



Re: Interested Party Review – Rules Governing Infectious Waste Treatment Methods, Approval of alternative treatments, the Permitting and Closure of Infectious Waste Treatment Facilities, and Rules Regarding the Permitting, Operation, and Closure of Solid Waste Incinerator/Energy Recovery Facilities

Dear Interested Parties:

The Division of Materials and Waste Management (DMWM) has conducted a review of the rules governing infectious waste treatment methods, approval of alternative treatments, the permitting and final closure of infectious waste treatment facilities, and rules regarding the permitting, operation, and closure of solid waste incinerator/energy recovery facilities. This review is being conducted to satisfy requirements mandated by Ohio Revised Code (ORC) Section 119.032 which requires all state agencies to review each of their rules every five years to determine whether or not to continue the rules without change, amend the rules, or rescind the rules. DMWM has reviewed the current effective rules and has made the preliminary determination that the following rules should be retained without change:

Rule #	Title:
3745-27-37	Infectious waste treatment facility permit to install application.
3745-27-38	Alternative infectious waste treatment technology approval process.
3745-27-39	Final closure of infectious waste treatment facilities.
3745-27-50	Solid waste incinerator or solid waste energy recovery facility permit to install application.
3745-27-51	Additional criteria for approval of solid waste incinerator or solid waste energy recovery facility permit to install applications.
3745-27-52	Operation of solid waste incinerator and solid waste energy recovery facilities.
3745-27-53	Final closure of solid waste incinerator or solid waste energy recovery facilities.

DMWM welcomes interested party comment on these rules and the preliminary determination to retain these rules without change.

It is important to note that ORC section 3734.02(C) specifies various circumstances where infectious waste generators are not subject to these infectious waste treatment facility permit rules. This includes infectious waste generators that use approved treatment methods to treat infectious wastes from the generator's premises. Currently there are two permitted infectious waste treatment facilities in Ohio. One facility utilizes autoclaving (pressure and temperature) as the treatment method. The other facility utilizes both autoclaving and incineration as the treatment method. This incinerator is permitted as a solid waste incinerator that is licensed to treat infectious waste in accordance with ORC 3734.05(B) and must comply with the infectious waste rules regarding treatment, operations, and facility closure.

Regarding solid waste incinerators or solid waste energy recovery rules, it is important to note there is only one solid waste incinerator currently subject to these rules. That is the permitted solid waste incinerator licensed to treat infectious waste as part of the infectious waste treatment facility described in the above paragraph.

Where can I get a copy of the unchanged rules?

You may view draft copies of the unchanged rules at <http://www.epa.ohio.gov/dmwm/dmwmnonhazrules.aspx>, or call (614)644-2621 to obtain a copy. As part of the rulemaking process, Ohio EPA is required to prepare and submit a Business Impact Analysis (BIA) form to Ohio's Common Sense Initiative (CSI) Office. Ohio EPA is also making this form available at this time for public review and comment.

When are my comments due?

Please submit your comments by June 19, 2014.

Where should I send my comments?

Please send your comments to:

Michelle Braun
Ohio EPA, DMWM
PO Box 1049
Columbus, OH 43216-1049

You may also send your comments by fax at (614)728-5315 or e-mail michelle.braun@epa.ohio.gov

Who can I talk to about the rules?

For questions regarding the rule language or review schedule, you may contact Michelle Braun at (614) 728-5372. Please include a phone number where you can be contacted during the hours of 8:00 am to 5:00 pm.

What should I consider as I prepare my comments?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline.

Thank you for your interest and we look forward to hearing from you.

Sincerely,

Pamela S. Allen, Chief
Division of Materials and Waste Management