

3745-273-01

Scope of management standards for universal waste.

(A) Chapter 3745-273 of the Administrative Code establishes requirements for managing the following:

- (1) Batteries as described in rule 3745-273-02 of the Administrative Code.
- (2) Pesticides as described in rule 3745-273-03 of the Administrative Code.
- (3) Mercury-containing equipment as described in rule 3745-273-04 of the Administrative Code.

(4) Lamps as described in rule 3745-273-05 of the Administrative Code.

(5) Aerosol cans as described in rule 3745-273-06 of the Administrative Code.

~~(5)(6) Ohio-specific universal wastes, which include the following:~~

~~(a) Aerosol containers as described in paragraph (A) of rule 3745-273-89 of the Administrative Code.~~

~~(b)(a) Antifreeze as described in paragraph (B) of rule 3745-273-89 of the Administrative Code; and~~

~~(c)(b) Paint and paint-related waste as described paragraph (C) of rule 3745-273-89 of the Administrative Code.~~

(B) Chapter 3745-273 of the Administrative Code provides an alternative set of management standards in lieu of regulation under Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code.

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3745-273-02**Applicability- management standards for universal waste-
batteries.**

- (A) Batteries covered under Chapter 3745-273 of the Administrative Code.
 - (1) The requirements of Chapter 3745-273 of the Administrative Code apply to persons managing batteries, as described in rule 3745-273-09 of the Administrative Code, except those listed in paragraph (B) of this rule.
 - (2) Spent lead-acid batteries which are not managed under rule 3745-266-80 of the Administrative Code are subject to management under Chapter 3745-273 of the Administrative Code.

- (B) Batteries not covered under Chapter 3745-273 of the Administrative Code. The requirements of Chapter 3745-273 of the Administrative Code do not apply to persons managing the following batteries:
 - (1) Spent lead-acid batteries that are managed under rule 3745-266-80 of the Administrative Code.
 - (2) Batteries, as described in rule 3745-273-09 of the Administrative Code, that are not yet wastes under Chapter 3745-51 of the Administrative Code, including those that do not meet the criteria for waste generation in paragraph (C) of this rule.
 - (3) Batteries, as described in rule 3745-273-09 of the Administrative Code, that are not hazardous waste. A battery is a hazardous waste if it exhibits one or more of the characteristics identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code.

- (C) Generation of universal waste- batteries.
 - (1) A used battery becomes a waste on the date it is discarded (e.g., when sent for reclamation).
 - (2) An unused battery becomes a waste on the date the handler decides to discard it.

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3745-273-03

Applicability- management standards for universal waste - pesticides.

(A) Pesticides covered under Chapter 3745-273 of the Administrative Code. The requirements of Chapter 3745-273 of the Administrative Code apply to persons managing "pesticides," as defined in rule 3745-273-09 of the Administrative Code, meeting the following conditions, except those listed in paragraph (B) of this rule:

(1) Recalled pesticides that are:

(a) Stocks of a suspended and ~~cancelled~~cancelled pesticide that are part of a voluntary or mandatory recall under Section 19(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), including but not limited to those owned by the registrant responsible for conducting the recall; or

(b) Stocks of a suspended or cancelled pesticide, or a pesticide that is not in compliance with FIFRA, that are part of a voluntary recall by the registrant.

(2) Stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.

(B) Pesticides not covered under Chapter 3745-273 of the Administrative Code. The requirements of Chapter 3745-273 of the Administrative Code do not apply to persons managing the following pesticides:

(1) Recalled pesticides described in paragraph (A)(1) of this rule, and unused pesticide products described in paragraph (A)(2) of this rule, that are managed by farmers in compliance with rule 3745-52-70 of the Administrative Code. [Rule 3745-52-70 of the Administrative Code addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the container is triple rinsed in accordance with paragraph (B)(3) of rule 3745-51-07 of the Administrative Code.]

(2) Pesticides not meeting the conditions provided in paragraph (A) of this rule. These pesticides shall be managed in compliance with Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code, except that "aerosol cans" as defined in rule 3745-273-09 of the Administrative Code that contain pesticides may be managed as aerosol can universal waste under paragraph (E) of rule 3745-273-13 of the Administrative Code or paragraph (E) of rule 3745-273-33 of the Administrative Code;

- (3) Pesticides that are not wastes under Chapter 3745-51 of the Administrative Code, including those that do not meet the criteria for waste generation in paragraph (C) of this rule or those that are not wastes as described in paragraph (D) of this rule; and
 - (4) Pesticides that are not hazardous waste. A pesticide is a hazardous waste if the pesticide is listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code or if the pesticide exhibits one or more of the characteristics identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code.
- (C) When a pesticide becomes a waste.
- (1) A recalled pesticide described in paragraph (A)(1) of this rule becomes a waste on the first date on which both of the following conditions apply:
 - (a) The generator of the recalled pesticide agrees to participate in the recall; and
 - (b) The person conducting the recall decides to discard (e.g., burn the pesticide for energy recovery).
 - (2) An unused pesticide product described in paragraph (A)(2) of this rule becomes a waste on the date the generator decides to discard the unused pesticide product.
- (D) Pesticides that are not wastes. The following pesticides are not wastes:
- (1) Recalled pesticides described in paragraph (A)(1) of this rule, provided that the person conducting the recall:
 - (a) Has not made a decision to discard (e.g., burn for energy recovery) the pesticide. Until such a decision is made, the pesticide does not meet the definition of "waste" under rule 3745-51-02 of the Administrative Code; thus the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including Chapter 3745-273 of the Administrative Code. This pesticide remains subject to the requirements of FIFRA; or
 - (b) Has made a decision to use a management option that, under rule 3745-51-02 of the Administrative Code, does not cause the pesticide to be a waste [i.e., the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery), or reclamation]. Such a pesticide is not a waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements including Chapter 3745-273 of the Administrative Code. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA.

- (2) Unused pesticide products described in paragraph (A)(2) of this rule, if the generator of the unused pesticide product has not decided to discard (e.g., burn for energy recovery) the unused pesticide products. These pesticides remain subject to the requirements of FIFRA.

[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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3745-273-04

**Applicability- management standards for universal waste -
~~mercury thermostats~~mercury-containing equipment.**

- (A) ~~Thermostats~~Mercury-containing equipment covered under Chapter 3745-273 of the Administrative Code. The requirements of Chapter 3745-273 of the Administrative Code apply to persons managing ~~thermostats~~mercury-containing equipment, as described in rule 3745-273-09 of the Administrative Code, except those listed in paragraph (B) of this rule.
- (B) ~~Thermostats~~Mercury-containing equipment not covered under Chapter 3745-273 of the Administrative Code. The requirements of Chapter 3745-273 of the Administrative Code do not apply to persons managing the following ~~thermostats~~mercury-containing equipment:
- (1) ~~Thermostats that are not yet wastes~~Mercury-containing equipment that is not yet a waste under Chapter 3745-51 of the Administrative Code. Paragraph (C) of this rule describes when ~~thermostats become wastes~~mercury-containing equipment becomes a waste.
 - (2) ~~Thermostats~~Mercury-containing equipment that ~~are~~is not a hazardous waste. A ~~thermostat~~Mercury-containing equipment is a hazardous waste if it exhibits one or more of the characteristics identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code: or is listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code;
 - (3) Equipment and devices from which the mercury-containing components have been removed.
- (C) Generation of universal waste - ~~thermostats~~mercury-containing equipment.
- (1) ~~A used thermostat~~Used mercury-containing equipment becomes a waste on the date it is discarded (~~e.g., sent for reclamation~~).
 - (2) ~~An unused thermostat~~Unused mercury-containing equipment becomes a waste on the date the handler decides to discard it.

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3745-273-05 **Applicability - management standards for universal waste-lamps.**

- (A) Lamps covered under Chapter 3745-273 of the Administrative Code. ~~The requirements of Chapter 3745-273 of the Administrative Code~~ apply to persons managing "lamps" as defined in rule 3745-273-09 of the Administrative Code, except ~~those~~ as listed in paragraph (B) of this rule.
- (B) Lamps not covered under Chapter 3745-273 of the Administrative Code. ~~The requirements of Chapter 3745-273 of the Administrative Code~~ do not apply to persons managing the following lamps:
- (1) Lamps that are not yet wastes under Chapter 3745-51 of the Administrative Code as provided in paragraph (C) of this rule.
 - (2) Lamps that are not hazardous waste. A lamp is a hazardous waste if it exhibits one or more of the characteristics identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code.
- (C) Generation of waste lamps.
- (1) A used lamp becomes a waste on the date it is discarded.
 - (2) An unused lamp becomes a waste on the date the handler decides to discard it.

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3745-273-06

Applicability- aerosol cans.

(A) Aerosol cans covered under Chapter 3745-273 of the Administrative Code. Chapter 3745-273 of the Administrative Code applies to persons managing aerosol cans, as defined in rule 3745-273-09 of the Administrative Code, except those listed in paragraph (B) of this rule.

(B) Aerosol cans not covered under Chapter 3745-273 of the Administrative Code. Chapter 3745-273 of the Administrative Code does not apply to persons managing the following types of aerosol cans:

(1) Aerosol cans that are not yet waste under Chapter 3745-51 of the Administrative Code. Paragraph (C) of this rule describes when an aerosol can becomes a waste:

(2) Aerosol cans that are not hazardous waste. An aerosol can is a hazardous waste if the aerosol can exhibits one or more of the characteristics identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code or the aerosol can contains a substance that is listed in 3745-51-30 to 3745-51-35 of the Administrative Code; and

(3) Aerosol cans that meet the standard for empty containers under rule 3745-51-07 of the Administrative Code.

(C) Generation of waste aerosol cans.

(1) A used aerosol can becomes a waste on the date the used aerosol can is discarded.

(2) An unused aerosol can becomes a waste on the date the handler decides to discard the unused aerosol can.

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3745-273-08

Applicability- household and ~~conditionally exempt~~ very small quantity generator waste.

(A) Persons ~~managing~~who manage the wastes listed in paragraphs (A)(1) to (A)(2) of this rule, at such person's option, may manage such wastes under Chapter 3745-273 of the Administrative Code as follows:

- (1) Household wastes that are exempt under paragraph (B)(1) of rule 3745-51-04 of the Administrative Code and are also of the same type as the "universal wastes" defined in rule 3745-273-09 of the Administrative Code.
- (2) ~~Conditionally exempt~~Very small quantity generator wastes that are exempt under rule ~~3745-51-05~~3745-52-14 of the Administrative Code and are also of the same type as the "universal wastes" defined in rule 3745-273-09 of the Administrative Code.

[Comment: Persons who store, treat, or dispose of ~~conditionally exempt~~very small quantity generator wastes in Ohio, who are not the generator of that waste, and who do not manage those wastes under Chapter 3745-273 of the Administrative Code, are required to obtain an Ohio hazardous waste permit and to comply with the applicable requirements in Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code.]

(B) Persons who commingle the wastes described in paragraphs (A)(1) and (A)(2) of this rule together with universal waste regulated under Chapter 3745-273 of the Administrative Code shall manage the commingled waste under Chapter 3745-273 of the Administrative Code.

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3745-273-09

Definitions- management standards for universal waste.

As used in Chapter 3745-273 of the Administrative Code:

(A) ~~"Aerosol container" means a non-opening, non-refillable container that holds a substance under pressure and that can release the substance as a spray, gel, or foam by means of a propellant gas.~~

(1) "Aerosol can" means a non-refillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder and fitted with a self-closing release device allowing the contents to be ejected by the gas.

~~(B)~~(2) "Ampule" means an airtight vial made of glass, plastic, metal, or any combination of these materials.

~~(C)~~(3) "Antifreeze" means propylene glycol or ethylene glycol including aggregated batches of propylene glycol or ethylene glycol used as a heat transfer medium in an internal combustion engine; heating, ventilating, and air conditioning units; and electronics cooling applications; or used for winterizing equipment.

~~(D)~~(B) "Battery" means a device consisting of one or more electrically connected electrochemical cells, which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

(C) [Reserved.]

~~(E)~~(D) "Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in paragraphs (A), ~~and (C), and (E), and (F)~~; and (G) of rule 3745-273-13 of the Administrative Code and in paragraphs (A), ~~and (C), and (E), and (F)~~; and (G) of rule 3745-273-33 of the Administrative Code. A facility at which a particular category of universal waste is only accumulated is not a destination facility for purposes of managing that category of universal waste.

(E) [Reserved.]

(F) "FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act ~~(7 U.S.C. 136-136y)~~.

(G) "Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in Chapter 3745-51 of the Administrative Code or whose act first causes a hazardous waste to become subject to ~~the hazardous waste rules~~regulation.

(H) [Reserved.]

(I) [Reserved.]

(J) [Reserved.]

(K) [Reserved.]

(L)

~~(H)~~(1) "Lamp" or "universal waste lamp" means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

~~(H)~~(2) "Large quantity handler of universal waste" means a "universal waste handler" (as defined in this rule) who accumulates five thousand kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, aerosol ~~containers~~cans, antifreeze, or paint or paint-related waste, calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which the five thousand kilogram limit is met or exceeded.

~~(H)~~(M) "Mercury-containing equipment" means a device or part of a device (including thermostats, but excluding batteries and lamps) that contains elemental mercury integral to ~~its~~the device's function.

(N) [Reserved.]

~~(K)~~(O) "On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way which ~~he~~that same person controls and to which the public does not have access are also considered on-site property.

(P)

~~(H)~~(1) "Paint" means a pigmented or unpigmented powder coating, or a pigmented or unpigmented mixture of binder and suitable liquid resulting from commercial, industrial, mining, agricultural, and post-consumer activities that upon drying forms an adhering coating on the surface that the paint is applied. Powder coating is a surface coating that is applied as a dry powder and is fused into a continuous coating film through the use of heat.

~~(M)~~(2) "Paint-related waste" means a material contaminated with paint that results from the packaging of paint, wholesale and retail operations, paint manufacturing, and paint application or removal activities, or a material derived from the reclamation of paint-related wastes that is recycled in a manner other than burning for energy recovery or used in a manner constituting disposal according to rules 3745-51-02 and 3745-266-20 of the Administrative Code.

~~(N)~~(3) "Pesticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest, or intended for use as a plant regulator, defoliant, or desiccant, other than any article that is any of the following:

~~(1)~~(a) ~~Is a~~ new animal drug under Section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA); or

~~(2)~~(b) ~~Is an~~ animal drug that has been determined by regulation of the secretary of health and human services not to be a new animal drug; or

~~(3)~~(c) ~~Is an~~ animal feed under Section 201(w) of the FFDCA that bears or contains any substances described by any portion of the definition of "pesticide" in this rule.

(O) [Reserved.]

(R) [Reserved.]

~~(O)~~(S) "Small quantity handler of universal waste" means a "universal waste handler" (as defined in this rule) who does not accumulate five thousand kilograms or more ~~total~~ of universal waste (batteries, pesticides, mercury-containing equipment, lamps, aerosol ~~containers~~ containers, antifreeze, or paint or paint-related waste, calculated collectively) at any time.

~~(P)~~(T) "Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury-containing ampules that have been removed from these temperature control devices in compliance with paragraph (C)(2) of rule 3745-273-13 ~~of the Administrative Code~~ or paragraph (C) (2) of rule 3745-273-33 of the Administrative Code.

(U)

~~(1)~~(1) "Universal waste" means any of the following hazardous wastes that are subject to Chapter 3745-273 of the Administrative Code:

~~(1)~~(a) Batteries as described in rule 3745-273-02 of the Administrative Code;

~~(2)~~(b) Pesticides as described in rule 3745-273-03 of the Administrative Code;

~~(3)~~(c) Mercury-containing equipment as described in rule 3745-273-04 of the Administrative Code;

~~(4)~~(d) Lamps as described in rule 3745-273-05 of the Administrative Code;

(e) Aerosol cans as described in rule 3745-273-06 of the Administrative Code;
and

~~(5)~~(f) Ohio-specific universal wastes, which include ~~the following~~:

~~(a) Aerosol container as described in paragraph (A) of rule 3745-273-89 of the Administrative Code.~~

~~(b)~~(i) Antifreeze as described in ~~paragraph (B) of rule 3745-273-89 of the~~ Administrative Code; and

~~(c)~~(ii) Paint and paint-related waste as described in ~~paragraph (C) of rule 3745-273-89 of the~~ Administrative Code.

~~(R)~~(2) "Universal waste handler":

~~(1)~~(a) Means ~~either of the following~~:

~~(a)~~(i) A "generator" (as defined in this rule) of universal waste; or

~~(b)~~(ii) The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

~~(2)~~(b) Does not mean ~~either of the following~~:

~~(a)~~(i) A person who treats [except under paragraph (A), ~~or~~ (C), ~~or~~ (E), or (F); or (G) of rule 3745-273-13 of the Administrative Code, or paragraph (A), ~~or~~ (C), ~~or~~ (E), or (F); or (G) of rule 3745-273-33 of

the Administrative Code], disposes of, or recycles universal waste;
or

~~(b)~~(ii) A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

~~(S)~~(3) "Universal waste transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

~~(T)~~(4) "Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

~~(U)~~(5) "Universal waste satellite accumulation area" means a designated container or other unit with a capacity not to exceed fifty-five gallons or a designated cabinet where universal waste aerosol ~~containers~~cans are initially collected in the work area prior to being moved to the specified accumulation area for storage, puncturing, or preparation of the universal waste aerosol ~~containers~~cans for shipment to another universal waste handler or destination facility.

[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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3745-273-10

Applicability- standards for small quantity handlers of universal waste.

Rules 3745-273-10 to 3745-273-20 of the Administrative Code apply to small quantity handlers of universal waste, as defined in rule 3745-273-09 of the Administrative Code.

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3745-273-11

Prohibitions- standards for small quantity handlers of universal waste.

A small quantity handler of universal waste is:

- (A) Prohibited from disposing of universal waste; and
- (B) Prohibited from diluting or treating universal waste, except:
 - (1) By responding to releases as provided in rule 3745-273-17 of the Administrative Code; or
 - (2) By managing specific wastes as provided in rule 3745-273-13 of the Administrative Code.

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3745-273-12

Notification- standards for small quantity handlers of universal waste.

A small quantity handler of universal waste is not required to notify Ohio EPA of universal waste handling activities.

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3745-273-13

Waste management - standards for small quantity handlers of universal waste.

(A) Universal waste batteries. A small quantity handler of universal waste shall manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste shall contain in a container any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall be closed, structurally sound, compatible with the contents of the battery, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste may conduct ~~any or all of the~~ following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but shall be immediately closed after removal):

(a) ~~Sorting batteries by type;~~

(b) ~~Mixing battery types in one container;~~

(c) ~~Discharging batteries so as to remove the electric charge;~~

(d) ~~Regenerating used batteries;~~

(e) ~~Disassembling batteries or battery packs into individual batteries or cells;~~

(f) ~~Removing batteries from consumer products; or~~

(g) ~~Removing electrolyte from batteries.~~

(3) A small quantity handler of universal waste who removes electrolyte from batteries, or who generates other waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in paragraph (A)(2) of this rule, shall determine whether the electrolyte or other waste exhibit a characteristic of hazardous waste identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code.

(a) If the electrolyte or other waste exhibit a characteristic of hazardous waste, the electrolyte or other waste is subject to all applicable requirements of Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code. The handler is considered the

generator of the hazardous electrolyte or other waste and is subject to Chapter 3745-52 of the Administrative Code.

(b) If the electrolyte or other waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable law.

(B) Universal waste pesticides. A small quantity handler of universal waste shall manage universal waste pesticides in a way that prevents releases to the environment of any universal waste or component of a universal waste ~~to the environment~~. The universal waste pesticides shall be contained in one or more of the following:

(1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; or

(2) A container that does not comply with paragraph (B)(1) of this rule, provided that the unacceptable container is overpacked in a container that does comply with paragraph (B)(1) of this rule; or

(3) A tank that complies with rules 3745-66-90 to 3745-66-99 of the Administrative Code, except for paragraph (C) of rule 3745-66-97 of the Administrative Code; or

(4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(C) Universal waste mercury-containing equipment. A small quantity handler of universal waste shall manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste shall place in a container any universal waste mercury-containing equipment with non-contained elemental mercury, or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall be closed, structurally sound, compatible with the contents of the device, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and shall be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means; ;

- (2) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler ~~does all of the following~~:
- (a) Removes and manages the ampules in a manner designed to prevent breakage of the ampules;
 - (b) Removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);
 - (c) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules; from the containment device to a container that ~~complies with rule 3745-52-16 or 3745-52-17~~ meets the requirements of Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code;
 - (d) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that ~~complies with rule 3745-52-16 or 3745-52-17~~ meets the requirements of Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code;
 - (e) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable occupational safety and health (OSHA) exposure levels for mercury;
 - (f) Ensures that employees who remove ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;
 - (g) Stores removed ampules in closed, non-leaking containers that are in good condition; and
 - (h) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation;
- (3) A small quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler ~~does both of the following~~:

- (a) Immediately seals the original housing that holds the mercury with an airtight seal to prevent the release of any mercury to the environment; and
- (b) Follows all requirements for removing ampules and managing removed ampules under paragraph (C)(2) of this rule; and

(4) ~~Mercury and clean-up residues.~~

- (a) A small quantity handler of universal waste who removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in the original housing shall determine whether the following exhibit a characteristic of hazardous waste identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code:
 - (i) Mercury or clean-up residues resulting from spills or leaks; and
 - (ii) Other waste generated as a result of the removal of mercury-containing ampules or housings (e.g., the remaining mercury-containing device).
- (b) If the mercury, residues, or other waste exhibit a characteristic of hazardous waste, the mercury, residues, or other waste shall be managed in compliance with all applicable requirements of Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code. The handler is considered the generator of the mercury, residues, or other waste and shall manage the mercury, residues, or other waste in compliance with Chapter 3745-52 of the Administrative Code.
- (c) If the mercury, residues, or other waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable law.

(D) Universal waste lamps. A small quantity handler of universal waste shall manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- (1) A small quantity handler of universal waste shall contain any lamp in containers, cabinets, or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers, cabinets, and packages shall remain closed and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

- (2) A small quantity handler of universal waste shall immediately clean up and place in a container any lamp that is broken, and shall place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the lamps, and shall lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.
- (E) Universal waste aerosol ~~containers~~scans. A small quantity handler of universal waste shall manage universal waste aerosol ~~containers~~scans in a way that prevents releases of any universal waste or ~~any~~ component of a universal waste to the environment, as follows:
- ~~(1) A small quantity handler of universal waste shall store aerosol containers in a cabinet, hopper, container, or other unit such as a table-top or shelving unit that is structurally sound and compatible with the contents of the containers and that lacks evidence of leakage.~~
- ~~(2) A small quantity handler of universal waste who initially collects aerosol containers at a universal waste satellite accumulation area prior to moving the aerosol containers to a specified accumulation area for storage, puncturing, or shipment off-site shall move the satellite accumulation container to the specified accumulation area prior to the capacity of the satellite accumulation area being exceeded.~~
- ~~(3) A small quantity handler of universal waste shall immediately empty a leaking aerosol container of the container's contents in accordance with paragraph (E) (4) of this rule or shall individually overpack the leaking aerosol container in a container having enough absorbent material to absorb the leaking contents of the aerosol container.~~
- ~~(4) A small quantity handler of universal waste may puncture or crush an aerosol container to remove and collect the contents of the aerosol container rendering the container empty, provided the handler does the following:~~
- ~~(a) The small quantity handler of universal waste shall use commercially available equipment, or equipment specifically custom designed or retrofitted according to accepted engineering practices based on established codes, standards, published technical reports, or similar peer reviewed documents, to puncture or crush and empty aerosol containers within an enclosed compartment.~~

- ~~(b) The small quantity handler of universal waste shall use puncturing or crushing equipment that has sufficient processing capacity to puncture or crush the quantity of aerosol containers received or generated within one year.~~
- ~~(c) The small quantity handler of universal waste shall ensure that puncturing or crushing equipment meets the following conditions:~~
- ~~(i) The equipment shall be located in a well-ventilated area.~~
 - ~~(ii) The equipment shall be protected from an ignition source.~~
 - ~~(iii) The equipment shall be connected to a container or tank to collect liquids released from the aerosol container.~~
- ~~(d) The small quantity handler of universal waste shall maintain the puncturing or crushing equipment and replace air filters according to the manufacturer's specifications.~~
- ~~(e) The small quantity handler of universal waste shall determine if the collected liquids, except for liquids consisting solely of paint, and air filters meet the definition of "hazardous waste" according to Chapter 3745.51 of the Administrative Code. If the collected liquids or air filters meet the definition of hazardous waste, the handler is the generator of the hazardous waste and is subject to Chapter 3745.52 of the Administrative Code. The collected liquids, except for liquids consisting solely of paint, and air filters are not eligible to be classified as universal waste for the purposes of this rule, the empty containers may be recycled.~~
- ~~[Comment: Liquids that consist solely of paint collected from aerosol containers are eligible to be classified and managed as a universal waste paint in accordance with Chapter 3745.273 of the Administrative Code.]~~
- ~~(f) The small quantity handler of universal waste shall train each operator of the aerosol container puncturing or crushing equipment regarding the safe and proper operation of the puncturing or crushing equipment, the maintenance of the unit, the segregation of incompatible wastes, and the identification of aerosol containers for which puncturing or crushing may not be appropriate.~~
- ~~[Comment: Small quantity handlers of universal waste who use aerosol container puncturing or crushing units may be subject to requirements of the Clean Air Act or the Occupational Safety and Health Act.]~~

- ~~(5) A small quantity handler of universal waste shall manage aerosol containers that are ignitable or reactive in accordance with the following:~~
- ~~(a) Rule 3745-66-76 of the Administrative Code or obtain written approval from the authority having jurisdiction over the local fire code allowing alternative aerosol container storage less than fifty feet from the facility's property line. The written approval shall be maintained on-site for as long as ignitable or reactive aerosol containers are managed on-site.~~
 - ~~(b) Rule 3745-65-17 of the Administrative Code.~~
- ~~(6) A small quantity handler of universal waste shall manage aerosol containers that are incompatible in accordance with rule 3745-66-77 of the Administrative Code.~~
- ~~(7) The small quantity handler of universal waste shall design, construct, maintain, and operate the facility to minimize the possibility of a fire, explosion, or unplanned sudden or non-sudden release of universal waste or hazardous constituents to air, soil, or surface water which could threaten human health or the environment.~~
- (1) Universal waste aerosol cans shall be accumulated in a container that is structurally sound, compatible with the contents of the aerosol cans, lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and is protected from sources of heat.
- (2) Universal waste aerosol cans that show evidence of leakage shall be packaged in a separate closed container or overpacked with absorbents, or immediately punctured and drained in accordance with paragraph (E)(4) of this rule.
- (3) A small quantity handler of universal waste may conduct the following activities as long as each individual aerosol can is not breached and remains intact:
- (a) Sorting aerosol cans by type;
 - (b) Mixing intact cans in one container; and
 - (c) Removing actuators to reduce the risk of accidental release; and;
- (4) A small quantity handler of universal waste who punctures and drains their aerosol cans shall recycle the empty punctured aerosol cans and shall meet the following requirements while puncturing and draining universal waste aerosol cans:

- (a) Conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions thereof.
 - (b) Establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can (including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases); maintain on-site a copy of the manufacturer's specification and instruction; and ensure employees operating the device are trained in the proper procedures.
 - (c) Ensure that puncturing of the can is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment. This manner includes, but is not limited to, locating the equipment on a solid, flat surface in a well-ventilated area.
 - (d) Immediately transfer the contents from the waste aerosol can or puncturing device, if applicable, to a container or tank that meets the applicable requirements of rule 3745-52-14, 3745-52-15, 3745-52-16, or 3745-52-17 of the Administrative Code.
 - (e) Conduct a hazardous waste determination per rule 3745-52-11 of the Administrative Code on the contents of the emptied aerosol can. Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements of Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code. The handler is considered the generator of the hazardous waste and is subject to Chapter 3745-52 of the Administrative Code.
 - (f) If the contents are determined to be nonhazardous, the handler may manage the waste in any way that is in compliance with applicable law.
 - (g) A written procedure shall be in place in the event of a spill or leak and a spill clean-up kit shall be provided. All spills or leaks of the contents of the aerosol cans shall be cleaned up promptly.
- (F) Universal waste antifreeze. A small quantity handler of universal waste shall manage universal waste antifreeze in a way that prevents releases of any universal waste or any component of a universal waste to the environment, as follows:

- (1) A small quantity handler of universal waste shall store antifreeze in containers or tanks that are structurally sound and compatible with the antifreeze. Such containers and tanks shall lack leakage or damage, including severe corrosion, which could cause leakage under reasonably foreseeable conditions.
- (2) A container or tank that does not comply with paragraph (F)(1) of this rule shall be overpacked or taken out of service by the small quantity handler of universal waste by transferring the contents of the container or tank to another container or tank.
- (3) A small quantity handler of universal waste who stores antifreeze in a container shall keep the container closed except when adding or removing antifreeze.
- (4) A small quantity handler of universal waste shall store antifreeze in a tank that complies with paragraph (B)(3) of rule 3745-52-16 of the Administrative Code.
- (5) A small quantity handler of universal waste shall not commingle or contaminate antifreeze with listed hazardous waste or a characteristic hazardous waste as described in Chapter 3745-51 of the Administrative Code subsequent to the removal of the antifreeze from a heat exchanger or other equipment when used to winterize that equipment ~~with listed hazardous waste or a characteristic hazardous waste as described in Chapter 3745-51 of the Administrative Code.~~
- (6) A small quantity handler of universal waste shall develop and maintain at the facility a procedure that describes how antifreeze will be prevented from being commingled or contaminated with a listed hazardous waste or a characteristic hazardous waste as described in Chapter 3745-51 of the Administrative Code subsequent to removal from the heat exchanger or other equipment when used to winterize that equipment ~~with a listed hazardous waste or a characteristic hazardous waste as described in Chapter 3745-51 of the Administrative Code.~~
- (7) A small quantity handler of universal waste who manages antifreeze shall use dedicated antifreeze collection and storage containers and tanks for the management of antifreeze.
- (8) A small quantity handler of universal waste may reclaim antifreeze provided the handler does the following:
 - (a) The small quantity handler of universal waste shall use commercially available equipment, or equipment specifically custom designed or retrofitted according to accepted engineering practices based on established codes, standards, published technical reports, or similar peer

reviewed documents to reclaim the antifreeze as "reclaimed" is defined in rule 3745-51-01 of the Administrative Code.

- (b) The small quantity handler of universal waste shall use reclamation equipment that has sufficient processing capacity to reclaim the quantity of antifreeze received or generated by the handler within one year.
 - (c) The small quantity handler of universal waste shall train each operator of the reclamation equipment regarding the proper operation and maintenance of the antifreeze reclamation equipment.
 - (d) A small quantity handler of universal waste shall determine if the wastes generated from the reclamation of antifreeze are "hazardous wastes" as described in Chapter 3745-51 of the Administrative Code. If a waste meets the definition of "hazardous waste," the handler is a hazardous waste generator and subject to regulation under Chapter 3745-52 of the Administrative Code.
- (9) A small quantity handler of universal waste, upon detection of a release of antifreeze, shall do the following as applicable:
- (a) Stop the release of antifreeze.
 - (b) Contain the released antifreeze.
 - (c) Clean up and properly manage and dispose the released antifreeze and other materials generated from the clean-up according to applicable waste management requirements.
 - (d) Remove a leaking container or tank from service by transferring the contents to another container or tank.
 - (e) Overpack or replace any leaking storage container.
 - (f) Repair any leaking container or tank prior to returning the container or tank to service.
- (10) Spilled universal waste antifreeze that is recovered in liquid form or materials used to absorb a spill of universal waste antifreeze may be managed as universal waste antifreeze.
- (11) A small quantity handler of universal waste who manages antifreeze shall train employees who manage antifreeze regarding the universal waste requirements applicable to antifreeze, the proper management of antifreeze, the procedure

to prevent contamination of antifreeze with characteristic hazardous waste or listed hazardous waste, and the proper response to a release of antifreeze.

(G) Universal waste paint and paint-related waste. A small quantity handler of universal waste shall manage universal waste paint and paint-related wastes in a way that prevents releases of any universal waste or any component of a universal waste to the environment, as follows:

- (1) The small quantity handler of universal waste shall store universal waste paint or paint-related wastes in units that feed crushing or shredding equipment (i.e., hopper), containers, or tanks that are structurally sound and compatible with the paint or paint-related wastes. Such hoppers, containers, and tanks shall lack leakage or damage, including severe corrosion, which could cause leakage under reasonably foreseeable conditions.
- (2) The small quantity handler of universal waste shall ensure that a hopper, container, or tank that does not comply with paragraph (G)(1) of this rule is overpacked or taken out of service by transferring the contents to another hopper, container, or tank.
- (3) The small quantity handler of universal waste shall keep hoppers and containers that hold paint and paint-related wastes closed except when adding or removing paint or paint-related wastes.
- (4) The small quantity handler of universal waste shall store paint or paint-related waste in a tank that complies with paragraph (B)(3) of rule 3745-52-16 of the Administrative Code.
- (5) The small quantity handler of universal waste who generates universal waste paint and paint-related wastes on-site may recycle such paint and paint-related wastes on-site by reclamation, use, or reuse as described in rule 3745-51-02 of the Administrative Code if the wastes are not burned for energy recovery or used in a manner constituting disposal according to rule 3745-51-02 of the Administrative Code.
- (6) The small quantity handler of universal waste who receives universal waste paint from another universal waste handler may recycle such paint by reclamation, use, or reuse as described in rule 3745-51-02 of the Administrative Code if the universal waste paint is not burned for energy recovery or used in a manner constituting disposal according to rule 3745-51-02 of the Administrative Code.
- (7) Wastes generated from the reclamation of universal waste paint and paint-related wastes are not universal wastes for the purposes of this rule. The handler

shall evaluate the wastes to determine if such wastes are listed hazardous wastes or characteristic hazardous waste as described in Chapter 3745-51 of the Administrative Code. If a waste meets the definition of "hazardous waste," the handler is a hazardous waste generator and is subject to Chapter 3745-52 of the Administrative Code.

- (8) The small quantity handler of universal waste who recycles universal waste paint and paint-related wastes as described in paragraphs (G)(5) and (G)(6) of this rule shall ensure that employees responsible for recycling universal waste paint and paint-related wastes are trained regarding the proper operation and maintenance of the recycling process.
- (9) The small quantity handler of universal waste, upon detection of a release of paint or paint-related wastes, shall do the following as applicable:
 - (a) Stop the release.
 - (b) Contain the released paint or paint-related wastes.
 - (c) Clean up and properly manage the released paint or paint-related wastes and other materials generated from the cleanup.
 - (d) Remove a leaking container or tank from service by transferring the contents to another container or tank.
 - (e) Overpack or replace any leaking storage container.
 - (f) Repair any leaking container or tank prior to returning the container or tank to service.
- (10) A small quantity handler of universal waste shall manage paint and paint-related wastes that are ignitable or reactive in accordance with the following:
 - (a) Rule 3745-66-76 of the Administrative Code or obtain written approval from the authority having jurisdiction over the local fire code allowing alternative storage less than fifty feet from the facility's property line. The written approval shall be maintained on-site for as long as the ignitable or reactive paint and paint-related wastes are managed on-site.
 - (b) Rule 3745-65-17 of the Administrative Code.
- (11) A small quantity handler of universal waste shall manage paint and paint-related wastes that are incompatible in accordance with rule 3745-66-77 of the Administrative Code.

- (12) The small quantity handler of universal waste shall design, construct, maintain, and operate the facility to minimize the possibility of a fire, explosion, or unplanned sudden or non-sudden release of universal waste or hazardous constituents to air, soil, or surface water which could threaten human health or the environment.
- (13) The small quantity handler of universal waste may open containers of universal waste paint and scrape, pour, pump, or drain the universal waste paint from the container to collect the paint and render the container empty.
- (14) The small quantity handler of universal waste may puncture, shred, or crush containers of paint that do not exceed five gallons in volume to remove and collect the paint rendering the container empty, provided the handler does all of the following:
 - (a) The small quantity handler of universal waste shall use commercially available equipment, or equipment specifically custom designed or retrofitted according to accepted engineering practices based on established codes, standards, published technical reports, or similar peer reviewed documents, to puncture, shred or crush and empty paint containers within an enclosed compartment or hopper.
 - (b) The small quantity handler of universal waste shall use equipment that has sufficient processing capacity to empty the quantity of paint containers received or generated within one year.
 - (c) The small quantity handler of universal waste shall collect the liquids from the paint container. Collected liquids are still classified as universal paint waste.
 - (d) The small quantity handler of universal waste shall maintain the puncturing, crushing, and shredding equipment and replace air filters according to the manufacturer's specifications.
 - (e) The small quantity handler of universal waste shall train each operator of the equipment used to shred, puncture, or crush containers of universal waste paint regarding the maintenance and proper operation of the equipment.

[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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3745-273-14

Labeling or marking - standards for small quantity handlers of universal waste.

A small quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified in this rule:

(A) Universal waste batteries (i.e., each battery), or a container in which the batteries are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste - Batteries" or "Waste Batteries" or "Used Batteries."

(B) A container (or multiple container package unit), tank, or transport vehicle or vessel in which recalled universal waste pesticides as described in paragraph (A)(1) of rule 3745-273-03 of the Administrative Code are contained shall be labeled or marked clearly with ~~both~~:

(1) The label that was on or accompanied the product as sold or distributed; and

(2) The words "Universal Waste - Pesticides" or "Waste- Pesticides."

(C) A container, tank, or transport vehicle or vessel in which unused pesticide products as described in paragraph (A)(2) of rule 3745-273-03 of the Administrative Code are contained shall be labeled or marked clearly with ~~both~~:

(1) ~~Labeling~~:

(a) The label that was on the product when purchased, if still legible;

(b) If using the labels described in paragraph (C)(1)(a) of this rule is not feasible, the appropriate label as required under the department of transportation regulation 49 CFR Part 172;

(c) If using the labels described in paragraphs (C)(1)(a) and (C)(1)(b) of this rule is not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by a state; and

(2) The words "Universal Waste - Pesticides" or "Waste- Pesticides."

(D) ~~Universal waste mercury-containing equipment and mercury-containing thermostats.~~

(1) Universal waste mercury-containing equipment (i.e., each device), or a container in which the equipment is contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste-Mercury-~~containing~~Containing Equipment" or "Waste Mercury-Containing Equipment" or "Used Mercury-Containing Equipment."

- (2) A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats shall be labeled or marked clearly with any one of the following phrases: "Universal Waste-Mercury Thermostats" or "Waste Mercury Thermostats" or "Used Mercury Thermostats."
- (E) Each lamp or a container or package in which such lamps are contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste- Lamps" or "Waste Lamps" or "Used Lamps."
- ~~(F) Each universal waste aerosol container, multiple aerosol container package, cabinet, or other unit in which the aerosol containers are accumulated shall be labeled with words that identify the contents of the unit (for example, universal waste aerosol containers, used aerosol containers, recyclable aerosol containers). This provision also applies to collection units used in universal waste satellite accumulation areas.~~
- (F) Universal waste aerosol cans (i.e., each aerosol can), or a container in which the aerosol cans are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste- Aerosol Cans" or "Waste Aerosol Cans" or "Used Aerosol Cans."
- (G) Each container or tank of universal waste antifreeze used to accumulate antifreeze shall be labeled with words that identify the contents of the container or tank (for example, used antifreeze, spent antifreeze, ~~UW~~universal waste antifreeze, recyclable antifreeze).
- (H) Paint and paint-related wastes.
- (1) Each container, tank, multiple container package or hopper in which universal waste paints are accumulated shall be labeled with words that identify the contents of the container, tank, multiple container package or hopper (for example, ~~UW~~universal waste paint, paint waste, or recyclable paint).
- (2) Each container or tank in which universal paint-related wastes are accumulated shall be labeled to identify the contents of the container or tank (for example, paint-related universal waste, paint-related waste, paint wastes, paint rags, used paint stripper, or used paint blast media).

[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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3745-273-15

Accumulation time limits- standards for small quantity handlers of universal waste.

- (A) A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, ~~or, for handlers of aerosol containers, from the date the aerosol containers are moved from the universal waste satellite accumulation area to a specified accumulation area or received at the facility,~~ unless the requirements of paragraph (B) of this rule are met.
- (B) A small quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, ~~or, for handlers of aerosol containers, from the date the aerosol containers are moved from the universal waste satellite accumulation area to a specified accumulation area or received at the facility,~~ if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.
- (C) A small quantity handler of universal waste who accumulates universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date the universal waste becomes a waste or is received ~~at the facility or, regarding aerosol containers, from the time the containers are placed in the specified accumulation area or received at the facility.~~ The handler may make this demonstration by ~~any of the following methods:~~
- (1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received.;
 - (2) Marking or labeling each individual item of universal waste (e.g., each battery or thermostat) with the date that item became a waste or was received.;
 - (3) Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received.;
 - (4) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received.;

- (5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received: or
- (6) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date the universal waste becomes a waste or is received.

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3745-273-16

Employee training for small quantity handlers of universal waste.

A small quantity handler of universal waste shall inform all employees who handle or have responsibility for managing universal waste. The information shall describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.

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3745-273-17

Response to releases- standards for small quantity handlers of universal waste.

- (A) A small quantity handler of universal waste ~~must~~shall immediately contain all releases of universal wastes and other residues from universal wastes.
- (B) A small quantity handler of universal waste ~~must~~shall determine whether any material resulting from the release is hazardous waste, and if so, ~~must~~shall manage the hazardous waste in compliance with all applicable requirements of Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code. The handler is considered the generator of the material resulting from the release, and ~~must~~shall manage ~~it~~that material in compliance with Chapter 3745-52 of the Administrative Code.

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3745-273-18 Off-site shipments- standards for small quantity handlers of universal waste.

- (A) A small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.
- (B) If a small quantity handler of universal waste self-transportes universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter requirements of rules 3745-273-50 to 3745-273-56 of the Administrative Code while transporting the universal waste.
- (C) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR Parts 171 to 180, a small quantity handler of universal waste shall package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable department of transportation regulations under 49 CFR Parts 172 to 180;
- (D) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler shall ensure that the receiving handler agrees to receive the shipment.
- (E) If a small quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler shall either:
 - (1) Receive the waste back when notified that the shipment has been rejected, or
 - (2) Agree with the receiving handler on a destination facility to which the shipment will be sent.
- (F) A small quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, he shall contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler shall:
 - (1) Send the shipment back to the originating handler, or
 - (2) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.
- (G) If a small quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler shall immediately notify Ohio EPA of the illegal shipment, and provide the name, address, and phone number of the originating shipper. Ohio EPA will provide instructions for managing the hazardous waste.

- (H) If a small quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable law.

Effective: 09/02/1997
119.032 review dates: Exempt
Promulgated under: 119.03
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Rule amplifies: 3734.12
Prior effective dates: None

3745-273-19

Tracking universal waste shipments- standards for handlers of small quantity universal waste.

A small quantity handler of universal waste is not required to keep records of shipments of universal waste.

Effective: 09/02/1997
119.032 review dates: Exempt
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Rule amplifies: 3734.12
Prior effective dates: None

3745-273-20

Exports - standards for small quantity handlers of universal waste.

A small quantity handler of universal waste who sends universal waste to a foreign destination is subject to the requirements of 40 CFR Part 262 subpart H.

[Comment 1: 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.]

[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."]

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3745-273-30

Applicability- standards for large quantity handlers of universal waste.

Rules 3745-273-30 to 3745-273-40 of the Administrative Code apply to large quantity handlers of universal waste (as defined in rule 3745-273-09 of the Administrative Code).

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Rule amplifies: 3734.12

Prior effective dates: 09/02/1997

3745-273-31 Prohibitions- standards for large quantity handlers of universal waste.

A large quantity handler of universal waste is prohibited from:

- (A) Disposing of universal waste; and
- (B) Diluting or treating universal waste, except by responding to releases as provided in rule 3745-273-37 of the Administrative Code; or by managing specific wastes as provided in rule 3745-273-33 of the Administrative Code.

Effective: 09/02/1997
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Rule amplifies: 3734.12
Prior effective dates: None

3745-273-32

Notification - standards for large quantity handlers of universal waste.**(A) ~~Notification requirement.~~**

- (1) Except as provided in paragraphs (A)(2) and (A)(3) of this rule, a large quantity handler of universal waste shall have sent written notification of universal waste management to the director, and received a ~~USEPA~~U.S. EPA identification number, before meeting or exceeding the five thousand kilogram storage limit.
- (2) A large quantity handler of universal waste who has already notified Ohio EPA of hazardous waste management activities and has received a ~~USEPA~~U.S. EPA identification number is not required to renotify under this rule.
- (3) A large quantity handler of universal waste who manages recalled universal waste pesticides as described in paragraph (A)(1) of rule 3745-273-03 of the Administrative Code, and who has sent notification to Ohio EPA as required by Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code, is not required to notify for those recalled universal waste pesticides under this rule.

(B) This notification shall include ~~in the following:~~

- (1) The universal waste handler's name and mailing address;
- (2) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;
- (3) The address or physical location of the universal waste management activities;
- (4) A list of all of the types of universal waste managed by the handler (e.g., batteries, pesticides, mercury-containing equipment, lamps, aerosol ~~containers~~scans, antifreeze, or paint or paint-related wastes); and
- (5) A statement indicating that the handler is accumulating more than five thousand kilograms of universal waste at one time.

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3745-273-33

Waste management - standards for large quantity handlers of universal waste.

- (A) Universal waste batteries. A large quantity handler of universal waste shall manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- (1) A large quantity handler of universal waste shall contain in a container any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall be closed, structurally sound, compatible with the contents of the battery, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
 - (2) A large quantity handler of universal waste may conduct ~~any or all of~~ the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but shall be immediately closed after removal):
 - (a) ~~Sorting batteries by type;~~
 - (b) ~~Mixing battery types in one container;~~
 - (c) ~~Discharging batteries so as to remove the electric charge;~~
 - (d) ~~Regenerating used batteries;~~
 - (e) ~~Disassembling batteries or battery packs into individual batteries or cells;~~
 - (f) ~~Removing batteries from consumer products; or~~
 - (g) ~~Removing electrolyte from batteries.~~
 - (3) A large quantity handler of universal waste who removes electrolyte from batteries, or who generates other waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in paragraph (A)(2) of this rule, shall determine whether the electrolyte or other waste exhibit a characteristic of hazardous waste identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code.
 - (a) If the electrolyte or other waste exhibit a characteristic of hazardous waste, the electrolyte or other waste shall be managed in compliance with all applicable requirements of Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code. The

handler is considered the generator of the hazardous electrolyte or other waste and is subject to Chapter 3745-52 of the Administrative Code.

(b) If the electrolyte or other waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable law.

(B) Universal waste pesticides. A large quantity handler of universal waste shall manage universal waste pesticides in a way that prevents releases to the environment of any universal waste or component of a universal waste ~~to the environment~~. The universal waste pesticides shall be contained in one or more of the following:

(1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; or

(2) A container that does not comply with paragraph (B)(1) of this rule, provided that the unacceptable container is overpacked in a container that does comply with paragraph (B)(1) of this rule; or

(3) A tank that complies with rules 3745-66-90 to 3745-66-99 of the Administrative Code, except for paragraph (C) of rule 3745-66-97 of the Administrative Code; or

(4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(C) Universal waste mercury-containing equipment. A large quantity handler of universal waste shall manage universal waste mercury-containing equipment in a way that prevents releases to the environment of any universal waste or component of a universal waste ~~to the environment~~, as follows:

(1) A large quantity handler of universal waste shall place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall be closed, structurally sound, compatible with the contents of the device, shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and shall be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means; ;

- (2) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler ~~does all of the following~~:
- (a) Removes and manages the ampules in a manner designed to prevent breakage of the ampules;
 - (b) Removes the ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);
 - (c) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules from that containment device to a container that complies with ~~rule 3745-52-16 or 3745-52-17~~ Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code;
 - (d) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that complies with ~~rule 3745-52-16 or 3745-52-17~~ Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code;
 - (e) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable occupational safety and health administration (OSHA) exposure levels for mercury;
 - (f) Ensures that employees who remove ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;
 - (g) Stores removed ampules in closed, non-leaking containers that are in good condition;
 - (h) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation;
- (3) A large quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler ~~does both of the following~~:

- (a) Immediately seals the original housing ~~that holds~~holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and
 - (b) Follows all requirements for removing ampules and managing removed ampules under paragraph (C)(2) of this rule; and
- (4) ~~Mercury and clean-up residues.~~
- (a) A large quantity handler of universal waste who removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in the original housing shall determine whether the following exhibit a characteristic of hazardous waste identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code:
 - (i) Mercury or clean-up residues resulting from spills or leaks; and
 - (ii) Other waste generated as a result of the removal of mercury-containing ampules or housings (e.g., the remaining mercury-containing device).
 - (b) If the mercury, residues, or other waste exhibit a characteristic of hazardous waste, the mercury, residues, or other waste shall be managed in compliance with all applicable requirements of Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code. The handler is considered the generator of the mercury, residues, or other waste and shall manage the mercury, residues, or other waste in compliance with Chapter 3745-52 of the Administrative Code.
 - (c) If the mercury, residues, or other waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable law.
- (D) Universal waste lamps. A large quantity handler of universal waste shall manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- (1) A large quantity handler of universal waste shall contain any lamp in containers, cabinets, or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers, cabinets, and packages shall remain closed and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

- (2) A large quantity handler of universal waste shall immediately clean up and place in a container any lamp that is broken, and shall place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release to the environment of mercury or other hazardous constituents ~~to the environment~~. Containers shall be closed, structurally sound, compatible with the contents of the lamps, and shall lack evidence of leakage, spillage, or damage that could cause leakage or releases to the environment of mercury or other hazardous constituents ~~to the environment~~ under reasonably foreseeable conditions.
- (E) Universal waste aerosol ~~containers~~scans. A large quantity handler of universal waste shall manage universal waste aerosol ~~containers~~scans in a way that prevents releases of any universal waste or ~~any~~ component of a universal waste to the environment, as follows:
- (1) ~~A large quantity handler of universal waste shall store aerosol containers in a cabinet, hopper, container, or other unit such as a table-top or shelving unit that is structurally sound and compatible with the contents of the containers and that lacks evidence of leakage.~~
- (2) ~~A large quantity handler of universal waste who initially collects aerosol containers at a universal waste satellite accumulation area prior to moving the aerosol containers to a specified accumulation area for storage, puncturing, or shipment off-site shall move the satellite accumulation container to the specified accumulation area prior to the capacity of the satellite accumulation area being exceeded.~~
- (3) ~~A large quantity handler of universal waste shall immediately empty a leaking aerosol container of the container's contents in accordance with paragraph (E) (4) of this rule or shall individually overpack the leaking aerosol container in a container having enough absorbent material to absorb the leaking contents of the aerosol container.~~
- (4) ~~A large quantity handler of universal waste may puncture or crush an aerosol container to remove and collect the contents of the aerosol container rendering the container empty, provided the handler does the following:~~
- (a) ~~The large quantity handler of universal waste shall use commercially available equipment, or equipment specifically custom designed or retrofitted according to accepted engineering practices based on established codes, standards, published technical reports, or similar peer reviewed documents, to puncture or crush and empty aerosol containers within an enclosed compartment.~~

- ~~(b) The large quantity handler of universal waste shall use puncturing or crushing equipment that has sufficient processing capacity to puncture or crush the quantity of aerosol containers received or generated within one year.~~
- ~~(c) The large quantity handler of universal waste shall ensure that puncturing or crushing equipment meets the following conditions:~~
- ~~(i) The equipment shall be located in a well-ventilated area.~~
 - ~~(ii) The equipment shall be protected from an ignition source.~~
 - ~~(iii) The equipment shall be connected to a container or tank to collect liquids released from the aerosol container.~~
- ~~(d) The large quantity handler of universal waste shall maintain the puncturing or crushing equipment and replace air filters according to the manufacturer's specifications.~~
- ~~(e) The large quantity handler of universal waste shall determine if the collected liquids, except for liquids consisting solely of paint, and air filters meet the definition of "hazardous waste" according to Chapter 3745.51 of the Administrative Code. If the collected liquids or air filters meet the definition of hazardous waste, the handler is the generator of the hazardous waste and is subject to Chapter 3745.52 of the Administrative Code. The collected liquids, except for liquids consisting solely of paint, and air filters are not classified as universal waste for the purposes of this rule, the empty containers may be recycled.~~
- ~~[Comment: Liquids that consists solely of paint from aerosol containers are eligible to be classified and managed as a universal waste paint in accordance with Chapter 3745.273 of the Administrative Code.]~~
- ~~(f) The large quantity handler of universal waste shall train each operator of the aerosol container puncturing or crushing equipment regarding the safe and proper operation of the puncturing or crushing equipment, the maintenance of the unit, the segregation of incompatible wastes, and the identification of aerosol containers for which puncturing or crushing may not be appropriate.~~
- ~~[Comment: Large quantity handlers of universal waste who use aerosol container puncturing or crushing units may be subject to requirements of the Clean Air Act or the Occupational Safety and Health Act.]~~

- ~~(5) A large quantity handler of universal waste shall manage aerosol containers that are ignitable or reactive in accordance with the following:~~
- ~~(a) Rule 3745-66-76 of the Administrative Code or obtain written approval from the authority having jurisdiction over the local fire code allowing alternative aerosol container storage less than fifty feet from the facility's property line. The written approval shall be maintained on-site for as long as ignitable or reactive aerosol containers are managed on-site.~~
 - ~~(b) Rule 3745-65-17 of the Administrative Code.~~
- ~~(6) A large quantity handler of universal waste shall manage aerosol containers that are incompatible in accordance with rule 3745-66-77 of the Administrative Code.~~
- ~~(7) The large quantity handler of universal waste shall design, construct, maintain, and operate the facility to minimize the possibility of a fire, explosion, or unplanned sudden or non-sudden release of universal waste or hazardous constituents to air, soil, or surface water which could threaten human health or the environment.~~
- (1) Universal waste aerosol cans shall be accumulated in a container that is structurally sound, compatible with the contents of the aerosol cans, lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and is protected from sources of heat.
- (2) Universal waste aerosol cans that show evidence of leakage shall be packaged in a separate closed container or overpacked with absorbents, or immediately punctured and drained in accordance with paragraph (E)(4) of this rule.
- (3) A large quantity handler of universal waste may conduct the following activities as long as each individual aerosol can is not breached and remains intact:
- (a) Sorting aerosol cans by type; and
 - (b) Mixing intact aerosol cans in one container; and
 - (c) Removing actuators to reduce the risk of accidental release; and
- (4) A large quantity handler of universal waste who punctures and drains their aerosol cans shall recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans:

- (a) Conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions thereof.
- (b) Establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can (including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases); maintain a copy of the manufacturer's specification and instruction on site; and ensure employees operating the device are trained in the proper procedures.
- (c) Ensure that puncturing of the aerosol can is done in a manner designed to prevent fires and to prevent the release to the environment of any component of universal waste. This includes, but is not limited to, locating the equipment on a solid, flat surface in a well-ventilated area.
- (d) Immediately transfer the contents from the waste aerosol can or puncturing device, if applicable, to a container or tank that meets the applicable requirements of rule 3745-52-14, 3745-52-15, 3745-52-16, or 3745-52-17 of the Administrative Code.
- (e) Conduct a hazardous waste determination per rule 3745-52-11 of the Administrative Code on the contents of the emptied aerosol can. Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements of Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code. The handler is considered the generator of the hazardous waste and is subject to Chapter 3745-52 of the Administrative Code.

[Comment: Liquids that consists solely of paint from aerosol cans are eligible to be classified and managed as a universal waste paint in accordance with Chapter 3745-273 of the Administrative Code.]

- (f) If the contents are determined to be nonhazardous, the handler may manage the waste in any way that is in compliance with applicable law.

[Comment: Large quantity handlers of universal waste who use aerosol can puncturing or crushing units may be subject to requirements of the Clean Air Act or the Occupational Safety and Health Act.]

(g) A written procedure shall be in place in the event of a spill or release and a spill clean-up kit shall be provided. All spills or leaks of the contents of the aerosol cans shall be cleaned up promptly.

(F) Universal waste antifreeze. A large quantity handler of universal waste shall manage universal waste antifreeze in a way that prevents releases of any universal waste or any component of a universal waste to the environment, as follows:

- (1) A large quantity handler of universal waste shall store antifreeze in containers or tanks that are structurally sound and compatible with the antifreeze. Such containers and tanks shall lack leakage or damage, including severe corrosion, which could cause leakage under reasonably foreseeable conditions.
- (2) A container or tank that does not comply with paragraph (F)(1) of this rule shall be overpacked or taken out of service by the large quantity handler of universal waste by transferring the contents of the container or tank to another container or tank.
- (3) A large quantity handler of universal waste who stores antifreeze in a container shall keep the container closed except when adding or removing antifreeze.
- (4) A large quantity handler of universal waste shall store antifreeze in a tank that complies with paragraph (B)(3) of rule 3745-52-16 of the Administrative Code.
- (5) A large quantity handler of universal waste shall not commingle or contaminate antifreeze with listed hazardous waste or a characteristic hazardous waste as described in Chapter 3745-51 of the Administrative Code subsequent to the removal of the antifreeze from a heat exchanger or other equipment when used to winterize that equipment ~~with listed hazardous waste or a characteristic hazardous waste as described in Chapter 3745-51 of the Administrative Code.~~
- (6) A large quantity handler of universal waste shall develop and maintain at the facility a procedure that describes how antifreeze shall be prevented from being commingled or contaminated with a listed hazardous waste or a characteristic hazardous waste as described in Chapter 3745-51 of the Administrative Code subsequent to removal of the antifreeze from a heat exchanger or other equipment when used to winterize that equipment ~~with a listed hazardous waste or a characteristic hazardous waste as described in Chapter 3745-51 of the Administrative Code.~~
- (7) A large quantity handler of universal waste who manages antifreeze shall use dedicated antifreeze collection and storage containers and tanks for the management of antifreeze.

- (8) A large quantity handler of universal waste may reclaim antifreeze provided the handler does the following:
- (a) The large quantity handler of universal waste shall use commercially available equipment, or equipment specifically custom designed or retrofitted according to accepted engineering practices based on established codes, standards, published technical reports, or similar peer reviewed documents to reclaim the antifreeze as "reclaimed" is defined in rule 3745-51-01 of the Administrative Code.
 - (b) The large quantity handler of universal waste shall use reclamation equipment that has sufficient processing capacity to reclaim the quantity of antifreeze received or generated by the handler within one year.
 - (c) The large quantity handler of universal waste shall train each operator of the reclamation equipment regarding the proper operation and maintenance of the antifreeze reclamation equipment.
 - (d) A large quantity handler of universal waste shall determine if the wastes generated from the reclamation of antifreeze are "hazardous wastes" as described in Chapter 3745-51 of the Administrative Code. If a waste meets the definition of "hazardous waste," the handler is a hazardous waste generator and is subject to Chapter 3745-52 of the Administrative Code.
- (9) A large quantity handler of universal waste, upon detection of a release of antifreeze, shall do the following, as applicable:
- (a) Stop the release of antifreeze.
 - (b) Contain the released antifreeze.
 - (c) Clean up and properly manage and dispose the released antifreeze and other materials generated from the clean-up according to applicable waste management requirements.
 - (d) Remove a leaking container or tank from service by transferring the contents to another container or tank.
 - (e) Overpack or replace any leaking storage container.
 - (f) Repair any leaking container or tank prior to returning the container or tank to service.

- (10) Spilled universal waste antifreeze that is recovered in liquid form or materials used to absorb a spill of universal waste antifreeze may be managed as universal waste antifreeze.
 - (11) A large quantity handler of universal waste who manages antifreeze shall train employees who manage antifreeze regarding the universal waste requirements applicable to antifreeze, the proper management of antifreeze, the procedure to prevent contamination of antifreeze with characteristic hazardous waste or listed hazardous waste, and the proper response to a release of antifreeze.
- (G) Universal waste paint and paint-related waste. A large quantity handler of universal waste shall manage universal waste paint and paint-related wastes in a way that prevents releases of any universal waste or any component of a universal waste to the environment, as follows:
- (1) The large quantity handler of universal waste shall store universal waste paint or paint-related wastes in units that feed crushing or shredding equipment (i.e., hopper), containers, or tanks that are structurally sound and compatible with the paint or paint-related wastes. Such hoppers, containers, and tanks shall lack leakage or damage, including severe corrosion, which could cause leakage under reasonably foreseeable conditions.
 - (2) The large quantity handler of universal waste shall ensure that a hopper, container, or tank that does not comply with paragraph (G)(1) of this rule is overpacked or taken out of service by transferring the contents to another hopper, container, or tank.
 - (3) The large quantity handler of universal waste shall keep hoppers and containers that hold paint and paint-related wastes closed except when adding or removing paint or paint-related wastes.
 - (4) The large quantity handler of universal waste shall store paint or paint-related waste in a tank that complies with rules 3745-66-90 to 3745-66-99 except paragraph (C) of rule 3745-66-97 of the Administrative Code.
 - (5) The large quantity handler of universal waste who generates universal waste paint and paint-related wastes on-site may recycle such paint and paint-related wastes on-site by reclamation, use, or reuse as described in rule 3745-51-02 of the Administrative Code if the wastes are not burned for energy recovery or used in a manner constituting disposal according to rule 3745-51-02 of the Administrative Code.

- (6) The large quantity handler of universal waste who receives universal waste paint from another universal waste handler may recycle such paint by reclamation, use, or reuse as described in rule 3745-51-02 of the Administrative Code if the universal waste paint is not burned for energy recovery or used in a manner constituting disposal according to rule 3745-51-02 of the Administrative Code.
- (7) Wastes generated from the reclamation of universal waste paint and paint-related wastes are not universal wastes for the purposes of this rule. The handler shall evaluate the wastes to determine if such wastes are listed hazardous wastes or characteristic hazardous waste as described in Chapter 3745-51 of the Administrative Code. If a waste meets the definition of "hazardous waste," the handler is a hazardous waste generator and is subject to Chapter 3745-52 of the Administrative Code.
- (8) The large quantity handler of universal waste who recycles universal waste paint and paint-related wastes as described in paragraphs (G)(5) and (G)(6) of this rule shall ensure that employees responsible for recycling universal waste paint and paint-related wastes are trained regarding the proper operation and maintenance of the recycling process.
- (9) The large quantity handler of universal waste, upon detection of a release of paint or paint-related wastes, shall do the following, as applicable:
 - (a) Stop the release.
 - (b) Contain the released paint or paint-related wastes.
 - (c) Clean up and properly manage the released paint or paint-related wastes and other materials generated from the cleanup.
 - (d) Remove a leaking container or tank from service by transferring the contents to another container or tank.
 - (e) Overpack or replace any leaking storage container.
 - (f) Repair any leaking container or tank prior to returning the container or tank to service.
- (10) A large quantity handler of universal waste shall manage paint and paint-related wastes that are ignitable or reactive in accordance with the following:
 - (a) Rule 3745-66-76 of the Administrative Code or obtain written approval from the authority having jurisdiction over the local fire code allowing alternative storage less than fifty feet from the facility's property line. The

written approval shall be maintained on-site for as long as the ignitable or reactive paint and paint-related wastes are managed on-site.

(b) Rule 3745-65-17 of the Administrative Code.

- (11) A large quantity handler of universal waste shall manage paint and paint-related wastes that are incompatible in accordance with rule 3745-66-77 of the Administrative Code.
- (12) The large quantity handler of universal waste shall design, construct, maintain, and operate the facility to minimize the possibility of a fire, explosion, or unplanned sudden or non-sudden release of universal waste or hazardous constituents to air, soil, or surface water which could threaten human health or the environment.
- (13) The large quantity handler of universal waste may open containers of universal waste paint and scrape, pour, pump, or drain the universal waste paint from the container to collect the paint and render the container empty.
- (14) The large quantity handler of universal waste may puncture, shred, or crush containers of paint that do not exceed five gallons in volume to remove and collect the contents of the container rendering the container empty, provided the handler does all of the following:
 - (a) The large quantity handler of universal waste shall use commercially available equipment or equipment specifically custom designed or retrofitted according to accepted engineering practices based on established codes, standards, published technical reports, or similar peer reviewed documents to puncture, shred, or crush and empty the paint containers within an enclosed compartment or hopper.
 - (b) The large quantity handler of universal waste shall use equipment that has sufficient processing capacity to empty the quantity of paint containers received or generated within one year.
 - (c) The large quantity handler of universal waste shall collect the liquids from the paint container. Collected liquids are still classified as universal waste paint.
 - (d) The large quantity handler of universal waste shall maintain the puncturing, crushing, and shredding equipment and replace air filters according to the manufacturer's specifications.

- (e) The large quantity handler of universal waste shall train each operator of the equipment used to shred, puncture, or crush containers of universal waste paint regarding the maintenance and proper operation of the equipment.

[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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3745-273-34

Labeling or marking- standards for large quantity handlers of universal waste.

A large quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified in this rule.

(A) Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, shall be labeled or marked clearly with any of the following phrases: "Universal Waste - Batteries" or "Waste Batteries" or "Used Batteries."

(B) A container (or multiple container package unit), tank, or transport vehicle or vessel in which recalled universal waste pesticides as described in paragraph (A)(1) of rule 3745-273-03 of the Administrative Code are contained shall be labeled or marked clearly with ~~both~~:

(1) The label that was on or accompanied the product as sold or distributed; and

(2) The words "Universal Waste- Pesticides" or "Waste- Pesticides."

(C) A container, tank, or transport vehicle or vessel in which unused pesticide products as described in paragraph (A)(2) of rule 3745-273-03 of the Administrative Code are contained shall be labeled or marked clearly with ~~both~~:

(1) ~~Labeling~~:

(a) The label that was on the product when purchased, if still legible;

(b) If using the labels described in paragraph (C)(1)(a) of this rule is not feasible, the appropriate label as required under the department of transportation regulation 49 CFR Part 172;

(c) If using the labels described in paragraphs (C)(1)(a) and (C)(1)(b) of this rule is not feasible, another label prescribed or designated by the pesticide collection program; and

(2) The words "Universal Waste- Pesticides" or "Waste- Pesticides."

(D) ~~Universal waste mercury-containing equipment and mercury-containing thermostats.~~

(1) Mercury-containing equipment (i.e., each device), or a container in which the equipment is contained, shall be labeled or marked clearly with any of the following phrases: "Universal Waste- Mercury-Containing Equipment" or "Waste Mercury-Containing Equipment" or "Used Mercury-Containing Equipment."

- (2) A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats shall be labeled or marked clearly with any of the following phrases: "Universal Waste-Mercury Thermostats" or "Waste Mercury Thermostats" or "Used Mercury Thermostats."
- (E) Each lamp or a container or package in which such lamps are contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste- Lamps" or "Waste Lamps" or "Used Lamps."
- ~~(F) Each universal waste aerosol container, multiple aerosol container package, cabinet, or other unit in which the aerosol containers are accumulated shall be labeled with words that identify the contents of the unit (for example, universal waste aerosol containers, used aerosol containers, recyclable aerosol containers). This provision also applies to collection units used in universal waste satellite accumulation areas.~~
- (F) Universal waste aerosol cans (i.e., each aerosol can), or a container in which aerosol cans are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste- Aerosol Cans" or "Waste Aerosol Cans" or "Used Aerosol Cans."
- (G) Each container or tank of universal waste antifreeze used to accumulate antifreeze shall be labeled with words that identify the contents of the container or tank (for example, used antifreeze, spent antifreeze, ~~UW~~universal waste antifreeze, recyclable antifreeze).
- (H) Paint and paint-related wastes.
- (1) Each container, tank, multiple container package or hopper in which universal waste paints are accumulated shall be labeled with words that identify the contents of the container, tank, multiple container package or hopper (for example, ~~UW~~universal waste paint, paint waste or recyclable paint).
- (2) Each container or tank in which universal paint-related wastes are accumulated shall be labeled to identify the contents of the container or tank (for example, paint-related ~~UW~~universal waste, paint-related waste, paint wastes, paint rags, used paint stripper, or used paint blast media).

[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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3745-273-35

Accumulation time limits- standards for large quantity handlers of universal waste.

- (A) A large quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, ~~or, for handlers of aerosol containers, from the date the aerosol containers are moved from the universal waste satellite accumulation area to a specified accumulation area or received at the facility,~~ unless the requirements of paragraph (B) of this rule are met.
- (B) A large quantity handler of universal waste may accumulate universal waste for longer than one year ~~from~~^{after} the date the universal waste is generated, or received from another handler, ~~or, for handlers of aerosol containers, from the date the aerosol containers are moved from the universal waste satellite accumulation area to a specified accumulation area or received at the facility,~~ if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity was solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.
- (C) A large quantity handler of universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date the universal waste becomes a waste or is received ~~at the facility or, regarding aerosol containers, from the time the containers are placed in the specified accumulation area or received at the facility.~~ The handler may make this demonstration by ~~any of the following methods:~~
- (1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received.;
 - (2) Marking or labeling the individual item of universal waste (i.e., each battery or ~~thermostat~~^{pesticide}) with the date ~~it~~^{the item of universal waste} became a waste or was received.;
 - (3) Maintaining an inventory system on-site that identifies the date the universal waste being accumulated became a waste or was received.;
 - (4) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received.;

- (5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received: or
- (6) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date the universal waste becomes a waste or is received.

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3745-273-36

Employee training- standards for large quantity handlers of universal waste.

A large quantity handler of universal waste shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

Effective: 09/02/1997

119.032 review dates: Exempt

Promulgated under: 119.03

Statutory authority: 3734.12

Rule amplifies: 3734.12

Prior effective dates: None

3745-273-37

Response to releases - standards for large quantity handlers of universal waste.

- (A) A large quantity handler of universal waste ~~must~~shall immediately contain all releases of universal wastes and other residues from universal wastes.
- (B) A large quantity handler of universal waste ~~must~~shall determine whether any material resulting from the release is hazardous waste, and if so, ~~must~~shall manage the hazardous waste in compliance with all applicable requirements of Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code. The handler is considered the generator of the material resulting from the release, and is subject to Chapter 3745-52 of the Administrative Code.

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3745-273-38 Off-site shipments- standards for large quantity handlers of universal waste.

- (A) A large quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.
- (B) If a large quantity handler of universal waste self-transportes universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter requirements of rules 3745-273-50 to 3745-273-56 of the Administrative Code while transporting the universal waste.
- (C) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR 171 to 180, a large quantity handler of universal waste shall package, label, mark, and placard the shipment, and prepare the proper shipping papers in accordance with the applicable department of transportation regulations under 49 CFR parts 172 to 180;
- (D) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler shall ensure that the receiving handler agrees to receive the shipment.
- (E) If a large quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler shall either:
 - (1) Receive the waste back when notified that the shipment has been rejected, or
 - (2) Agree with the receiving handler on a destination facility to which the shipment will be sent.
- (F) A large quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, he shall contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler shall:
 - (1) Send the shipment back to the originating handler, or
 - (2) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.
- (G) If a large quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler shall immediately notify Ohio EPA of the illegal shipment, and provide the name, address, and phone number of the originating shipper. Ohio EPA will provide instructions for managing the hazardous waste.

- (H) If a large quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable law.

Effective: 09/02/1997
119.032 review dates: Exempt
Promulgated under: 119.03
Statutory authority: 3734.12
Rule amplifies: 3734.12
Prior effective dates: None

3745-273-39

Tracking universal waste shipments- standards for large quantity handlers of universal waste.

- (A) Receipt of shipments. A large quantity handler of universal waste shall keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste received shall include ~~all~~ ~~of~~ the following information:
- (1) The name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent;
 - (2) The quantity of each type of universal waste received (e.g., batteries, pesticides; ~~mercury-containing equipment, lamps, aerosol containers, antifreeze, and paint and paint-related waste~~); and
 - (3) The date of receipt of the shipment of universal waste.
- (B) Shipments off-site. A large quantity handler of universal waste shall keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste sent shall include ~~all~~ ~~of~~ the following information:
- (1) The name and address of the universal waste handler, destination facility, or foreign destination to whom the universal waste was sent;
 - (2) The quantity of each type of universal waste sent (e.g., batteries, pesticides; ~~mercury-containing equipment, lamps, aerosol containers, antifreeze, and paint and paint-related waste~~); and
 - (3) The date the shipment of universal waste left the facility.
- (C) Record retention.
- (1) A large quantity handler of universal waste shall retain the records described in paragraph (A) of this rule for at least three years after the date of receipt of a shipment of universal waste.
 - (2) A large quantity handler of universal waste shall retain the records described in paragraph (B) of this rule for at least three years after the date a shipment of universal waste left the facility.

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3745-273-40

Exports - standards for large quantity handlers of universal waste.

A large quantity handler of universal waste who sends universal waste to a foreign destination is subject to the requirements of 40 CFR Part 262 subpart H).

[Comment 1: 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.]

[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."]

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3745-273-50 Applicability- standards for universal waste transporters.

Rules 3745-273-50 to 3745-273-56 of the Administrative Code apply to universal waste transporters, as defined in rule 3745-273-09 of the Administrative Code.

Effective: 12/07/2004
119.032 review dates: Exempt
Promulgated under: 119.03
Statutory authority: 3734.12
Rule amplifies: 3734.12
Prior effective dates: 09/02/1997

3745-273-51 Prohibitions- standards for universal waste transporters.

A universal waste transporter is prohibited from:

- (A) Disposing of universal waste; and
- (B) Diluting or treating universal waste, except by responding to releases as provided in rule 3745-273-54 of the Administrative Code.

Effective: 09/02/1997
119.032 review dates: Exempt
Promulgated under: 119.03
Statutory authority: 3734.12
Rule amplifies: 3734.12
Prior effective dates: None

3745-273-52

Waste management standards for universal waste transporters.

- (A) A universal waste transporter shall comply with all applicable U.S. department of transportation regulations in 49 CFR parts 171 to 180 for transport of any universal waste that meets the definition of hazardous material in 49 CFR 171.8. For purposes of the department of transportation regulations, a material is considered a hazardous waste if it is subject to the hazardous waste manifest requirements specified in Chapter 3745-52 of the Administrative Code. Because universal waste does not require a hazardous waste manifest, it is not considered hazardous waste under the department of transportation regulations.

- (B) Some universal waste materials are regulated by the department of transportation as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 CFR 173.2. As universal waste shipments do not require a manifest under Chapter 3745-52 of the Administrative Code, they may not be described by the DOT proper shipping name "hazardous waste, (l) or (s), n.o.s.," Nor may the hazardous material's proper shipping name be modified by adding the word "waste."

Effective: 09/02/1997
119.032 review dates: Exempt
Promulgated under: 119.03
Statutory authority: 3734.12
Rule amplifies: 3734.12
Prior effective dates: None

3745-273-53

Storage time limits- standards for universal waste transporters.

- (A) A universal waste transporter may only store the universal waste at a universal waste transfer facility for ten days or less.
- (B) If a universal waste transporter stores universal waste for more than ten days, the transporter becomes a universal waste handler and shall comply with the applicable requirements of rules 3745-273-10 to 3745-273-20 or rules 3745-273-30 to 3745-273-40 of the Administrative Code while storing the universal waste.

Effective: 09/02/1997
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Promulgated under: 119.03
Statutory authority: 3734.12
Rule amplifies: 3734.12
Prior effective dates: None

3745-273-54

Response to releases - standards for universal waste transporters.

- (A) A universal waste transporter ~~must~~shall immediately contain all releases of universal wastes and other residues from universal wastes.
- (B) A universal waste transporter ~~must~~shall determine whether any material resulting from the release is hazardous waste, and if so, ~~it~~the transporter is subject to all applicable requirements of Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code. If the waste is determined to be a hazardous waste, the transporter is subject to Chapter 3745-52 of the Administrative Code.

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3745-273-55

Off-site shipments- standards for universal waste transporters.

- (A) A universal waste transporter is prohibited from transporting the universal waste to a place other than a universal waste handler, a destination facility, or a foreign destination.
- (B) If the universal waste being shipped off-site meets the department of transportation's definition of hazardous materials under 49 CFR 171.8, the shipment shall be properly described on a shipping paper in accordance with the applicable department of transportation regulations under 49 CFR part 172.

Effective: 09/02/1997
119.032 review dates: Exempt
Promulgated under: 119.03
Statutory authority: 3734.12
Rule amplifies: 3734.12
Prior effective dates: None

3745-273-56

Exports - standards for universal waste transporters.

A universal waste transporter transporting a shipment of universal waste to a foreign destination is subject to the requirements of 40 CFR Part 262 subpart H.

[Comment 1: 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.]

[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."]

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3745-273-60

Applicability - standards for destination facilities.

- (A) The owner or operator of a "destination facility" (as defined in rule 3745-273-09 of the Administrative Code) is subject to all applicable requirements of ~~rules 3745-50-40 to 3745-50-235~~, Chapters ~~3745-50~~, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266 ~~except as provided in paragraphs (B) and (C) of this rule~~, and 3745-270 of the Administrative Code, and the requirement to notify Ohio EPA or ~~USEPA~~U.S. EPA of regulated waste activity.
- (B) The owner or operator of a destination facility that recycles a particular universal waste without storing that universal waste before that universal waste is recycled shall comply with paragraph (C)(2) of rule 3745-51-06 of the Administrative Code.
- (C) The owner or operator of a destination facility who enters recyclable materials into a recycling process within seventy-two hours after the arrival of the recyclable materials at the facility shall comply with paragraph (C)(3) of rule 3745-51-06 of the Administrative Code.

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09/05/2010, 12/21/2017

3745-273-61

Off-site shipments- standards for destination facilities.

- (A) The owner or operator of a destination facility is prohibited from sending or taking universal waste to a place other than a universal waste handler, another destination facility, or foreign destination.
- (B) The owner or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner or operator of the destination facility rejects a shipment or a portion of a shipment, he shall contact the shipper to notify him of the rejection and to discuss reshipment of the load. The owner or operator of the destination facility shall:
 - (1) Send the shipment back to the original shipper, or
 - (2) If agreed to by both the shipper and the owner or operator of the destination facility, send the shipment to another destination facility.
- (C) If the a owner or operator of a destination facility receives a shipment containing hazardous waste that is not a universal waste, the owner or operator of the destination facility shall immediately notify Ohio EPA of the illegal shipment, and provide the name, address, and phone number of the shipper. Ohio EPA will provide instructions for managing the hazardous waste.
- (D) If the owner or operator of a destination facility receives a shipment of non-hazardous, non-universal waste, the owner or operator may manage the waste in any way that is in compliance with applicable law.

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Promulgated under: 119.03
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Rule amplifies: 3734.12
Prior effective dates: None

3745-273-62

Tracking universal waste shipments- standards for destination facilities.

- (A) The owner or operator of a destination facility shall keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste received shall include ~~all of the~~ following information:
- (1) The name and address of the universal waste handler, destination facility, or foreign shipper from whom the universal waste was sent;
 - (2) The quantity of each type of universal waste received (e.g., batteries, pesticides; ~~mercury-containing equipment, lamps, aerosol containers, antifreeze, and paint and paint-related wastes~~); and
 - (3) The date of receipt of the shipment of universal waste.
- (B) The owner or operator of a destination facility shall retain the records described in paragraph (A) of this rule for at least three years after the date of receipt of a shipment of universal waste.

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3745-273-70

Imports of universal waste.

Persons managing universal waste that is imported from a foreign country into the United States are subject to the ~~applicable~~ requirements of 40 CFR Part 262 subpart H. When the universal wastes enter Ohio, ~~the universal wastes~~ such persons are subject to the applicable requirements of Chapter 3745-273 of the Administrative Code immediately after the waste enters Ohio, as follows:

- (A) A universal waste transporter is subject to the universal waste transporter requirements of rules 3745-273-50 to 3745-273-56 of the Administrative Code.
- (B) A universal waste handler is subject to the small or large quantity handler of universal waste requirements of rules 3745-273-10 to 3745-273-20 or 3745-273-30 to 3745-273-40 of the Administrative Code, as applicable.
- (C) An owner or operator of a destination facility is subject to the destination facility requirements of rules 3745-273-60 to 3745-273-62 of the Administrative Code.

[Comment 1: 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.]

[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."]

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3745-273-80

General requirements for petitions to include other wastes under Chapter 3745-273 of the Administrative Code.

- (A) ~~Any~~Except as provided in paragraph (D) of this rule, any person seeking to add a hazardous waste or a category of hazardous waste to Chapter 3745-273 of the Administrative Code may petition for a regulatory amendment under rules 3745-273-80 to 3745-273-81 and 3745-50-20 of the Administrative Code.
- (B) The petitioner shall demonstrate to the satisfaction of the director that regulation under Chapter 3745-273 of the Administrative Code meets the following:
- (1) Is appropriate for the waste or category of waste; ~~and,~~
 - (2) Will improve management practices for the waste or category of waste; ~~and,~~
 - (3) Will improve implementation of the hazardous waste program.
 - (4) The petition shall be submitted to the director by certified mail and shall include the following:
 - (a) The petitioner's name and address; ~~and,~~
 - (b) A statement of the petitioner's interest in the subject of the petition; ~~and,~~
 - (c) A description of the subject of the petition, including suggested regulatory language; ~~and,~~
 - (d) A statement of the need and justification for the subject of the petition, including any supporting tests, studies, or other information.
 - (5) The petition should also address as many of the factors listed in rule 3745-273-81 of the Administrative Code as are appropriate for the waste or waste category addressed in the petition.
- (C) The director ~~will~~shall evaluate petitions using the factors listed in rule 3745-273-81 of the Administrative Code, and ~~will~~shall grant or deny a petition using the factors listed in that rule. The decision ~~will~~shall be based on the weight of evidence showing that regulation under Chapter 3745-273 of the Administrative Code is appropriate for the waste or category of waste, will improve management practices for the waste or category of waste, and will improve implementation of the hazardous waste program. If a petition for a regulatory amendment is granted, the director ~~will~~shall propose rules pursuant to Chapter 119. of the Revised Code to address the petition.
- (D) Hazardous waste pharmaceuticals are regulated by rules 3745-266-500 to 3745-266-510 of the Administrative Code and may not be added as a category

of hazardous waste for management in accordance with Chapter 3745-273 of the Administrative Code.

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3745-273-81

Factors ~~that the director will evaluate regarding~~ petitions to include other wastes under Chapter 3745-273 of the Administrative Code.

- (A) The waste or category of waste, as generated by a wide variety of generators, is listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code, or, if not listed, a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code. [When a characteristic waste is added to Chapter 3745-273 of the Administrative Code by using a generic name to identify the waste category (e.g., batteries), the definition of "universal waste" in rules 3745-50-10 and 3745-273-09 of the Administrative Code ~~will~~shall be amended to include only the hazardous waste portion of the waste category (e.g., hazardous waste batteries)]. Thus, only the portion of the waste stream that does exhibit one or more characteristics (i.e., is hazardous waste) is subject to Chapter 3745-273 of the Administrative Code.
- (B) The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including, for example, households, retail and commercial businesses, office complexes, ~~conditionally exempt~~very small quantity generators, small businesses, government organizations, as well as large industrial facilities);.
- (C) The waste or category of waste is generated by a large number of generators (e.g., more than one thousand nationally) and is frequently generated in relatively small quantities by each generator;.
- (D) Systems to be used ~~for collecting~~to collect the waste or category of waste (including packaging, marking, and labeling practices) would ensure close stewardship of the waste;.
- (E) The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards proposed or referenced by the petitioner (e.g., waste management requirements appropriate to be added to rules 3745-273-13, 3745-273-33, and 3745-273-52 of the Administrative Code; ~~and/or~~and applicable department of transportation requirements in 49 CFR Parts 100 to 185) would be protective of human health and the environment during accumulation and transport;.
- (F) Regulation of the waste or category of waste under Chapter 3745-273 of the Administrative Code ~~will increase~~increases the likelihood that the waste ~~will be~~is diverted from non-hazardous waste management systems (e.g., the municipal waste stream, non-hazardous industrial or commercial waste stream, municipal sewer or stormwater systems) to recycling, treatment, or disposal which are in compliance with Chapter 3734. of the Revised Code.

(G) Regulation of the waste or category of waste under Chapter 3745-273 of the Administrative Code will improve implementation of and compliance with the hazardous waste regulatory program; ~~and/or,~~

(H) Such other factors as may be appropriate.

~~[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."]~~

[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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3745-273-89 **Applicability- management standards for Ohio-specific universal wastes.**

~~(A)~~ Aerosol containers:

~~(1) Chapter 3745-273 of the Administrative Code applies to persons managing "aerosol containers" as defined in rule 3745-273-09 of the Administrative Code, except as provided in paragraph (A)(2) of this rule.~~

~~(2) Chapter 3745-273 of the Administrative Code does not apply to persons managing the following aerosol containers:~~

~~(a) Aerosol containers that are not yet a waste under Chapter 3745-51 of the Administrative Code. Paragraph (A)(3) of this rule describes when an aerosol container becomes a waste:~~

~~(b) Aerosol containers that are not a hazardous waste. An aerosol container is a hazardous waste if the contents of the container exhibit one or more of the characteristics identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code, or if the contents of the container are listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code. An aerosol container is not a reactive hazardous waste unless the contents meet the description of "reactivity" in rule 3745-51-23 of the Administrative Code.~~

~~(c) Aerosol containers that are empty according to rule 3745-51-07 of the Administrative Code.~~

~~(3) Generation of universal waste aerosol containers:~~

~~(a) A used, nonempty aerosol container becomes a waste on the date such container is "discarded" as defined in rule 3745-51-02 of the Administrative Code, or on the date such container is not operational:~~

~~(b) An unused aerosol container becomes a waste on the date the handler decides to discard it.~~

~~(B)~~(A) Antifreeze.

(1) Chapter 3745-273 of the Administrative Code applies to persons managing "antifreeze" as defined in rule 3745-273-09 of the Administrative Code, except as provided in paragraph ~~(B)(2)~~(A)(2) of this rule.

(2) Chapter 3745-273 of the Administrative Code does not apply to persons managing the following antifreeze:

- (a) Antifreeze that is not yet a waste under Chapter 3745-51 of the Administrative Code. Paragraph ~~(B)(3)~~(A)(3) of this rule describes when antifreeze becomes a waste.
- (b) Antifreeze, including aggregated antifreeze batches, that is not a hazardous waste. Antifreeze is a hazardous waste if the antifreeze exhibits one or more of the characteristics identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code, or if the antifreeze is contaminated with a listed hazardous waste as identified in rules 3745-51-30 to 3745-51-35 of the Administrative Code.
- (c) Antifreeze that subsequent to generation is mixed with "used oil" as defined in rule 3745-279-01 of the Administrative Code, or is mixed with another waste that exhibits one or more of the characteristics identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code, or is mixed with one or more of the listed hazardous wastes identified in rules 3745-51-30 to 3745-51-35 of the Administrative Code.

[Comment: Antifreeze that is mixed, subsequent to generation, with used oil is defined as either a used oil, subject to regulation under Chapter 3745-279 of the Administrative Code, or as a hazardous waste in accordance with paragraph (B) of rule 3745-279-10 of the Administrative Code.]

(3) Generation of universal waste antifreeze.

- (a) Used antifreeze becomes a waste on the date the used antifreeze is "discarded" as defined in rule 3745-51-02 of the Administrative Code.
- (b) Unused antifreeze becomes a waste on the date the handler decides to discard the unused antifreeze.

~~(C)~~(B) Paint and paint-related wastes.

- (1) Chapter 3745-273 of the Administrative Code applies to persons managing "paint" and "paint-related waste" as defined in rule 3745-273-09 of the Administrative Code, except as provided in paragraph ~~(C)(2)~~(B)(2) of this rule.
- (2) Chapter 3745-273 of the Administrative Code does not apply to persons managing the following paint and paint-related wastes:
 - (a) Paint and paint-related wastes that are not yet a waste under Chapter 3745-51 of the Administrative Code. Paragraph ~~(C)(3)~~(B)(3) of this rule describes when paint and paint-related waste becomes a waste.

- (b) Paint and paint-related waste that is not a hazardous waste. Paint and paint-related waste is a hazardous waste if the paint or paint-related waste exhibits one or more of the characteristics identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code, or if the paint or paint-related waste is listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code.
 - (c) Paint and paint-related waste that subsequent to generation is mixed with another waste that is not paint or a paint-related waste that exhibits one or more of the characteristics identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code or is mixed with another waste that is listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code.
- (3) Generation of universal waste paint and paint-related waste.
- (a) Used paint-related waste becomes a waste on the date the used paint-related waste is discarded.
 - (b) Unused paint becomes a waste on the date the handler decides to discard the unused paint, or on the date the unused paint is no longer useable.

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CERTIFIED ELECTRONICALLY

Certification

10/11/2022

Date

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