

**3745-266-355      Loss of transportation and disposal conditional exemption.**

- (A) How could you lose the transportation and disposal conditional exemption for your waste and what actions must you take?
- (1) Any waste will automatically lose the transportation and disposal exemption if you fail to manage it in accordance with all of the conditions specified in paragraphs (A) to (A)(4) of rule 3745-266-315 of the Administrative Code.
    - (a) When you fail to meet any of the conditions specified in paragraphs (A) to (A)(4) of rule 3745-266-315 of the Administrative Code for any of your wastes, you must report to us, in writing by certified delivery, within thirty days of learning of the failure. Your report must be signed by your authorized representative certifying that the information provided is true, accurate, and complete. This report must include:
      - (i) The specific condition(s) that you failed to meet for the waste;
      - (ii) A description of the waste (including the waste name, EPA hazardous waste numbers and quantity) that lost the exemption; and
      - (iii) The date(s) on which you failed to meet the condition(s) for the waste.
    - (b) If the failure to meet any of the conditions may endanger human health or the environment, you must also immediately notify us orally within twenty-four hours and follow up with a written notification within five days.
  - (2) We may terminate your ability to claim a conditional exemption for your waste, or require you to meet additional conditions to claim a conditional exemption, for serious or repeated noncompliance with any requirement(s) of rules 3745-266-210 to 3745-266-355 of the Administrative Code.
- (B) If you lose the transportation and disposal conditional exemption for a waste, can the exemption be reclaimed?
- (1) You may reclaim the transportation and disposal exemption for a waste after you have received a return receipt confirming that we have received your notification of the loss of the exemption specified in paragraphs (A)(1) to (A)(2) of this rule and if:
    - (a) You again meet the conditions specified in paragraphs (A) to (A)(4) of rule 3745-266-315 of the Administrative Code for the waste; and

- (b) You send a notice, by certified delivery, to us that you are reclaiming the exemption for the waste. Your notice must be signed by your authorized representative certifying that the information provided is true, accurate, and complete. The notice must:
  - (i) Explain the circumstances of each failure.
  - (ii) Certify that each failure that caused you to lose the exemption for the waste has been corrected and that you again meet all conditions for the waste as of the date you specify.
  - (iii) Describe plans you have implemented, listing the specific steps that you have taken, to ensure that conditions will be met in the future.
  - (iv) Include any other information you want us to consider when we review your notice reclaiming the exemption.
- (2) We may terminate a reclaimed conditional exemption if we find that your claim is inappropriate based on factors including, but not limited to: you have failed to correct the problem; you explained the circumstances of the failure unsatisfactorily; or you failed to implement a plan with steps to prevent another failure to meet the conditions of paragraphs (A) to (A)(4) of rule 3745-266-315 of the Administrative Code. In reviewing a reclaimed conditional exemption under paragraphs (B) to (B)(2) of this rule, we may add conditions to the exemption to ensure that transportation and disposal activities will protect human health and the environment.

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