

3745-52-14**Conditions for exemption for very small quantity generators.**

[Comment: For purposes of this rule, accumulate means the storage of hazardous waste. A very small quantity generator may only treat or dispose of hazardous waste if permissible in accordance with paragraph (A)(5)(a) or (A)(5)(b) of this rule.]

(A) Provided that the very small quantity generator meets all the conditions for exemption listed in this rule, hazardous waste generated by the very small quantity generator is not subject to Chapters 3745-50, 3745-52 (except rules 3745-52-10 to 3745-52-14 of the Administrative Code), 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 and the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, and the very small quantity generator may accumulate hazardous waste on-site without complying with such requirements. The conditions for exemption are as follows:

- (1) In a calendar month the very small quantity generator generates less than or equal to the amounts specified in the definition of "very small quantity generator" in rule 3745-50-10 of the Administrative Code.
- (2) The very small quantity generator complies with paragraphs (A) to (D) of rule 3745-52-11 of the Administrative Code.
- (3) If the very small quantity generator accumulates at any time greater than 1.0 kilogram (2.2 pounds) of acute hazardous waste or 100.0 kilograms (220.0 pounds) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in rule 3745-51-31 of the Administrative Code or paragraph (E) of rule 3745-51-33 of the Administrative Code, all quantities of that acute hazardous waste are subject to all of the following additional conditions for exemption:
  - (a) Such waste is held on-site for no more than ninety days beginning on the date the accumulated wastes exceed the amounts provided in paragraph (A)(3) of this rule.
  - (b) The conditions for exemption in paragraphs (A) to (G) of rule 3745-52-17 of the Administrative Code.
- (4) If the very small quantity generator accumulates at any time 1,000.0 kilograms (2,200.0 pounds) or greater of non-acute hazardous waste, all quantities of that hazardous waste are subject to all of the following:
  - (a) Such waste is held on-site for no more than one hundred eighty days, or two hundred seventy days, if applicable, beginning on the date the

accumulated waste exceeds the amounts provided in paragraph (A)(3) of this rule.

(b) The quantity of waste accumulated on site never exceeds 6,000.0 kilograms (13,200.0 pounds).

(c) The conditions for exemption in paragraphs (B)(2) to (F) of rule 3745-52-16 of the Administrative Code.

(5) A very small quantity generator that accumulates hazardous waste in amounts less than or equal to the limits in paragraphs (A)(3) and (A)(4) of this rule shall either treat or dispose of the hazardous waste in an on-site facility, or ensure delivery to an off-site treatment, storage, or disposal facility, either of which, if located in the United States, is all of the following:

(a) Permitted in accordance with rules 3745-50-40 to 3745-50-235 of the Administrative Code.

(b) Operating in accordance with a permit by rule as described in paragraph (C) of rule 3745-50-40 and Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code.

(c) Authorized to manage hazardous waste by a state with a hazardous waste management program federally authorized.

(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 C.F.R. Part 258 and applicable state law.

(e) Permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit, is subject to 40 C.F.R. 257.5 to 40 C.F.R. 257.30 and applicable state law.

(f) A facility operating under paragraph (C)(2) or (C)(3) of rule 3745-51-06 of the Administrative Code.

(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) A large quantity generator under the control of the same person as the very small quantity generator, provided the following conditions are met:

- (i) The very small quantity generator and the large quantity generator are under the control of the same "person," as defined in rule 3745-50-10 of the Administrative Code. "Control," for the purposes of this rule, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate generator facilities on behalf of a different "person," as defined in rule 3745-50-10 of the Administrative Code, shall not be deemed to "control" such generators.
- (ii) The very small quantity generator marks the containers of hazardous waste with all of the following:
- (a) The words "Hazardous Waste."
- (b) An indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the department of transportation requirements at 49 C.F.R. Part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at 29 C.F.R. 1910.1200; or a chemical hazard label consistent with the national fire protection association code 704].
- (i) A "reverse distributor," as defined in rule 3745-266-500 of the Administrative Code, if the hazardous waste pharmaceutical is a potentially creditable hazardous waste pharmaceutical generated by a "healthcare facility," as defined in rule 3745-266-500 of the Administrative Code.
- (j) A healthcare facility that meets the conditions in paragraph (L) of rule 3745-266-502 and paragraph (B) of rule 3745-266-503 of the Administrative Code, as applicable, to accept non-creditable hazardous waste pharmaceuticals and potentially creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a very small quantity generator.
- (k) For airbag waste, an airbag waste collection facility or a designated facility subject to paragraph (J) of rule 3745-51-04 of the Administrative Code.

(B) The placement of bulk or non-containerized liquid hazardous waste or hazardous waste that contains free liquids (whether or not sorbents have been added) in any landfill is prohibited.

(C) A very small quantity generator experiencing an episodic event may generate and accumulate hazardous waste in accordance with rules 3745-52-230 to 3745-52-233 of the Administrative Code in lieu of rules 3745-52-15 to 3745-52-17 of the Administrative Code.

[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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Date

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