

3745-52-11                    **Hazardous waste determination.**

Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste using the following method:

(A) He should first determine if the waste is excluded from regulation under rule 3745-51-04 of the Administrative Code.

(B) He must then determine if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code.

~~[NoteComment: Even if the waste is listed, the generator still has an opportunity under 40 CFR 260.22 to demonstrate to the administrator that the waste from his particular facility or operation is not a hazardous waste.]~~

(C) For purposes of compliance with Chapter 3745-270 of the Administrative Code, or if the waste is not listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code, the generator must then determine whether the waste is identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code by either:

(1) Testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 of the Administrative Code, or according to an equivalent method approved by the ~~region V administrator~~ of U.S. EPA region V regional administrator pursuant to 40 CFR 260.21; or

(2) Applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

(D) If the waste is determined to be hazardous, the generator must refer to Chapters 3745-51, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, 3745-270, and 3745-273 of the Administrative Code for possible exclusions or restrictions pertaining to management of the specific waste.

~~[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

07/23/2010

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Date

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