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Ohio Adopted a NEW Hazardous Waste Rules Package with GREAT Opportunities for the RCRA Regulated Community

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CLIENT ALERT | 6.5.2023

On June 2, the Ohio EPA filed its final hazardous waste rules package (HW Rules Package) that will significantly improve business opportunities for industries handling hazardous waste; including those with federal Resource Conservation and Recovery Act (RCRA) Subparts AA/BB/CC permits for the RCRA Organic Air Emissions regulations. The HW Rules Package brings the 2018 RCRA Definition of Solid Waste (DSW), multiple exclusions, and subparts AA/BB/CC of the RCRA Organic Air Emissions to Ohio at long last! The HW Rules Package goes into effect June 12, 2023 – at which point Ohio EPA will seek authorization from US EPA as a final step.

Ohio's adoption of the HW Rules Package creates major opportunities for businesses that manage hazardous waste. Here's just two key reasons why:

1. The 2018 RCRA DSW has beneficial exclusions, not previously in Ohio, that can now qualify businesses to handle certain materials outside of hazardous waste regulations. The 2018 RCRA DSW exclusions include the Transfer-Based Exclusion, the Generator-Controlled Exclusion, and the Remanufacturing Exclusion. These exclusions apply to situations involving hazardous secondary material and require businesses to meet specific requirements. Businesses interested in qualifying for these exclusions should start exploring whether they can meet the exclusion requirements.
2. Businesses with a federal RCRA Subpart AA/BB/CC permit will soon be able to modify to state-issued hazardous waste permits. Since Ohio's hazardous waste regulations did not have Subparts AA/BB/CC of the RCRA Organic Air Emissions before the HW Rules Package, US EPA implemented these rules instead of Ohio EPA. That meant businesses with Subparts AA/BB/CC in their permits had to obtain permits with both federal and state components. When the HW Rules Package goes into effect, these businesses will only require state hazardous waste permits. Businesses with

Subparts AA/BB/CC in their RCRA permits interested in reducing their regulatory burden should start preparing to modify their permits to state permits.

While the HW Rules Package will go into effect in Ohio on June 12, 2023, Ohio EPA will not have full authority to implement the new rules until US EPA formally authorizes the HW Rules Package. Authorization is expected expeditiously. Even without authorization, Ohio businesses now have access to the 2018 DSW and its beneficial exclusions. Businesses in Ohio should be preparing now to take advantage of the benefits of the HW Rules Package during the authorization process.

If your business handles, transfers, generates, or stores hazardous waste, please contact David Edelstein, Kristin Watt, or your Vorys attorney to discuss how you can benefit from the HW Rules Package.