

3745-266-80 Applicability and requirements- spent lead-acid batteries being reclaimed.

- (A) Are spent lead-acid batteries exempt from hazardous waste management requirements? If you generate, collect, transport, store, or regenerate lead-acid batteries for reclamation purposes, you may be exempt from certain hazardous waste management requirements. Use the following table to determine which requirements apply to you. Alternatively, you may choose to manage your spent lead-acid batteries under Chapter 3745-273 of the Administrative Code.

	If your batteries...	And if you...	Then you...	And you...
(1)	Will be reclaimed through regeneration (such as by electrolyte replacement)	--	Are exempt from the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, rules 3745-50-40 to 3745-50-235 of the Administrative Code, Chapters 3745-52 (except for rule 3745-52-11 of the Administrative Code), 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266 (except for this rule), and 3745-270 of the Administrative Code	Are subject to Chapter 3745-51 and rule 3745-52-11 of the Administrative Code

	If your batteries...	And if you...	Then you...	And you...
(2)	Will be reclaimed other than through regeneration	Generate, collect, and/or transport these batteries	Are exempt from the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, rules 3745-50-40 to 3745-50-235 of the Administrative Code, Chapters 3745-52 (except for rule 3745-52-11 of the Administrative Code), 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, and 3745-266 of the Administrative Code (except for this rule)	Are subject to Chapter 3745-51 and rule 3745-52-11 of the Administrative Code, and applicable provisions in Chapter 3745-270 of the Administrative Code
(3)	Will be reclaimed other than through regeneration	Store these batteries but you aren't the reclaimer	Are exempt from the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, rules 3745-50-40 to 3745-50-235 of the Administrative Code, Chapters 3745-52 (except for rule 3745-52-11 of the Administrative Code), 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, and 3745-266 of the Administrative Code (except for this rule)	Are subject to Chapter 3745-51 and rule 3745-52-11 of the Administrative Code, and applicable provisions in Chapter 3745-270 of the Administrative Code
(4)	Will be reclaimed other than through regeneration	Store these batteries before you reclaim them <u>these batteries</u>	Must <u>Shall</u> comply with paragraph (B) of this rule, and as appropriate, other regulatory provisions described in paragraph (B) of this rule	Are subject to Chapter 3745-51 and rule 3745-52-11 of the Administrative Code, and applicable provisions in Chapter 3745-270 of the Administrative Code

	If your batteries...	And if you...	Then you...	And you...
(5)	Will be reclaimed other than through regeneration	Don't store these batteries before you reclaim them <u>these batteries</u>	Are exempt from the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, rules 3745-50-40 to 3745-50-235 of the Administrative Code, Chapters 3745-52 (except for rule 3745-52-11 of the Administrative Code), 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, and 3745-266 of the Administrative Code (except for this rule)	Are subject to Chapter 3745-51 and rule 3745-52-11 of the Administrative Code, and applicable provisions in Chapter 3745-270 of the Administrative Code
(6)	Will be reclaimed other than through regeneration	Store spent lead-acid batteries for less than seventy-two hours before entering them <u>the spent lead-acid batteries</u> into the reclaiming process at your facility	Are exempt from the requirements of rules 3745-50-40 to 3745-50-235 of the Administrative Code, and must <u>shall</u> comply with paragraph (C) of this rule, and as appropriate, must <u>shall</u> comply with other rules referenced in paragraph (C) of this rule	Are subject to Chapter 3745-51 and rule 3745-52-11 of the Administrative Code, and applicable provisions of Chapter 3745-270 of the Administrative Code

	If your batteries...	And if you...	Then you...	And you...
(7)	Will be reclaimed through regeneration or any other means	Export these batteries for reclamation in a foreign country	<p>Are exempt from the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, rules 3745-50-40 to 3745-50-235 of the Administrative Code, and Chapters 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266 (except for this rule), and 3745-270 of the Administrative Code.</p> <p>You are also exempt from Chapter 3745-52 of the Administrative Code (except for rule 3745-52-11 of the Administrative Code), and except for the applicable requirements in either: 40 CFR Part 262 subpart H; or 40 CFR 262.53, 40 CFR 262.56 (a)(1) to (a)(4), (a)(6), and (b), and 40 CFR 262.57</p>	<p>Are subject to Chapter 3745-51 and rule 3745-52-11 of the Administrative Code, and must comply with 40 CFR Part 262 subpart H [if shipping to one of the "Organization for Economic Cooperation and Development" (OECD) countries specified in 40 CFR 262.58 (a)(1)]; or</p> <p>Must comply with the requirements applicable to a "primary exporter" in 40 CFR 262.53, 40 CFR 262.56 (a)(1) to (a)(4), (a)(6), and (b), and 40 CFR 262.57; and</p> <p>Must export these batteries only upon consent of the "receiving country" and in conformance with the "EPA Acknowledgement of Consent" as defined in 40 CFR Part 262 subpart E; and</p> <p>Must provide a copy of the "EPA Acknowledgement of Consent" for the shipment to the transporter who is transporting the shipment for export</p>

	If your batteries...	And if you...	Then you...	And you...
<p>(8) (7)</p>	<p>Will be reclaimed through regeneration or any other means</p>	<p>Transport these batteries in the United States to export them<u>these</u> batteries for reclamation in a foreign country</p>	<p>Are exempt from the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, and rules 3745-50-40 to 3745-50-235 of the Administrative Code, and Chapters 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266 (except for this rule), and 3745-270 of the Administrative Code</p>	<p>Must<u>Shall</u> comply with applicable requirements in 40 CFR Part 262 subpart H- [if shipping to one of the OECD countries specified in 40 CFR 262.58(a)(1)], or must comply with the following: <ul style="list-style-type: none"> -You may not accept a shipment if you know the shipment does not conform to the “EPA-Acknowledgement of Consent;” and -You must ensure that a copy of the “EPA-Acknowledgement of Consent” accompanies the shipment; and -You must ensure that the shipment is delivered to the facility designated by the person initiating the shipment </p>

	If your batteries...	And if you...	Then you...	And you...
(8)	<u>Will be reclaimed other than through regeneration</u>	<u>Import these batteries from foreign country and store these batteries, but you aren't the reclaimer</u>	<u>Are exempt from the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, rules 3745-50-40 to 3745-50-235 of the Administrative Code, Chapter 3745-52 of the Administrative Code except for rules 3745-52-11 and 3745-52-12 of the Administrative Code, and Chapters 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266 (except for this rule), and 3745-270 of the Administrative Code</u>	<u>Are subject to Chapter 3745-51 and rules 3745-52-11 and 3745-52-12 of the Administrative Code, applicable provisions of Chapter 3745-270 of the Administrative Code, and 40 CFR Part 262 subpart H</u>
(9)	<u>Will be reclaimed other than through regeneration</u>	<u>Import these batteries from foreign country and store these batteries before you reclaim these batteries</u>	<u>Shall comply with paragraph (B) of this rule, and, as appropriate, other regulatory provisions described in paragraph (B) of this rule</u>	<u>Are subject to Chapter 3745-51 and rules 3745-52-11 and 3745-52-12 of the Administrative Code, applicable provisions of Chapter 3745-270 of the Administrative Code, and 40 CFR Part 262 subpart H</u>

	If your batteries...	And if you...	Then you...	And you...
(10)	<u>Will be reclaimed other than through regeneration</u>	<u>Import these batteries from foreign country and don't store these batteries before you reclaim these batteries</u>	<u>Are exempt from the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, rules 3745-50-40 to 3745-50-235 of the Administrative Code, Chapter 3745-52 of the Administrative Code except for rules 3745-52-11 and 3745-52-12 of the Administrative Code, and Chapters 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266 (except for this rule), and 3745-270 of the Administrative Code</u>	<u>Are subject to Chapter 3745-51 and rules 3745-52-11 and 3745-52-12 of the Administrative Code, applicable provisions of Chapter 3745-270 of the Administrative Code, and 40 CFR Part 262 subpart H</u>

~~[Comment 1: The terms “primary exporter,” “receiving country,” and “EPA Acknowledgement of Consent” are defined in 40 CFR 262.51.]~~

[Comment-2: The exercise of foreign relations and international commerce powers is reserved to the federal government under the Constitution. These responsibilities are not delegable to the states. Therefore, the importation and exportation of hazardous waste into and out of the ~~U.S.~~United States is solely regulated by the federal government.]

(B) If I store spent lead-acid batteries before I reclaim ~~them~~the lead-acid batteries but not through regeneration, which requirements apply? ~~The requirements of paragraph~~Paragraph (B) of this rule applies to you if you store spent lead-acid batteries before you reclaim ~~them~~the lead-acid batteries, but you don't reclaim ~~them~~the lead-acid batteries through regeneration. The requirements are slightly different depending on your hazardous waste management permit status:

(1) For facilities with a permit by rule, you ~~must~~shall comply with all of the following:

- (a) The requirement to notify Ohio EPA or U.S. EPA of regulated waste activity.
 - (b) All applicable provisions in rule 3745-65-01 of the Administrative Code.
 - (c) All applicable provisions in rules 3745-65-10 to 3745-65-19 of the Administrative Code [but not rule 3745-65-13 of the Administrative Code (waste analysis)].
 - (d) All applicable provisions in rules 3745-65-30 to 3745-65-37 and 3745-65-50 to 3745-65-56 of the Administrative Code.
 - (e) All applicable provisions in rules 3745-65-70 to 3745-65-77 of the Administrative Code [but not rule 3745-65-71 or 3745-65-72 of the Administrative Code (dealing with the use of the manifest and manifest discrepancies)].
 - (f) All applicable provisions in rules 3745-65-90 to 3745-65-94, 3745-67-20 to 3745-67-30, and 3745-67-50 to 3745-67-60, and Chapter 3745-66 of the Administrative Code.
 - (g) All applicable provisions in rules 3745-50-40 to 3745-50-235 of the Administrative Code.
 - (h) [Reserved.]
- (2) For permitted facilities, you ~~must~~shall comply with all of the following:
- (a) The requirement to notify Ohio EPA or U.S. EPA of regulated waste activity.
 - (b) All applicable provisions in rules 3745-54-01 to 3745-54-03 of the Administrative Code.
 - (c) All applicable provisions in rules 3745-54-10 to 3745-54-19 of the Administrative Code [but not rule 3745-54-13 of the Administrative Code (waste analysis)].
 - (d) All applicable provisions in rules 3745-54-30 to 3745-54-37 and 3745-54-50 to 3745-54-56 of the Administrative Code.

- (e) All applicable provisions in rules 3745-54-70 to 3745-54-77 of the Administrative Code [but not rule 3745-54-71 or 3745-54-72 of the Administrative Code (dealing with the use of the manifest and manifest discrepancies)].
 - (f) All applicable provisions in rules 3745-54-90 to 3745-54-101, 3745-56-20 to 3745-56-31, and 3745-56-50 to 3745-56-59, and Chapter 3745-55 of the Administrative Code.
 - (g) All applicable provisions in rules 3745-50-40 to 3745-50-235 of the Administrative Code.
 - (h) [Reserved.]
- (C) If I store spent lead-acid batteries received from off-site for less than seventy-two hours prior to entering ~~them~~ the lead-acid batteries into the reclaiming process, but reclamation is not through regeneration, which requirements apply? You ~~must~~ shall store spent lead-acid batteries received from off-site in tanks, containers, or containment buildings. You ~~must~~ shall comply with the applicable requirements of paragraphs (C)(3) to (C)(3)(b) of rule 3745-51-06 of the Administrative Code.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

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CERTIFIED ELECTRONICALLY

Certification

01/10/2018

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