

3745-50-02**Business confidentiality - hazardous waste management.**

(A) Any information provided to Ohio EPA under Chapters 3745-50, 3745-51, 3745-52, 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code may be made available to the public to the extent and in the manner authorized by rule 3745-49-03 of the Administrative Code.

(B) Except as provided under paragraphs (C) and (D) of this rule, any person who submits information to Ohio EPA in accordance with Chapters 3745-50, 3745-51, 3745-52, 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code may assert a claim of trade secret confidentiality covering all or part of that information by following the procedures provided in rule 3745-49-03 of the Administrative Code. Information covered by such a claim may be disclosed by Ohio EPA only to the extent, and by means of the procedures, provided in rule 3745-49-03 of the Administrative Code.

(C) Hazardous waste manifests.

(1) After August 6, 2014, no claim of business confidentiality may be asserted by any person with respect to information that may be prepared and used under 40 C.F.R. 262.20(a)(3) or paragraph (A)(3) of rule 3745-52-20 of the Administrative Code that is provided via any of the following means:

(a) A hazardous waste manifest (U.S. EPA form 8700-22).

(b) A hazardous waste manifest continuation sheet (U.S. EPA form 8700-22A).

(c) An electronic manifest format.

(2) When the electronic or paper manifest is a complete and final document as described in paragraph (C)(3) of this rule, U.S. EPA or Ohio EPA may make available to the public any of the following:

(a) Any electronic manifest that is prepared and used in accordance with 40 C.F.R. 262.20(a)(3) or paragraph (A)(3) of rule 3745-52-20 of the Administrative Code.

(b) Any paper manifest that is submitted to U.S. EPA's waste import-export tracking system under 40 C.F.R. 264.71 or 40 C.F.R. 265.71, or rule 3745-54-71 or 3745-65-71 of the Administrative Code.

(3) Submitted electronic manifests and paper manifests are considered to be complete and final documents and publicly available information ninety days after the delivery to the designated facility of the hazardous waste shipment that is identified in the manifest.

(D) Cathode ray tube import or export documents.

- (1) After June 26, 2018, whether the information is submitted electronically into U.S. EPA's waste import-export tracking system or in paper format, no claim of business confidentiality may be asserted by any person with respect to information in cathode ray tube export documents that are prepared, used, and submitted under 40 C.F.R. 261.39(a)(5) or 40 C.F.R. 261.41(a), and with respect to information in hazardous waste export, import, and transit documents that are prepared, used, and submitted under 40 C.F.R. 262.82, 262.83, 262.84, 263.20, 264.12, 264.71, 265.12, or 265.71 or rule 3745-53-20, 3745-54-12, 3745-54-71, 3745-65-12, or 3745-65-71 of the Administrative Code.
- (2) When the electronic or paper documents described in paragraph (D)(1) of this rule are considered to be final documents as described in paragraph (D)(3) of this rule, U.S. EPA or Ohio EPA may make available to the public any of the following:

 - (a) Any cathode ray tube export documents that are prepared, used, and submitted under 40 C.F.R. 261.39(a)(5) or 40 C.F.R. 261.41(a).
 - (b) Any hazardous waste export, import, and transit documents prepared, used and submitted under 40 C.F.R. 262.82, 262.83, 262.84, 263.20, 264.12, 264.71, 265.12, or 265.71 or rule 3745-53-20, 3745-54-12, 3745-54-71, 3745-65-12, or 3745-65-71 of the Administrative Code.
- (3) Submitted electronic and paper documents that are related to hazardous waste exports, imports, and transits and cathode ray tube exports are considered to be final documents on March first of the calendar year after the related cathode ray tube exports or hazardous waste exports, imports, or transits occur.

[Comment 1: For additional information regarding business confidentiality, see rule 3745-49-03 of the Administrative Code.]

[Comment 2: 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."]

Effective: 10/5/2020

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

CERTIFIED ELECTRONICALLY

Certification

09/21/2020

Date

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