

TO BE RESCINDED

3745-51-05 Special requirements for hazardous waste generated by conditionally exempt small quantity generators.

- (A) A generator is a conditionally exempt small quantity generator in a calendar month if he generates no more than one hundred kilograms of hazardous waste in that month.
- (B) Except for those wastes identified in paragraphs (E), (F), (G), and (J) of this rule, a conditionally exempt small quantity generator's hazardous wastes are not subject to regulation under Chapters 3745-52, 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, or 3745-270 or rules 3745-50-40 to 3745-50-235 of the Administrative Code or the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, provided the generator complies with paragraphs (F), (G), and (J) of this rule.
- (C) When making the quantity determinations of Chapters 3745-51 and 3745-52 of the Administrative Code, the generator shall include all hazardous waste that it generates, except hazardous waste that:
- (1) Is exempt from regulation under paragraphs (C) to (F) of rule 3745-51-04, paragraph (A)(3) of rule 3745-51-06, paragraph (A)(1) of rule 3745-51-07, or rule 3745-51-08 of the Administrative Code; or
 - (2) Is managed immediately upon generation only in "on-site elementary neutralization units," "wastewater treatment units," or "totally enclosed treatment facilities" as defined in rule 3745-50-10 of the Administrative Code; or
 - (3) Is recycled, without prior storage or accumulation, only in an on-site process subject to paragraph (C)(2) of rule 3745-51-06 of the Administrative Code; or
 - (4) Is used oil managed under paragraph (A)(4) of rule 3745-51-06 and Chapter 3745-279 of the Administrative Code; or
 - (5) Is spent lead-acid batteries managed under rule 3745-266-80 of the Administrative Code; or
 - (6) Is universal waste managed under rule 3745-51-09 and Chapter 3745-273 of the Administrative Code;
 - (7) Is a hazardous waste that is an unused commercial chemical product (listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code or exhibiting one or more characteristics identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code) that is generated solely as a result of a laboratory clean-

out conducted at an eligible academic entity pursuant to rule 3745-52-213 of the Administrative Code. For purposes of this paragraph, the term "eligible academic entity" has the meaning as in rule 3745-52-200 of the Administrative Code.

(D) In determining the quantity of hazardous waste generated, a generator need not include:

- (1) Hazardous waste when it is removed from on-site storage; or
- (2) Hazardous waste produced by on-site treatment (including reclamation) of his hazardous waste, in accordance with paragraphs (F)(3) and (G)(3) of this rule, so long as the hazardous waste that is treated was counted once; or
- (3) Spent materials that are generated, reclaimed, and subsequently reused on-site, so long as such spent materials have been counted once.

(E) If a generator generates acute hazardous waste in a calendar month in quantities greater than those in paragraphs (E)(1) and (E)(2) of this rule, all quantities of that acute hazardous waste are subject to full regulation under Chapters 3745-52, 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 and rules 3745-50-40 to 3745-50-235 of the Administrative Code, and the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity:

- (1) A total of one kilogram of acute hazardous wastes listed in rule 3745-51-31 or paragraph (E) of rule 3745-51-33 of the Administrative Code.
- (2) A total of one hundred kilograms of any residue or contaminated soil, waste, or other debris resulting from the clean-up of a spill, into or on any land or water, of any acute hazardous wastes listed in rule 3745-51-31 or paragraph (E) of rule 3745-51-33 of the Administrative Code.

[Comment: "Full regulation" means those rules applicable to generators of one thousand kilograms or greater of hazardous waste in a calendar month.]

(F) In order for acute hazardous wastes generated by a generator of acute hazardous wastes in quantities equal to or less than those in paragraph (E)(1) or (E)(2) of this rule to be excluded from full regulation under this rule, the generator shall comply with the following requirements:

- (1) Rule 3745-52-11 of the Administrative Code.
- (2) The generator may accumulate acute hazardous waste on-site. If he accumulates at any time acute hazardous wastes in quantities greater than those in paragraph (E)(1) or (E)(2) of this rule, all of those accumulated wastes are subject to regulation under Chapters 3745-52, 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270, and rules 3745-50-40 to 3745-50-235 of the Administrative Code, and the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity. The time period of paragraph (A) of rule 3745-52-34 of the Administrative Code for accumulation of wastes on-site begins when the accumulated wastes exceed the applicable exclusion limit in paragraph (E)(1) or (E)(2) of this rule; and
- (3) A conditionally exempt small quantity generator may either treat or dispose of his acute hazardous waste in an on-site facility or ensure delivery to an off-site storage, treatment, or disposal facility, either of which, if located in the U.S., is:
 - (a) Permitted under rules 3745-50-40 to 3745-50-235 of the Administrative Code; or
 - (b) Operating under a permit by rule as described in paragraph (C) of rule 3745-50-40 of the Administrative Code; or
 - (c) Authorized to manage hazardous waste by a state with a hazardous waste management program approved under 40 CFR Part 271; or
 - (d) Permitted, licensed, or registered by a state other than Ohio to manage municipal solid waste and, if managed in a municipal solid waste landfill, is subject to 40 CFR Part 258 and applicable state law; or
 - (e) Permitted, licensed, or registered by a state other than Ohio to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit, is subject to 40 CFR 257.5 to 40 CFR 257.30 and applicable state law; or
 - (f) A facility which is operating under paragraph (C)(2) of rule 3745-51-06 of the Administrative Code; or

- (g) For universal waste managed under Chapter 3745-273 of the Administrative Code, a universal waste handler or destination facility subject to Chapter 3745-273 of the Administrative Code.
- (G) In order for hazardous waste generated by a conditionally exempt small quantity generator in quantities of one hundred kilograms or less of hazardous waste during a calendar month to be excluded from full regulation under this rule, the generator shall comply with the following:
- (1) Rule 3745-52-11 of the Administrative Code;
 - (2) The conditionally exempt small quantity generator may accumulate hazardous waste on-site. If he accumulates at any time one thousand kilograms or greater of his hazardous wastes, all of those accumulated wastes are subject to regulation under the special provisions of Chapter 3745-52 of the Administrative Code applicable to generators of greater than one hundred kilograms and less than one thousand kilograms of hazardous waste in a calendar month, as well as Chapters 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 and rules 3745-50-40 to 3745-50-235 of the Administrative Code, and the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity. The time period of paragraph (D) of rule 3745-52-34 of the Administrative Code for accumulation of wastes on-site begins for a conditionally exempt small quantity generator when the accumulated wastes equal or exceed one thousand kilograms;
 - (3) A conditionally exempt small quantity generator may either treat or dispose of his hazardous waste in an on-site facility, or ensure delivery to an off-site storage, treatment, or disposal facility, either of which, if located in the U.S., is:
 - (a) Permitted under rules 3745-50-40 to 3745-50-235 of the Administrative Code; or
 - (b) Operating under a permit by rule as described in paragraph (C) of rule 3745-50-40 of the Administrative Code; or
 - (c) Authorized to manage hazardous waste by a state with a hazardous waste management program approved under 40 CFR Part 271; or
 - (d) Permitted, licensed, or registered by a state other than Ohio to manage municipal solid waste and, if managed in a municipal solid waste landfill, is subject to 40 CFR Part 258 and applicable state law; or
 - (e) Permitted, licensed, or registered by a state other than Ohio to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-

hazardous waste disposal unit, is subject to 40 CFR 257.5 to 40 CFR 257.30 and applicable state law; or

- (f) A facility which is operating under paragraph (C)(2) of rule 3745-51-06 of the Administrative Code; or
 - (g) For universal waste managed under Chapter 3745-273 of the Administrative Code, a universal waste handler or destination facility subject to Chapter 3745-273 of the Administrative Code.
- (H) Hazardous waste subject to the reduced requirements of this rule may be mixed with non-hazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this rule, unless the mixture meets any of the characteristics of hazardous waste identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code.
- (I) If any person mixes a waste with a hazardous waste that exceeds a quantity exclusion level of this rule, the mixture is subject to full regulation.
- (J) If a conditionally exempt small quantity generator's wastes are mixed with used oil, the mixture is subject to Chapter 3745-279 of the Administrative Code. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated.

[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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Certification

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