

3745-51-01 **Purpose and scope of Chapter 3745-51 of the Administrative Code.**

(A) Chapter 3745-51 of the Administrative Code identifies those wastes which are subject to regulation as hazardous wastes under Chapters 3745-52, 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, and 3745-270, rules 3745-50-40 to 3745-50-235 of the Administrative Code, and which are subject to the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity. ~~In~~ Chapter 3745-51 of the Administrative Code includes the following:

- (1) Rules 3745-51-01 to 3745-51-09 of the Administrative Code define the terms "waste" and "hazardous waste," identify those wastes which are excluded from regulation under Chapters 3745-52, 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, 3745-270, and rules 374-50-40 to 3745-50-235 of the Administrative Code, and establishes special management requirements for hazardous waste produced by conditionally exempt small quantity generators and hazardous waste which is recycled.
- (2) Rules 3745-51-10 to 3745-51-11 of the Administrative Code ~~set forth~~ provide the criteria used to identify characteristics of hazardous waste and to list particular hazardous wastes.
- (3) Rules 3745-51-20 to 3745-51-24 of the Administrative Code identify characteristics of hazardous waste.
- (4) Rules 3745-51-30 to 3745-51-33 of the Administrative Code list particular hazardous wastes. Rule 3745-51-35 of the Administrative Code lists certain hazardous wastes which are deleted from the list following equipment cleaning and replacement. ~~Rule 3745-51-38 of the Administrative Code lists the criteria for comparable/syngas fuels which are excluded from being wastes.~~

(B) Scope of Chapter 3745-51 of the Administrative Code.

- (1) The definition of "waste" in Chapter 3745-51 of the Administrative Code applies only to wastes that are also hazardous for purposes of the regulations adopted pursuant to section 3734.12 of the Revised Code. For example, ~~it~~ the definition does not apply to materials (such as non-hazardous scrap, paper, textiles, or rubber) that are not otherwise hazardous wastes and that are recycled.

(2) A material which is not defined as a "waste" in Chapter 3745-51 of the Administrative Code, or is not a hazardous waste identified or listed in Chapter 3745-51 of the Administrative Code, may still be construction and demolitions debris, solid waste, infectious waste, hazardous waste, industrial waste, or other waste for purposes of Chapters 3714., 3734., and 6111. of the Revised Code if:

(a) In the case of Chapters 3714., 3734. and 6111. of the Revised Code, the director has reason to believe that the material may be "construction and demolition debris" as defined in section 3714.01 of the Revised Code, "solid waste" or "hazardous waste" as defined in section 3734.01 of the Revised Code, or "industrial waste" or "other waste" as defined in section 6111.01 of the Revised Code.

(b) [Reserved.]

(C) For purposes of rules 3745-51-02 and 3745-51-06 of the Administrative Code:

(1) A "spent material" is any material that has been used and as a result of contamination can no longer serve the purpose for which ~~it~~the material was produced without processing ~~(an example is used "lamps" as defined in rule 3745-50-10 of the Administrative Code).~~

(2) "Sludge" has the same meaning as in rule 3745-50-10 of the Administrative Code.

(3) A "by-product" is a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms. By-product does not include a co-product that is produced for the general public's use and is ordinarily used in the form ~~it~~the co-product is produced by the process.

(4) A material is "reclaimed" if ~~it~~the material is processed to recover a usable product, or if ~~it~~the material is regenerated. Examples are recovery of lead values from spent batteries and regeneration of spent solvents.

~~Examples are recovery of lead values from spent batteries and regeneration of spent solvents.~~

(5) A material is used or reused if ~~it~~the material is either of the following:

(a) Employed as an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material

~~will~~shall not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); ~~or.~~

- (b) Employed in a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorous precipitant and sludge conditioner in wastewater treatment).
- (6) "Scrap metal" is bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled.
- (7) A material is "recycled" if ~~it~~the material is used, reused, or reclaimed.
- (8) A material is "accumulated speculatively" if ~~it~~the material is accumulated before being recycled. A material is not accumulated speculatively if the person accumulating the material can show that the material is potentially recyclable and has a feasible means of being recycled; and that during the calendar year; commencing January first, the amount of material that is recycled, or transferred to a different site for recycling, equals at least seventy-five per cent by weight or volume of the amount of that material accumulated at the beginning of the calendar year. In calculating the percentage of turnover, the seventy-five per cent requirement is to be applied to materials of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulated in units that would be exempt from regulation under paragraph (C) of rule 3745-51-04 of the Administrative Code shall not be included in the calculation. ~~(Materials that are already defined as "wastes" also shall not be included in making the calculation.)~~ Materials are no longer in this category once ~~they~~the materials are removed from accumulation for recycling.
- (9) "Excluded scrap metal" is processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal.
- (10) "Processed scrap metal" is scrap metal which has been manually or physically altered either to separate ~~it~~the scrap metal into distinct materials to enhance economic value, or to improve the handling of materials. Processed scrap metal includes, but is not limited to, scrap metal which has been baled, shredded, sheared, chopped, crushed, flattened, cut, melted, or separated by metal type (i.e., sorted), and fines, drosses, and related materials which have been agglomerated.

[Comment: Shredded circuit boards being sent for recycling are not considered processed scrap metal. ~~They~~ Such materials are covered under the exclusion from the definition of "waste" for shredded circuit boards being recycled in paragraph (A)(14) of rule 3745-51-04 of the Administrative Code.]

- (11) "Home scrap metal" is scrap metal as generated by steel mills, foundries, and refineries, such as turnings, cuttings, punchings, and borings.
- (12) "Prompt scrap metal" is scrap metal as generated by the metal ~~working/ fabrication~~ working or metal fabrication industries, and includes such scrap metal as turnings, cuttings, punchings, and borings. Prompt scrap is also known as industrial or new scrap metal.

Effective: 2/12/2018
Five Year Review (FYR) Dates: 10/30/2017 and 02/12/2023

CERTIFIED ELECTRONICALLY

Certification

01/10/2018

Date

Promulgated Under: 119.03
Statutory Authority: 3734.12
Rule Amplifies: 3734.12
Prior Effective Dates: 04/15/1981, 05/22/1981 (Emer.), 08/26/1981 (Emer.),
12/02/1981, 01/30/1986, 09/22/1986, 12/30/1989,
02/11/1992, 12/07/2000, 12/07/2004, 02/16/2009,
03/17/2012