

3745-50-28

**Procedures for case-by-case regulation of hazardous waste recycling activities.**

The director will use the following procedures when determining whether to regulate hazardous waste recycling activities described in paragraph (A)(2)(c) of rule 3745-51-06 of the Administrative Code (precious metal recycling) under the provisions of paragraphs (B) and (C) of rule 3745-51-06 of the Administrative Code, rather than under the provisions of rule 3745-266-70 of the Administrative Code.

- (A) If a generator is accumulating the waste, the director will issue a notice setting forth the factual basis for the decision and stating that the person ~~must~~shall comply with the applicable requirements for generators of hazardous waste in rules 3745-52-10 to 3745-52-12, 3745-52-30 to 3745-52-34, ~~and 3745-52-40 to 3745-52-44, and 3745-52-50~~ of the Administrative Code, ~~and 40 CFR Part 262 subpart E~~. The notice will become final within thirty days, unless the person served requests a public hearing to challenge the decision. Upon receiving such a request, the director will hold a public hearing. The director will provide notice of the hearing to the public and allow public comment at the hearing. The director will issue a final order after the hearing stating whether or not compliance with Chapter 3745-52 of the Administrative Code is required. The order becomes effective thirty days after the decision unless the director specifies a later date. The order may be appealed to the environmental review appeals commission by any person who participated in the public hearing.
- (B) If the person is accumulating the recyclable material as a storage facility, the notice will state that the person ~~must~~shall obtain a permit in accordance with all applicable provisions in rules 3745-50-40 to 3745-50-235 of the Administrative Code and Chapter 3734. of the Revised Code. The owner or operator of the facility ~~must~~shall apply for a permit within no less than sixty days and no more than six months after notice, as specified in the notice. If the owner or operator of the facility wishes to challenge the director's decision, ~~he~~the owner or operator may do so in ~~his~~the owner's or operator's permit application, in a public hearing held on the draft permit, or in comments filed on the draft permit or on the notice of intent to deny the permit. The fact sheet accompanying the permit will specify the reason for Ohio EPA's determination. The question of whether the director's decision was proper will remain open for consideration during the public comment period for the draft permit.

Effective: 2/12/2018

Five Year Review (FYR) Dates: 10/30/2017 and 02/12/2023

CERTIFIED ELECTRONICALLY

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Certification

01/10/2018

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Date

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