

3745-273-09

**Definitions- management standards for universal waste.**

As used in Chapter 3745-273 of the Administrative Code:

(A) "Aerosol container" means a non-opening, non-refillable container that holds a substance under pressure and that can release the substance as a spray, gel, or foam by means of a propellant gas.

~~(A)~~(B) "Ampule" means an airtight vial made of glass, plastic, metal, or any combination of these materials.

(C) "Antifreeze" means propylene glycol or ethylene glycol including aggregated batches of propylene glycol or ethylene glycol used as a heat transfer medium in an internal combustion engine; heating, ventilating, and air conditioning units; and electronics cooling applications; or used for winterizing equipment.

~~(B)~~(D) "Battery" means a device consisting of one or more electrically connected electrochemical cells, which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

~~(C)~~(E) "Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in paragraphs (A) and (C), and (E), (F), and (G) of rule 3745-273-13 of the Administrative Code and in paragraphs (A) and (C), and (E), (F), and (G) of rule 3745-273-33 of the Administrative Code. A facility at which a particular category of universal waste is only accumulated is not a destination facility for purposes of managing that category of universal waste.

~~(D)~~(F) "FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136-136y).

~~(E)~~(G) "Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in Chapter 3745-51 of the Administrative Code or whose act first causes a hazardous waste to become subject to the hazardous waste rules.

~~(F)~~(H) "Lamp" or "universal waste lamp" means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

~~(G)~~(I) "Large quantity handler of universal waste" means a "universal waste handler" (as defined in this rule) who accumulates five thousand kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, ~~or~~ lamps, aerosol containers, antifreeze, or paint or paint-related waste, calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which the five thousand kilogram limit is met or exceeded.

~~(H)~~(J) "Mercury-containing equipment" means a device or part of a device (including thermostats, but excluding batteries and lamps) that contains elemental mercury integral to its function.

~~(I)~~(K) "On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access are also considered on-site property.

~~(L)~~ "Paint" means a pigmented or unpigmented powder coating, or a pigmented or unpigmented mixture of binder and suitable liquid resulting from commercial, industrial, mining, agricultural, and post-consumer activities that upon drying forms an adhering coating on the surface that the paint is applied. Powder coating is a surface coating that is applied as a dry powder and is fused into a continuous coating film through the use of heat.

~~(M)~~ "Paint-related waste" means a material contaminated with paint that results from the packaging of paint, wholesale and retail operations, paint manufacturing, and paint application or removal activities, or a material derived from the reclamation of paint-related wastes that is recycled in a manner other than burning for energy recovery or used in a manner constituting disposal according to rules 3745-51-02 and 3745-266-20 of the Administrative Code.

~~(N)~~(N) "Pesticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest, or intended for use as a plant regulator, defoliant, or desiccant, other than any article that is any of the following:

- (1) A new animal drug under Section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA).
- (2) An animal drug that has been determined by regulation of the secretary of health and human services not to be a new animal drug.

(3) An animal feed under Section 201(w) of the FFDCA that bears or contains any substances described by any portion of the definition of "pesticide" in this rule.

~~(K)~~(O) "Small quantity handler of universal waste" means a "universal waste handler" (as defined in this rule) who does not accumulate five thousand kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, ~~or~~ lamps, aerosol containers, antifreeze, or paint or paint-related waste, calculated collectively) at any time.

~~(L)~~(P) "Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury-containing ampules that have been removed from these temperature control devices in compliance with paragraph (C)(2) of rule 3745-273-13 of the Administrative Code or paragraph (C) (2) of rule 3745-273-33 of the Administrative Code.

~~(M)~~(Q) "Universal waste" means any of the following hazardous wastes that are subject to Chapter 3745-273 of the Administrative Code:

- (1) Batteries as described in rule 3745-273-02 of the Administrative Code.
- (2) Pesticides as described in rule 3745-273-03 of the Administrative Code.
- (3) Mercury-containing equipment as described in rule 3745-273-04 of the Administrative Code.
- (4) Lamps as described in rule 3745-273-05 of the Administrative Code.
- (5) Ohio-specific universal wastes, which include the following:

(a) Aerosol container as described in paragraph (A) of rule 3745-273-89 of the Administrative Code.

(b) Antifreeze as described in paragraph (B) of rule 3745-273-89 of the Administrative Code.

(c) Paint and paint-related waste as described in paragraph (C) of rule 3745-273-89 of the Administrative Code.

~~(N)~~(R) "Universal waste handler":

(1) Means either of the following:

(a) A "generator" (as defined in this rule) of universal waste.

- (b) The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

(2) Does not mean either of the following:

- (a) A person who treats [except under paragraph (A) or (C), or (E), (F), or (G) of rule 3745-273-13 of the Administrative Code, or paragraph (A) or (C), or (E), (F), or (G) of rule 3745-273-33 of the Administrative Code], disposes of, or recycles universal waste.

- (b) A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

~~(S)~~ "Universal waste transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

~~(T)~~ "Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

(U) "Universal waste satellite accumulation area" means a designated container or other unit with a capacity not to exceed fifty-five gallons or a designated cabinet where universal waste aerosol containers are initially collected in the work area prior to being moved to the specified accumulation area for storage, puncturing, or preparation of the universal waste aerosol containers for shipment to another universal waste handler or destination facility.

[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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Certification

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Date

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