

3745-266-506

**Conditional exemptions for hazardous waste pharmaceuticals that are also controlled substances and household waste pharmaceuticals collected in a take-back event or program.**

(A) Conditional exemptions. Provided the conditions of paragraph (B) of this rule are met, the following are exempt from rules 3745-50-40 to 3745-50-235 and Chapters 3745-52, 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, 3745-270, and 3745-273 of the Administrative Code:

- (1) Hazardous waste pharmaceuticals that are also listed on a schedule of controlled substances by the drug enforcement administration (DEA) in 21 C.F.R. Part 1308.
- (2) Household waste pharmaceuticals that are collected in a take-back event or program, including those that are collected by an "authorized collector," as defined by the DEA, registered with the DEA that commingles the household waste pharmaceuticals with controlled substances from an "ultimate user," as defined by the DEA.

(B) Conditions for exemption. The hazardous waste pharmaceuticals shall be all of the following:

- (1) Managed in compliance with the sewer prohibition of rule 3745-266-505 of the Administrative Code.
- (2) Collected, stored, transported, and disposed of in compliance with all applicable DEA regulations for controlled substances.
- (3) Destroyed by a method that the DEA has publicly deemed in writing to meet the DEA's non-retrievable standard of destruction or combusted at one of the following:
  - (a) A permitted large municipal waste combustor, subject to 40 C.F.R. Part 62 subpart FFF or applicable state plan for existing large municipal waste combustors, or 40 C.F.R. Part 60 subpart Eb for new large municipal waste combustors.
  - (b) A permitted small municipal waste combustor, subject to 40 C.F.R. Part 62 subpart JJJ or applicable state plan for existing small municipal waste combustors, or 40 C.F.R. Part 60 subpart AAAA for new small municipal waste combustors.
  - (c) A permitted hospital, medical, and infectious waste incinerator, subject to 40 C.F.R. Part 62 subpart HHH or applicable state plan for existing hospital.

medical, and infectious waste incinerators, or 40 C.F.R. Part 60 subpart Ec for new hospital, medical, and infectious waste incinerators.

(d) A permitted commercial and industrial solid waste incinerator, subject to 40 C.F.R. Part 62 subpart III or applicable state plan for existing commercial and industrial solid waste incinerators, or 40 C.F.R. Part 60 subpart CCCC for new commercial and industrial solid waste incinerators.

(e) A permitted hazardous waste combustor subject to 40 C.F.R. Part 63 subpart EEE.

[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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Five Year Review (FYR) Dates: 10/05/2025

CERTIFIED ELECTRONICALLY

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Certification

09/21/2020

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Date

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