing of hazardous waste (OAC Chapter 3745-51); generator standards (OAC Chapter 3745-52), transporter standards (OAC Chapter 3745-53); general facility standards (OAC Chapters 3745-54 to 3745-57 and 3745-205); interim facility standards (OAC Chapters 3745-65 to 3745-69 and 3745-256); management of specific types of hazardous waste (OAC Chapter 3745-266); standardized permitting (new OAC Chapter 3745-267); land disposal restrictions (OAC Chapter 3745-270); and universal waste standards (OAC Chapter 3745-273).

Why are these rules being sent out for 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. Ohio EPA has added 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 changes are being considered?

The changes under consideration include both Federally-driven new and amended rules, and state-initiated changes to correct cross-references, typographical errors, and make other non-substantive changes. Rules in this package that are subject to five-year review under ORC 106.03 will be reviewed and amended as necessary.

Federally-driven changes:

Ohio's hazardous waste rules must be functionally equivalent to their federal Resource Conservation and Recovery Act (RCRA) counterpart regulations in 40 CFR Parts 124 and 260 to 279. Several Ohio rules need to be created or amended to address changes to their federal RCRA counterpart provisions, as published in the following FRs:

- **Research, Development, and Demonstration (RD&D) Permits; 50 FR 28751-28753**, 07/15/1985, checklist 17Q, which addresses 40 CFR 270.10 and 270.65. This portion of the FR covers research, development, and demonstration permits. This change would allow the director to issue RD&D permits to any hazardous waste treatment facility which proposes to utilize an innovative and experimental hazardous waste treatment technology or process for which permit standards have not yet been promulgated under 40 CFR Part 264 or 266 (OAC Chapters 3745-54 to 3745-57 and 3745-205, or 3745-266).
- **Hazardous Remediation Waste Management Requirements Remedial Action Plans (HWIR Media-RAPs); 63 FR 65874-65947**, 11/30/1998, checklist 175B. These rules address hazardous wastes generated and managed during site cleanups. The federal HWIR Media-RAP rules are written in question/answer format. Ohio EPA intends to change the Ohio rules to standard formatting (changing questions to statements and pronouns to nouns) from the question/answer format that

Early Stakeholder Outreach — Standardized Permitting, RAP, RD&D, and Technical Corrections Rules

US EPA has adopted. This change will not impact the meaning nor implementation of the rules. Other provisions in this FR were addressed in a prior rulemaking.

- **Standardized Permit for RCRA Hazardous Waste Management Permits; 70 FR 53420-53478**, 09/08/2005, checklist 210. To address this FR, Ohio EPA will add and amend rules related to standardized permits for storage units and treatment units, and general program requirements for hazardous waste management permits. This includes new OAC Chapter 3745-267 in addition to other new and amended rules. The federal Standardized Permitting rules are in question/answer format. Ohio EPA intends to change the Ohio rules to standard format (changing questions to statements and pronouns to nouns) from the question/answer format that US EPA has adopted. This change will not impact the meaning nor the implementation of the rules.
- **Hazardous Waste Technical Corrections and Clarifications Rule; 75 FR 12989**, 03/18/2010, checklist 223D. Ohio EPA will address the standardized permitting portions of this FR. Other provisions in this FR were addressed in a prior rulemaking.
- **Revisions to procedural rules to clarify practices and procedures applicable in permit appeals pending before the Environmental Appeals Board; 78 FR 5288**, 01/25/2013, no checklist. Ohio EPA will address the RAP portions of this FR. Other provisions in this FR were addressed in a prior rulemaking.
- **Hazardous Waste Export-Import Revisions Rule; 81 FR 85696**, 11/28/2016, checklist 236B. Ohio EPA will address the standardized permitting provisions of this FR. Other provisions in this FR were addressed in a prior rulemaking.
- **Hazardous Waste Generator Improvements Rule; 81 FR 85732**, 11/28/2016, checklist 237E. Ohio EPA will address the standardized permitting provisions of this FR. Other provisions in this FR were addressed in a prior rulemaking.
- **Technical Corrections Rule; 88 FR 54086**, 08/09/2023, checklist 245. To address this FR, Ohio EPA will amend rules originally promulgated in or amended from the following FRs: the Hazardous Waste Generator Improvements rule, the Hazardous Waste Pharmaceuticals rule, and the Definition of Solid Waste rule.

State-initiated changes:

In addition to changes from the above FRs, many of the rules in this package will be reviewed pursuant to ORC 106.03 to accomplish their required five-year review, or to request exemption for new rules that meet the exemption requirements. Some are currently exempt from five-year review, but are included to make non-substantive corrections (e.g., typos). As these rules are amended and reviewed, additional rules from the hazardous waste management program may be added to this rule package to achieve or maintain program consistency.

Who will be regulated by these rules?

Anyone who is currently regulated by the hazardous waste management rules as a generator, transporter, importer, or exporter of hazardous waste, or who engages in the treatment, storage, or disposal of hazardous waste or waste that is determined to be universal waste, are regulated by the rules in this ESO.

What is the rulemaking schedule?

These rules will be in Early Stakeholder Outreach (ESO) for about thirty days, from October 04, 2023 to November 03, 2023. After the ESO ends, Ohio EPA will review all comments and take them into account when drafting the rules. Ohio EPA will then provide the draft rules package for review by Interested Parties, where stakeholders and the public will have an opportunity to comment on the draft rules.

Early Stakeholder Outreach — Standardized Permitting, RAP, RD&D, and Technical Corrections 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 consider 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 new program.

- 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).

Contact

For more information, contact the Division of Environmental Response and Revitalization's rules coordinators **Kit Arthur** (Katherine.Arthur@epa.ohio.gov or 614/644-2932) or **Madison Graham** (Madison.Graham@epa.ohio.gov or 614/644-2927).