

3745-53-10

**Applicability- transporter standards.**

- (A) Chapter 3745-53 of the Administrative Code establishes standards which apply to persons transporting hazardous waste within the state of Ohio if the transportation requires a hazardous waste manifest under Chapter 3745-52 of the Administrative Code.
- (B) Chapter 3745-53 of the Administrative Code does not apply to on-site transportation of hazardous waste by generators or by owners or operators of permitted hazardous waste management facilities.
- (C) A transporter of hazardous waste also shall comply with Chapter 3745-52 of the Administrative Code; if the transporter does either of the following:
- (1) Transports hazardous waste into the state of Ohio from a foreign country.
  - (2) Mixes hazardous wastes of different United States department of transportation shipping descriptions by placing the hazardous wastes into a single container.
- (D) A transporter of hazardous waste that is being imported or exported to any other country for purposes of recovery or disposal is subject to rules 3745-53-10 to 3745-53-12 of the Administrative Code and to all relevant requirements of rule 3745-52-80 of the Administrative Code and 40 ~~CFR~~C.F.R. Part 262 subpart H, including, but not limited to, 40 ~~CFR~~C.F.R. 262.83(d) and 262.84(d) for movement documents.
- [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) Chapter 3745-53 of the Administrative Code does not apply to transportation during an explosives or munitions emergency response, conducted in accordance with paragraph (G)(8)(a)(iv) or (G)(8)(d) of rule 3745-54-01 of the Administrative Code 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.
- (F) Rule 3745-266-203 of the Administrative Code identifies how Chapter 3745-53 of the Administrative Code applies to military munitions classified as waste under rule 3745-266-202 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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CERTIFIED ELECTRONICALLY

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Certification

09/21/2020

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Date

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