

3745-52-10

Applicability- generator standards.

- (A) Chapter 3745-52 of the Administrative Code establishes standards for generators of hazardous wastes.
- (B) Paragraphs (C) and (D) of rule 3745-51-05 of the Administrative Code ~~must~~shall be used to determine the applicability of ~~provisions of~~ Chapter 3745-52 of the Administrative Code that are dependent on calculations of the quantity of hazardous waste generated per month.
- (C) A generator who treats, stores, or disposes of hazardous wastes on-site ~~must only~~shall comply with only the following ~~standards~~ with respect to that waste:
- (1) Rule 3745-52-70 of the Administrative Code, if applicable, for farmers~~;~~
 - (2) Rule 3745-52-11 of the Administrative Code for determining whether or not ~~he~~the generator has a hazardous waste~~;~~
 - (3) Paragraphs (C) and (D) of rule 3745-52-40 of the Administrative Code for recordkeeping~~;~~
 - (4) Rule 3745-52-12 of the Administrative Code for obtaining a U.S. EPA identification number~~;~~
 - (5) Rule 3745-52-43 of the Administrative Code for additional reporting~~; and~~
 - (6) Rule 3745-52-34 of the Administrative Code for accumulation of ~~his~~the generator's waste.
- (D) Any person who exports or imports hazardous wastes ~~to or from the countries listed in 40 CFR 262.58 (a)(1)~~ for recovery ~~must~~shall comply with 40 CFR Part 262 subpart H. A waste is considered hazardous if ~~it~~the waste meets the definition of "hazardous waste" in rule 3745-51-03 of the Administrative Code and is subject to either the manifesting requirements of rules 3745-52-20 to 3745-52-27 of the Administrative Code, or the universal waste management standards of Chapter 3745-273 of the Administrative Code, or the export requirements in the spent lead-acid battery management standards of rule 3745-266-80 of the Administrative Code.

[Comment: 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.]

- (E) Any person who imports hazardous wastes from a foreign country into the state of Ohio ~~must~~shall comply with the standards ~~established~~applicable to generators in Chapter 3745-52 of the Administrative Code.
- (F) A farmer who generates waste pesticides which are hazardous wastes, and who complies with ~~all the requirements of~~ rule 3745-52-70 of the Administrative Code, is not required to comply with other standards in Chapter 3745-52 or Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256 or 3745-270, or rules 3745-50-40 to 3745-50-235 of the Administrative Code with respect to such pesticides.
- (G) ~~Reserved.~~Any person who generates a hazardous waste as defined in rule 3745-51-03 of the Administrative Code is subject to the compliance requirements and penalties prescribed in section 3734.13 of the Revised Code if that person does not comply with Chapter 3745-52 of the Administrative Code.
- (H) An owner or operator who initiates a shipment of hazardous waste from a treatment, storage, or disposal facility ~~must~~shall comply with the generator standards ~~set forth~~ in Chapter 3745-52 of the Administrative Code.
- (I) Persons responding to an explosives or munitions emergency in accordance with paragraph (G)(8)(a)(iv) or (G)(8)(d) of rule 3745-54-01 or paragraph (C)(11)(a)(iv) or (C)(11)(d) of rule 3745-65-01 of the Administrative Code, and paragraph (D)(1)(d) or (D)(3) of rule 3745-50-45 of the Administrative Code are not required to comply with ~~the standards of~~ Chapter 3745-52 of the Administrative Code.
- (J) [Reserved.]
- (K) [Reserved.]
- (L) The laboratories owned by an eligible academic entity that chooses to be subject to ~~the requirements of~~ rules 3745-52-200 to 3745-52-216 of the Administrative Code are not subject to (for purposes of this paragraph, the terms "laboratory" and "eligible academic entity" have the meaning ~~as~~ defined in rule 3745-52-200 of the Administrative Code):

- (1) ~~The requirements of rule~~ Rule 3745-52-11 or paragraph (C) of rule 3745-52-34 of the Administrative Code; for large quantity generators and small quantity generators, except as provided in rules 3745-52-200 to 3745-52-216 of the Administrative Code, ~~and.~~
- (2) ~~The conditions of paragraph~~ Paragraph (B) of rule 3745-51-05 of the Administrative Code, for conditionally exempt small quantity generators, except as provided in rules 3745-52-200 to 3745-52-216 of the Administrative Code.

[Comment 1: ~~The provisions of rule~~ Rule 3745-52-34 of the Administrative Code ~~are~~ is applicable to the on-site accumulation ~~and/or~~ or treatment of hazardous waste by generators. Therefore, ~~the provisions of rule 3745-52-34 of the Administrative Code only apply~~ applies only to owners or operators who are shipping hazardous waste which ~~they~~ was generated at that facility.]

[Comment 2: A generator who treats, stores, or disposes of hazardous waste on-site ~~must~~ shall comply with the applicable standards and permit requirements ~~set forth~~ in rules 3745-50-40 to 3745-50-235 ~~of the Administrative Code~~ and Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code]

[Comment 3: 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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