

Early Stakeholder Outreach Hazardous Waste Management Rules Changing the Hazardous Waste Annual Report to a Biennial Report

Why is Ohio EPA seeking 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The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded or created, prior to any language being drafted.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, and why?

Senate Bill 294 (SB294) was signed by the Governor in early June, and becomes effective September 5, 2012. One component of that bill allows the Director of Ohio EPA to report certain hazardous waste management data to the Governor biennially now instead of annually. Since the Director does not need that information annually, and the federal hazardous waste rules require the hazardous waste report biennially, Ohio EPA intends to match our rules with their federal counterpart provisions, and change certain annual reporting requirements to biennial reporting requirements. This will make Ohio's rules equivalent to their federal counterparts for this concept.

The 9 rules under consideration for the amendment of "annual report" to "biennial report" in this "Biennial Set" of rule corrections are: 3745-50-46, 3745-50-58, 3745-52-40, 3745-52-41, 3745-54-75, 3745-54-77, 3745-65-75, 3745-65-77, and 3745-65-94.

There are several other locations in the hazardous waste management rules of the term "annual report" that need to be changed to "biennial," including in rules 3745-50-11, 3745-51-04, and 3745-51-06, but those references will be amended in the "Set L" rules package that will follow this rule-making. These three secondary locations of the term

are seen more as cross-references, not direct requirements, so we will continue our intent to amend these rules for other reasons in "Set L" and at that time, we'll also correct the annual/biennial report references as appropriate. (The "Set L" rules were the subject of early stakeholder outreach in March/April 2012.)

Ohio EPA intends to make the annual/biennial amendments as soon as possible before the next report would otherwise be due, and will allow the "Set L" rulemaking process to continue without significant delay. Should we find other hazardous waste rules in OAC chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, 3745-270, 3745-273, or 3745-279 that also need to be amended for this annual/biennial concept, those rules will be included in the Interested Parties draft of the "Biennial Set" rules in the near future. The Interested Parties draft rules will be made available for review and comment prior to filing them as proposed rules.

Who will be regulated by these rules?

Anyone currently regulated by the hazardous waste management rules is potentially regulated by these rules. If you are required to submit a "Hazardous Waste Annual Report" under rule 3745-52-41, 3745-54-75, and/or 3745-65-75, your reporting requirement will change from annual to biennial for that report. **Under these intended rule changes, your "Hazardous Waste Annual Report" currently due March 1, 2013 for 2012 data would not be required to be submitted to Ohio EPA.** Your first biennial report would be due March 1, 2014 for 2013 data.

Ohio EPA does not intend to change any other reporting requirements in this rule-making. If you would submit other reports or information with your annual report (e.g., the annual ground water monitoring data required by rule 3745-65-94), then those annual reporting requirements will not change under the suggested amendments in these 9 "Biennial Set" rules. We are researching existing reporting requirements, but we are not prepared to suggest additional changes at this time.

Early Stakeholder Outreach

for DMWM- Hazardous Waste Rules “Biennial Set”

What is the planned rule-making schedule?

Early stakeholder input will be sought from June 29 to July 16, 2012. The rule language will then be drafted, and the Draft “Biennial Set” rules will be made available for review by Interested Parties (IPs) for two weeks in August/September 2012. Comments received will be considered, and the rules will be prepared for proposal (original filing) with JCARR. Proposal is planned for September/October 2012, and the target effective date for the “Biennial Set” rules is January/February 2013 (before the March 1 report due date that is in the currently effective rules).

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 “**Biennial Set**” 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**. Comments are due by close of business on July 16, 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.