BEFORE THE OHIO ENVIRONMENTAL PROTECTION AGENCY

Public Notice of Proposed Rulemaking
Governing Hazardous Waste Management Rules known as the "Biennial Set"

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 3734.02, 3734.05, and 3734,12 of the Ohio Revised Code, and in accordance with Chapter 119, proposes to amend the following rules of the Ohio Administrative Code:

Rule number	Currently Effective Rule Title
3745-50-46	Permits by rule
3745-50-58	Conditions applicable to all permits
3745-52-40	Recordkeeping
3745-52-41	Annual report
3745-54-75	Annual report
3745-54-77	Additional reports
3745-65-75	Annual report
3745-65-77	Additional reports
3745-65-94	Recordkeeping and reporting

These rules address hazardous waste management, specifically the reporting requirement known as the Hazardous Waste Report. The purpose of this rulemaking is to change the Hazardous Waste Report from an annual report to a biennial report. Some highlights of the proposed rule amendments are:

- The Hazardous Waste Report will be due in even-numbered calendar years, and will cover the prior odd-numbered year's data. The Hazardous Waste Report that is changing from annual to biennial will report data only from the odd-numbered year; it does NOT include two years of data.

- The Hazardous Waste Report that would be due (under currently effective rules) on March 1, 2013, reporting 2012 data, is NOT required to be submitted, even if these proposed rule amendments are not yet effective by that date. The next date a Hazardous Waste (Biennial) Report will be due is March 1, 2014.

- There may be other required reports due annually on March 1 (for example, the ground water monitoring report discussed in proposed rule 3745-65-94) that are NOT being changed to a biennial reporting frequency and are still due on March 1, 2013. The proposed change from annual to biennial reporting applies only to the report typically referred to as the Hazardous Waste Report.

- The rule amendments in proposed rule 3745-52-40 do NOT change any recordkeeping or record retention requirements. Copies of manifests or other shipping or transport-related documents, generator records, waste descriptions, waste analysis, etc. are still required to be maintained, as indicated in the rule. These records are required to be maintained and available for inspection regardless of whether they are used to compile a Hazardous Waste Report.

The public comment period will run until close of business on Wednesday, December 19, 2012. A public hearing on this proposed rulemaking will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held on Wednesday, December 19, 2012 at 10:30 a.m. in Conference Room B at Ohio EPA, Lazarus Government Center, 50 West Town Street, Columbus, Ohio.

To facilitate the scheduling of verbal presentations, those who intend to give testimony at the hearing should notify the Ohio EPA Public Interest Center, P.O. Box 1049, Columbus, Ohio 43216-1049, 614/644-2160. Prior registration will ensure that registrants are heard ahead of those who register at the hearing. Verbal testimony may be limited to five minutes, depending on the number of people testifying. All interested parties are entitled to attend or be represented and to present verbal and/or written comments concerning the proposed rulemaking.

Written testimony should be sent to Kit Arthur at the Division of Materials and Waste Management (DMWM), P.O. Box 1049, Columbus Ohio 43216-1049. Written comments may also be submitted to the Hearing Officer at the public hearing. Written testimony will receive the same consideration as verbal testimony. All testimony received at the hearing or by close of business on Wednesday, December 19, 2012 will be considered by Ohio EPA prior to final action on this rulemaking proposal. Written comments submitted after this date may be considered as time and circumstances permit.

The proposed rules are accessible on DMWM's web page in the proposed rules tab at www.epa.ohio.gov/dmwm/dmwmrules.aspx and on the Register of Ohio website at www.registerofohio.state.oh.us. To receive a copy of the proposed rules, please contact DMWM's hazardous waste management rules coordinator, Kit Arthur, at 614/644-2932 or kit.arthur@epa.state.oh.us.

Questions regarding this rules package should be directed to Kit Arthur.