

3745-52-10**Applicability- generator standards.**

(A) Chapter 3745-52 of the Administrative Code establishes standards for generators of "hazardous waste," as defined in rule 3745-50-10 of the Administrative Code, as follows:

(1) A person who generates a hazardous waste is subject to all of the following:

(a) Independent requirements of a very small quantity generator:

(i) Paragraphs (A) to (D) of rule 3745-52-11 of the Administrative Code, hazardous waste determination and recordkeeping.

(ii) Rule 3745-52-13 of the Administrative Code, generator category determinations.

(b) Independent requirements of a small quantity generator:

(i) Rule 3745-52-11 of the Administrative Code, hazardous waste determination and recordkeeping.

(ii) Rule 3745-52-13 of the Administrative Code, generator category determinations.

(iii) Rule 3745-52-18 of the Administrative Code, U.S. EPA identification numbers and re-notification for small quantity generators and large quantity generators.

(iv) Rules 3745-52-20 to 3745-52-27 of the Administrative Code, manifest requirements for small quantity generators and large quantity generators.

(v) Rules 3745-52-30 to 3745-52-35 of the Administrative Code, pre-transport requirements for small quantity generators and large quantity generators.

(vi) Rule 3745-52-40 of the Administrative Code, recordkeeping - generator standards.

(vii) Rule 3745-52-44 of the Administrative Code, recordkeeping for small quantity generators.

(viii) Rule 3745-52-80 of the Administrative Code and 40 C.F.R. Part 262 subpart H, transboundary movements of hazardous waste for recovery or disposal.

[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 United States is solely regulated by the federal government.]

(c) Independent requirements of a large quantity generator:

- (i) Rule 3745-52-11 of the Administrative Code, hazardous waste determination and recordkeeping.
- (ii) Rule 3745-52-13 of the Administrative Code, generator category determinations.
- (iii) Rule 3745-52-18 of the Administrative Code, U.S. EPA identification numbers and re-notification for small quantity generators and large quantity generators.
- (iv) Rules 3745-52-20 to 3745-52-27 of the Administrative Code, manifest requirements for small quantity generators and large quantity generators.
- (v) Rules 3745-52-30 to 3745-52-35 of the Administrative Code, pre-transport requirements for small quantity generators and large quantity generators.
- (vi) Rules 3745-52-40 to 3745-52-43 of the Administrative Code, recordkeeping and reporting applicable to small quantity generators and large quantity generators.
- (vii) Rule 3745-52-80 of the Administrative Code and 40 C.F.R. Part 262 subpart H, transboundary movements of hazardous waste for recovery or disposal.

(2) A generator who accumulates hazardous waste on-site is a person who stores or treats hazardous waste. Such generator is subject to the applicable requirements of Chapters 3745-50, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, and 3745-266 of the Administrative Code and the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, unless the generator is one of the following:

(a) A very small quantity generator who only accumulates hazardous waste by storing and meets the conditions for exemption in rule 3745-52-14 of the Administrative Code.

[Comment: A very small quantity generator of hazardous may only treat or dispose of hazardous waste pursuant to the requirements in paragraphs (A)(5)(a) and (A)(5)(b) of rule 3745-52-14 of the Administrative Code.]

(b) A small quantity generator who meets the conditions for exemption in rules 3745-52-15 and 3745-52-16 of the Administrative Code.

(c) A large quantity generator who meets the conditions for exemption in rules 3745-52-15 and 3745-52-17 of the Administrative Code.

(3) A generator shall not transport, offer the generator's hazardous waste for transport, or otherwise cause the generator's waste to be sent to a facility that is not a designated facility or not otherwise authorized to receive the generator's hazardous waste.

(B) Determining generator category. A generator shall use rule 3745-52-13 of the Administrative Code to determine which provisions of Chapter 3745-52 of the Administrative Code are applicable to the generator based on the quantity of hazardous waste generated per calendar month.

(C) [Reserved.]

(D) Any person who exports or imports hazardous wastes shall comply with rule 3745-52-18 of the Administrative Code and 40 C.F.R. Part 262 subpart H.

[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 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 shall comply with the standards 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 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) Noncompliance with generator requirements.

- (1) A generator's violation of an independent requirement is subject to penalty and injunctive relief pursuant to the hazardous waste rules and sections 3734. and 3745. of the Revised Code.
- (2) A generator's noncompliance with a condition for exemption in Chapter 3745-52 of the Administrative Code is not subject to penalty or injunctive relief pursuant to the hazardous waste rules and sections 3734. and 3745. of the Revised Code as a violation of a condition for exemption in Chapter 3745-52 of the Administrative Code. Noncompliance by any generator with an applicable condition for exemption from storage or treatment permit and operation requirements means that the facility is a storage or treatment facility, which has been established and is operating without an exemption from the Ohio hazardous waste permitting and operations requirements in section 3734. of the Revised Code, Chapters 3745-50, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, and 3745-266 of the Administrative Code and the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity. Without an exemption, any violations of such storage or treatment activities are subject to penalty and injunctive relief pursuant to the hazardous waste rules and sections 3734. and 3745. of the Revised Code.
- (H) An owner or operator who initiates a shipment of hazardous waste from a treatment, storage, or disposal facility shall comply with the generator standards 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 generator standards in 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 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 defined in rule 3745-52-200 of the Administrative Code) either of the following:

- (1) The independent requirements of rule 3745-52-11 or rule 3745-52-15 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.
- (2) The conditions of rule 3745-52-14 of the Administrative Code, for very small quantity generators, except as provided in rules 3745-52-200 to 3745-52-216 of the Administrative Code.
- (M) All "reverse distributors," as defined in rule 3745-266-500 of the Administrative Code, are subject to rules 3745-266-500 to 3745-266-510 of the Administrative Code for the management of hazardous waste pharmaceuticals in lieu of Chapter 3745-52 of the Administrative Code.
- (N) Each "healthcare facility," as defined in rule 3745-266-500 of the Administrative Code, shall determine whether the healthcare facility is subject to rules 3745-266-500 to 3745-266-510 of the Administrative Code for the management of hazardous waste pharmaceuticals, based on the total hazardous waste the healthcare facility generates per calendar month (including both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste). A healthcare facility that generates more than one hundred kilograms (two hundred twenty pounds) of hazardous waste per calendar month, or more than one kilogram (2.2 pounds) of acute hazardous waste per calendar month, or more than one hundred kilograms (two hundred twenty pounds) per calendar month of any residue or contaminated soil, water, 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 of the Administrative Code or paragraph (E) of rule 3745-51-33 of the Administrative Code, is subject to rules 3745-266-500 to 3745-266-510 of the Administrative Code for the management of hazardous waste pharmaceuticals in lieu of Chapter 3745-52 of the Administrative Code. A healthcare facility that is a very small quantity generator when counting all of the healthcare facility's hazardous waste, including both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste, remains subject to rule 3745-52-14 of the Administrative Code and is not subject to rules 3745-266-500 to 3745-266-510 of the Administrative Code, except for rules 3745-266-505 and 3745-266-507 of the Administrative Code and the optional provisions of rule 3745-266-504 of the Administrative Code.

[Comment 1: A generator who treats, stores, or disposes of hazardous waste on-site shall comply with the applicable standards and permit requirements in rules 3745-50-40 to 3745-50-235 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 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."]

Replaces: 3745-52-10 rescinded
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TO BE RESCINDED

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 shall be used to determine the applicability 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 shall comply with only the following 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 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.
 - (6) Rule 3745-52-34 of the Administrative Code for accumulation of the generator's waste.
- (D) Any person who exports or imports hazardous wastes for recovery shall comply with 40 CFR Part 262 subpart H. A waste is considered hazardous if 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 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 shall comply with the standards 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 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) 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 shall comply with the generator standards 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 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 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 defined in rule 3745-52-200 of the Administrative Code):
- (1) 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.
 - (2) 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: Rule 3745-52-34 of the Administrative Code is applicable to the on-site accumulation or treatment of hazardous waste by generators. Therefore, rule 3745-52-34 of

the Administrative Code applies only to owners or operators who are shipping hazardous waste which was generated at that facility.]

[Comment 2: A generator who treats, stores, or disposes of hazardous waste on-site shall comply with the applicable standards and permit requirements in rules 3745-50-40 to 3745-50-235 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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