

3745-52-01**Definitions - generator standards.**

As used in Chapter 3745-52 of the Administrative Code:

- (A) "Condition for exemption" means any requirement in rules 3745-52-14 to 3745-52-17, 3745-52-70, 3745-52-200 to 3745-52-216, or 3745-52-230 to 3745-52-233 of the Administrative Code that states an event, action, or standard that shall occur or be met in order to obtain an exemption from any applicable requirement in Chapters 3745-50, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code and the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity.
- (B) "Independent requirement" means a requirement of Chapter 3745-52 of the Administrative Code that states an event, action, or standard that shall occur or be met; and that applies without relation to, or irrespective of, the purpose of obtaining a conditional exemption for storage facility permit, interim standards, and operating requirements under rules 3745-52-14 to 3745-52-17, 3745-52-200 to 3745-52-216, or 3745-52-230 to 3745-52-233 of the Administrative Code.

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

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

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

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

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

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

(b) Independent requirements of a small quantity generator:

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

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

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

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

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

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

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

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

[Comment: The exercise of foreign relations and international commerce powers is reserved to the federal government under the Constitution. These responsibilities are not delegable to the states. Therefore, the importation and exportation of hazardous waste into and out of the United States is solely regulated by the federal government.]

(c) Independent requirements of a large quantity generator:

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

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

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

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

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

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

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

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

(C) [Reserved.]

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

[Comment: The exercise of foreign relations and international commerce powers is reserved to the federal government under the Constitution. These responsibilities are not delegable to the states. Therefore, the importation and exportation of hazardous waste into and out of the United States is solely regulated by the federal government.]

(E) Any person who imports hazardous wastes from a foreign country into the state of Ohio shall comply with the standards applicable to generators in Chapter 3745-52 of the Administrative Code.

(F) A farmer who generates waste pesticides which are hazardous wastes and who complies with rule 3745-52-70 of the Administrative Code is not required to comply with other standards in Chapter 3745-52 or Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, or 3745-270, or rules 3745-50-40 to 3745-50-235 of the Administrative Code with respect to such pesticides.

(G) Noncompliance with generator requirements.

- (1) A generator's violation of an independent requirement is subject to penalty and injunctive relief pursuant to the hazardous waste rules and sections 3734. and 3745. of the Revised Code.
- (2) A generator's noncompliance with a condition for exemption in Chapter 3745-52 of the Administrative Code is not subject to penalty or injunctive relief pursuant to the hazardous waste rules and sections 3734. and 3745. of the Revised Code as a violation of a condition for exemption in Chapter 3745-52 of the Administrative Code. Noncompliance by any generator with an applicable condition for exemption from storage or treatment permit and operation requirements means that the facility is a storage or treatment facility, which has been established and is operating without an exemption from the Ohio hazardous waste permitting and operations requirements in section 3734. of the Revised Code, Chapters 3745-50, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, and 3745-266 of the Administrative Code and the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity. Without an exemption, any violations of such storage or treatment activities are subject to penalty and injunctive relief pursuant to the hazardous waste rules and sections 3734. and 3745. of the Revised Code.
- (H) An owner or operator who initiates a shipment of hazardous waste from a treatment, storage, or disposal facility shall comply with the generator standards in Chapter 3745-52 of the Administrative Code.
- (I) Persons responding to an explosives or munitions emergency in accordance with paragraph (G)(8)(a)(iv) or (G)(8)(d) of rule 3745-54-01 or paragraph (C)(11)(a)(iv) or (C)(11)(d) of rule 3745-65-01 of the Administrative Code and paragraph (D)(1)(d) or (D)(3) of rule 3745-50-45 of the Administrative Code are not required to comply with the generator standards in Chapter 3745-52 of the Administrative Code.
- (J) [Reserved.]
- (K) [Reserved.]
- (L) The laboratories owned by an eligible academic entity that chooses to be subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code are not subject to (for purposes of this paragraph, the terms "laboratory" and "eligible academic entity" have the meaning defined in rule 3745-52-200 of the Administrative Code) either of the following:

- (1) The independent requirements of rule 3745-52-11 or rule 3745-52-15 of the Administrative Code for large quantity generators and small quantity generators, except as provided in rules 3745-52-200 to 3745-52-216 of the Administrative Code.
 - (2) The conditions of rule 3745-52-14 of the Administrative Code, for very small quantity generators, except as provided in rules 3745-52-200 to 3745-52-216 of the Administrative Code.
- (M) All "reverse distributors," as defined in rule 3745-266-500 of the Administrative Code, are subject to rules 3745-266-500 to 3745-266-510 of the Administrative Code for the management of hazardous waste pharmaceuticals in lieu of Chapter 3745-52 of the Administrative Code.
- (N) Each "healthcare facility," as defined in rule 3745-266-500 of the Administrative Code, shall determine whether the healthcare facility is subject to rules 3745-266-500 to 3745-266-510 of the Administrative Code for the management of hazardous waste pharmaceuticals, based on the total hazardous waste the healthcare facility generates per calendar month (including both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste). A healthcare facility that generates more than one hundred kilograms (two hundred twenty pounds) of hazardous waste per calendar month, or more than one kilogram (2.2 pounds) of acute hazardous waste per calendar month, or more than one hundred kilograms (two hundred twenty pounds) per calendar month of any residue or contaminated soil, water, or other debris, resulting from the clean-up of a spill, into or on any land or water, of any acute hazardous wastes listed in rule 3745-51-31 of the Administrative Code or paragraph (E) of rule 3745-51-33 of the Administrative Code, is subject to rules 3745-266-500 to 3745-266-510 of the Administrative Code for the management of hazardous waste pharmaceuticals in lieu of Chapter 3745-52 of the Administrative Code. A healthcare facility that is a very small quantity generator when counting all of the healthcare facility's hazardous waste, including both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste, remains subject to rule 3745-52-14 of the Administrative Code and is not subject to rules 3745-266-500 to 3745-266-510 of the Administrative Code, except for rules 3745-266-505 and 3745-266-507 of the Administrative Code and the optional provisions of rule 3745-266-504 of the Administrative Code.

[Comment 1: A generator who treats, stores, or disposes of hazardous waste on-site shall comply with the applicable standards and permit requirements in rules 3745-50-40 to 3745-50-235 and Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code]

[Comment 2: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

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TO BE RESCINDED

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

- (A) Chapter 3745-52 of the Administrative Code establishes standards for generators of hazardous wastes.
- (B) Paragraphs (C) and (D) of rule 3745-51-05 of the Administrative Code shall be used to determine the applicability of Chapter 3745-52 of the Administrative Code that are dependent on calculations of the quantity of hazardous waste generated per month.
- (C) A generator who treats, stores, or disposes of hazardous wastes on-site shall comply with only the following with respect to that waste:
- (1) Rule 3745-52-70 of the Administrative Code, if applicable, for farmers.
 - (2) Rule 3745-52-11 of the Administrative Code for determining whether or not the generator has a hazardous waste.
 - (3) Paragraphs (C) and (D) of rule 3745-52-40 of the Administrative Code for recordkeeping.
 - (4) Rule 3745-52-12 of the Administrative Code for obtaining a U.S. EPA identification number.
 - (5) Rule 3745-52-43 of the Administrative Code for additional reporting.
 - (6) Rule 3745-52-34 of the Administrative Code for accumulation of the generator's waste.
- (D) Any person who exports or imports hazardous wastes for recovery shall comply with 40 CFR Part 262 subpart H. A waste is considered hazardous if the waste meets the definition of "hazardous waste" in rule 3745-51-03 of the Administrative Code and is subject to either the manifesting requirements of rules 3745-52-20 to 3745-52-27 of the Administrative Code, or the universal waste management standards of Chapter 3745-273 of the Administrative Code, or the export requirements in the spent lead-acid battery management standards of rule 3745-266-80 of the Administrative Code.

[Comment: The exercise of foreign relations and international commerce powers is reserved to the federal government under the Constitution. These responsibilities are not delegable to the states. Therefore, the importation and exportation of hazardous waste into and out of the United States is solely regulated by the federal government.]

- (E) Any person who imports hazardous wastes from a foreign country into the state of Ohio shall comply with the standards applicable to generators in Chapter 3745-52 of the Administrative Code.
- (F) A farmer who generates waste pesticides which are hazardous wastes; and who complies with rule 3745-52-70 of the Administrative Code; is not required to comply with other standards in Chapter 3745-52 or Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, or 3745-270, or rules 3745-50-40 to 3745-50-235 of the Administrative Code with respect to such pesticides.
- (G) Any person who generates a hazardous waste as defined in rule 3745-51-03 of the Administrative Code is subject to the compliance requirements and penalties prescribed in section 3734.13 of the Revised Code if that person does not comply with Chapter 3745-52 of the Administrative Code.
- (H) An owner or operator who initiates a shipment of hazardous waste from a treatment, storage, or disposal facility shall comply with the generator standards in Chapter 3745-52 of the Administrative Code.
- (I) Persons responding to an explosives or munitions emergency in accordance with paragraph (G)(8)(a)(iv) or (G)(8)(d) of rule 3745-54-01 or paragraph (C)(11)(a)(iv) or (C)(11)(d) of rule 3745-65-01 of the Administrative Code; and paragraph (D)(1)(d) or (D)(3) of rule 3745-50-45 of the Administrative Code are not required to comply with Chapter 3745-52 of the Administrative Code.
- (J) [Reserved.]
- (K) [Reserved.]
- (L) The laboratories owned by an eligible academic entity that chooses to be subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code are not subject to (for purposes of this paragraph, the terms "laboratory" and "eligible academic entity" have the meaning defined in rule 3745-52-200 of the Administrative Code):
- (1) Rule 3745-52-11 or paragraph (C) of rule 3745-52-34 of the Administrative Code for large quantity generators and small quantity generators, except as provided in rules 3745-52-200 to 3745-52-216 of the Administrative Code.
 - (2) Paragraph (B) of rule 3745-51-05 of the Administrative Code, for conditionally exempt small quantity generators, except as provided in rules 3745-52-200 to 3745-52-216 of the Administrative Code.

[Comment 1: Rule 3745-52-34 of the Administrative Code is applicable to the on-site accumulation or treatment of hazardous waste by generators. Therefore, rule 3745-52-34 of

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

[Comment 2: A generator who treats, stores, or disposes of hazardous waste on-site shall comply with the applicable standards and permit requirements in rules 3745-50-40 to 3745-50-235 and Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code]

[Comment 3: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

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3745-52-11

Hazardous waste determination and recordkeeping.

A person who generates a "waste" (as defined in rule 3745-51-02 of the Administrative Code) shall make an ~~accurate~~accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to all applicable hazardous waste rules. A hazardous waste determination is made using the following steps:

- (A) The hazardous waste determination for each waste shall be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of the management of the waste that the waste has, or may have, changed the waste's properties as a result of exposure to the environment or other factors that may change the properties of the waste such that the waste classification of the waste may change.
- (B) A person shall determine whether the waste is excluded from regulation under rule 3745-51-04 of the Administrative Code.
- (C) If the waste is not excluded under rule 3745-51-04 of the Administrative Code, the person shall then use knowledge of the waste to determine whether the waste meets any of the listing descriptions under rules 3745-51-30 to 3745-51-35 of the Administrative Code. Acceptable knowledge that may be used in making an accurate determination as to whether the waste is listed may include waste origin, composition, the process producing the waste, feedstock, and other reliable and relevant information. If the waste is listed, the person may file a delisting petition under 40 ~~C.F.R.~~CFR 260.20 and 40 ~~C.F.R.~~CFR 260.22 to demonstrate to the administrator that the waste from this particular site or operation is not a hazardous waste.
- (D) The person then shall determine whether the waste exhibits one or more hazardous characteristics as identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code by following the procedures in paragraph (D)(1) or (D)(2) of this rule, or a combination of both, ~~as follows:~~
 - (1) The person shall apply knowledge of the hazard characteristic of the waste in light of the materials or the processes used to generate the waste. Acceptable knowledge may include process knowledge (e.g., information about chemical feedstocks and other inputs to the production process); knowledge of products, by-products, and intermediates produced by the manufacturing process; chemical or physical characterization of wastes; information on the chemical and physical properties of the chemicals used or produced by the process or otherwise contained in the waste; testing that illustrates the properties of the waste; or other reliable and relevant information about the properties of the waste or the waste's constituents. A test other than a test method provided in rules 3745-51-20 to 3745-51-24 of the Administrative Code, or

an equivalent test method approved by the administrator under 40 ~~C.F.R.~~CFR 260.21, may be used as part of a person's knowledge to determine whether a waste exhibits a characteristic of hazardous waste. However, such tests do not, by themselves, provide definitive results. Persons testing the waste shall obtain a "representative sample" (as defined in rule 3745-50-10 of the Administrative Code) of the waste for the testing.

- (2) When available knowledge is inadequate to make an accurate determination, the person shall test the waste according to the applicable methods provided in rules 3745-51-20 to 3745-51-24 of the Administrative Code or according to an equivalent method approved by the administrator under 40 ~~C.F.R.~~CFR 260.21 and in accordance with the following:
- (a) Persons testing the waste shall obtain a representative sample of the waste for the testing.
 - (b) Where a test method is specified in rules 3745-51-20 to 3745-51-24 of the Administrative Code, the results of the regulatory test, when properly performed, are definitive for determining the regulatory status of the waste.
- (E) If the waste is determined to be hazardous, the generator shall refer to Chapters 3745-51, 3745-54 to 3745-57, 3745-65 to 374-69, 3745-205, 3745-256, 3745-266, 3745-270, and 3745-273 of the Administrative Code for other possible exclusions or restrictions pertaining to management of the specific waste.
- (F) Recordkeeping for small quantity generators and large quantity generators. A small quantity generator or large quantity generator shall maintain records that support the hazardous waste determinations, including records that identify whether a waste is a "hazardous waste" (as defined in rule 3745-51-03 of the Administrative Code). Records shall be maintained for at least three years after the date that the waste was last sent to on-site or off-site treatment, storage, or disposal. These records shall comprise the generator's knowledge of the waste and shall support the generator's determination, as described in paragraphs (C) and (D) of this rule. The records shall include, but are not limited to, the results of any tests, sampling, waste analyses, or other determinations made in accordance with this rule; records ~~that document~~documenting the tests, sampling, and analytical methods used to demonstrate the validity and relevance of such tests; records consulted in order to determine the process by which the waste was generated; the composition of the waste, and the properties of the waste; and records which explain the knowledge basis for the generator's determination, as described in paragraph (D)(1) of this rule. The periods of record retention provided in this rule are extended automatically during

the course of any unresolved enforcement action regarding the regulated activity or as requested by the director.

- (G) Identifying hazardous waste numbers for small quantity generators and large quantity generators. If the waste is determined to be hazardous, small quantity generators and large quantity generators shall identify all applicable EPA hazardous waste numbers in rules 3745-51-20 to 3745-51-24 and 3745-51-30 to 3745-51-35 of the Administrative Code. Prior to shipping the waste off site, the generator also shall mark the containers with all applicable EPA hazardous waste numbers according to rule 3745-52-32 of the Administrative Code.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

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TO BE RESCINDED

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

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

- (A) The generator should first determine if the waste is excluded from regulation under rule 3745-51-04 of the Administrative Code.
- (B) The generator shall then determine if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code.

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

- (C) For purposes of compliance with Chapter 3745-270 of the Administrative Code, or if the waste is not listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code, the generator shall then determine whether the waste is identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code by either:
 - (1) Testing the waste according to the methods in rules 3745-51-20 to 3745-51-24 of the Administrative Code, or according to an equivalent method approved by the U.S. EPA region V regional administrator pursuant to 40 CFR 260.21.
 - (2) Applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.
- (D) If the waste is determined to be hazardous, the generator shall refer to Chapters 3745-51, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, 3745-270, and 3745-273 of the Administrative Code for possible exclusions or restrictions pertaining to management of the specific waste.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

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3745-52-12 **Generator identification numbers.**

- (A) A generator shall not treat, store, dispose of, transport, or offer for transportation hazardous waste without having received a U.S. EPA identification number from U.S. EPA or Ohio EPA.
- (B) A generator shall not offer the generator's hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received a U.S. EPA identification number.
- (C) A recognized trader shall not arrange for import or export of hazardous waste without having received a U.S. EPA identification number.

[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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3745-52-13

Generator category determinations.

A generator shall determine the generator's generator category. A generator's category is based on the amount of hazardous waste generated each month and may change from month to month. This rule provides procedures to determine whether a generator is a "very small quantity generator," a "small quantity generator," or a "large quantity generator," as defined in rule 3745-50-10 of the Administrative Code, for a particular month.

(A) Generators of either acute hazardous waste or non-acute hazardous waste. A generator who generates either acute hazardous waste or non-acute hazardous waste in a calendar month shall determine the generator category for that month by doing all of the following:

- (1) Counting the total amount of hazardous waste generated in the calendar month.
- (2) Subtracting from the total any amounts of waste exempt from counting as described in paragraphs (C) and (D) of this rule.
- (3) Determining the resulting generator category for the hazardous waste generated using the table of this rule.

(B) Generators of both acute and non-acute hazardous wastes. A generator who generates both acute hazardous waste and non-acute hazardous waste in the same calendar month shall determine the generator category for that month by doing all of the following:

- (1) Counting separately the total amount of acute hazardous waste and the total amount of non-acute hazardous waste generated in the calendar month.
- (2) Subtracting from each total any amounts of waste exempt from counting as described in paragraphs (C) and (D) of this rule.
- (3) Determining separately the resulting generator categories for the quantities of acute and non-acute hazardous waste generated using the table of this rule.
- (4) Comparing the resulting generator categories from paragraph (B)(3) of this rule and applying the more stringent generator category to the accumulation and management of both non-acute hazardous waste and acute hazardous waste generated for that month.

Table - Generator categories based on quantity of waste in kilograms (kg) generated in a calendar month

Quantity of acute hazardous waste generated in a calendar month	Quantity of non-acute hazardous waste generated in a calendar month	Quantity of residues from a cleanup of acute hazardous waste generated in a calendar month	Generator category
Greater than 1 kg	Any amount	Any amount	Large quantity generator
Any amount	Greater than or equal to 1,000 kg	Any amount	Large quantity generator
Any amount	Any amount	Greater than 100 kg	Large quantity generator
Less than or equal to 1 kg	Greater than 100 kg and less than 1,000 kg	Less than or equal to 100 kg	Small quantity generator
Less than or equal to 1 kg	Less than or equal to 100 kg	Less than or equal to 100 kg	Very small quantity generator

(C) When making the monthly quantity-based determinations required by Chapter 3745-52 of the Administrative Code, the generator shall include all hazardous waste that the generator generates, except hazardous waste that conform to any of the following:

- (1) Is exempt from regulation under paragraphs (C) to (F) of rule 3745-51-04, paragraph (A)(3) of rule 3745-51-06, paragraph (A)(1) of rule 3745-51-07, or rule 3745-51-08 of the Administrative Code.
- (2) Is managed immediately upon generation only in "on-site elementary neutralization units," "wastewater treatment units," or "totally enclosed treatment facilities" as defined in rule 3745-50-10 of the Administrative Code.
- (3) Is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under paragraph (C)(2) of rule 3745-51-06 of the Administrative Code.
- (4) Is used oil managed in accordance with paragraph (A)(4) of rule 3745-51-06 and Chapter 3745-279 of the Administrative Code.

- (5) Is spent lead-acid batteries managed in accordance with rule 3745-266-80 of the Administrative Code.
 - (6) Is universal waste managed in accordance with rule 3745-51-09 and Chapter 3745-273 of the Administrative Code.
 - (7) Is a hazardous waste that is an unused commercial chemical product (listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code or exhibiting one or more characteristics in rules 3745-51-20 to 3745-51-24 of the Administrative Code) that is generated solely as a result of a laboratory clean-out conducted at an eligible academic entity pursuant to rule 3745-52-213 of the Administrative Code. For purposes of this paragraph, the term "eligible academic entity" shall have the meaning as defined in rule 3745-52-200 of the Administrative Code.
 - (8) Is managed as part of an episodic event in compliance with the conditions of rules 3745-52-230 to 3745-52-233 of the Administrative Code.
 - (9) Is a "hazardous waste pharmaceutical," as defined in rule 3745-266-500 of the Administrative Code, that is subject to or managed in accordance with rules 3745-266-500 to 3745-266-510 of the Administrative Code or is a hazardous waste pharmaceutical that is also a drug enforcement administration controlled substance and is conditionally exempt under rule 3745-266-506 of the Administrative Code.
- (D) In determining the quantity of hazardous waste generated in a calendar month, a generator need not include any of the following:
- (1) Hazardous waste when the hazardous waste is removed from on-site accumulation, so long as the hazardous waste was previously counted once.
 - (2) Hazardous waste generated by on-site treatment (including reclamation) of the generator's hazardous waste, so long as the hazardous waste that is treated was previously counted once.
 - (3) Hazardous waste spent materials that are generated, reclaimed, and subsequently reused on site, so long as such spent materials were previously counted once.
- (E) Based on the generator category as determined under this rule, the generator shall meet the applicable independent requirements in rule 3745-52-10 of the Administrative Code. A generator's category also determines which of the provisions of rule 3745-52-14, 3745-52-15, 3745-52-16, or 3745-52-17 of the Administrative Code shall be met to obtain an exemption from the storage or treatment facility permit, interim standards, and operating requirements when accumulating hazardous waste.

(F) Mixing hazardous wastes with wastes.

(1) Very small quantity generator wastes.

(a) Hazardous wastes generated by a very small quantity generator may be mixed with wastes. Very small quantity generators may mix a portion or all of the very small quantity generator's hazardous waste with waste and remain subject to rule 3745-52-14 of the Administrative Code even though the resultant mixture exceeds the quantity limits identified in the definition of very small quantity generator, unless the mixture exhibits one or more of the characteristics of hazardous waste identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code.

(b) If the resulting mixture exhibits a characteristic of hazardous waste, this resultant mixture is a newly-generated hazardous waste. The very small quantity generator shall count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the very small quantity generator calendar month quantity limits identified in the definition of "very small quantity generator" in rule 3745-50-10 of the Administrative Code. If so, to remain exempt from the permitting, interim standards, and operating standards, the very small quantity generator shall meet the conditions for exemption applicable to either a small quantity generator or a large quantity generator. The very small quantity generator also shall comply with the applicable independent requirements for either a small quantity generator or a large quantity generator.

(c) If a very small quantity generator's wastes are mixed with used oil, the mixture is subject to Chapter 3745-279 of the Administrative Code. Any material produced from such a mixture by processing, blending, or other treatment is also regulated under Chapter 3745-279 of the Administrative Code.

(2) Small quantity generator and large quantity generator wastes.

(a) Hazardous wastes generated by a small quantity generator or large quantity generator may be mixed with waste. These mixtures are subject to all of the following: the mixture rule in paragraphs ~~(A)(2)(d)~~(A)(2)(c), (B)(2), (B)(3), and (G)(2)(a) of rule 3745-51-03 of the Administrative Code; the prohibition of dilution at paragraph (A) of rule 3745-270-03 of the Administrative Code; the land disposal restriction requirements of rule 3745-270-40 of the Administrative Code if a characteristic hazardous waste is mixed with a waste so that the mixture no longer exhibits

the hazardous characteristic; and the hazardous waste determination requirement in rule 3745-52-11 of the Administrative Code.

- (b) If the resulting mixture is found to be a hazardous waste, this resultant mixture is a newly-generated hazardous waste. A small quantity generator shall count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the small quantity generator calendar monthly quantity limits identified in the definition of "small quantity generator" in rule 3745-50-10 of the Administrative Code. If so, to remain exempt from the permitting, interim standards, and operating standards, the small quantity generator shall meet the conditions for exemption applicable provisions to a large quantity generator. The small quantity generator shall comply with the applicable independent requirements for a large quantity generator.

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

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

(A) Provided that the very small quantity generator meets all the conditions for exemption listed in this rule, hazardous waste generated by the very small quantity generator is not subject to Chapters 3745-50, 3745-52 (except rules 3745-52-10 to 3745-52-14 of the Administrative Code), 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code and the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, and the very small quantity generator may accumulate hazardous waste on-site without complying with such requirements. The conditions for exemption are as follows:

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

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

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

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

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

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

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

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

(d) Permitted, licensed, or registered by a state other than Ohio to manage municipal solid waste and, if managed in a municipal solid waste landfill, is subject to 40 C.F.R. Part 258 and applicable state law.

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

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

(g) For universal waste managed under Chapter 3745-273 of the Administrative Code, a universal waste handler or destination facility subject to Chapter 3745-273 of the Administrative Code.

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

- (i) The very small quantity generator and the large quantity generator are under the control of the same "person," as defined in rule 3745-50-10 of the Administrative Code. "Control," for the purposes of this rule, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate generator facilities on behalf of a different "person," as defined in rule 3745-50-10 of the Administrative Code, shall not be deemed to "control" such generators.
- (ii) The very small quantity generator marks the containers of hazardous waste with all of the following:

 - (a) The words "Hazardous Waste."
 - (b) An indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the department of transportation requirements at 49 C.F.R. Part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at 29 C.F.R. 1910.1200; or a chemical hazard label consistent with the national fire protection association code 704].
- (i) A "reverse distributor," as defined in rule 3745-266-500 of the Administrative Code, if the hazardous waste pharmaceutical is a potentially creditable hazardous waste pharmaceutical generated by a "healthcare facility," as defined in rule 3745-266-500 of the Administrative Code.
- (j) A healthcare facility that meets the conditions in paragraph (L) of rule 3745-266-502 and paragraph (B) of rule 3745-266-503 of the Administrative Code, as applicable, to accept non-creditable hazardous waste pharmaceuticals and potentially creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a very small quantity generator.
- (k) For airbag waste, an airbag waste collection facility or a designated facility subject to paragraph (J) of rule 3745-51-04 of the Administrative Code.

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

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

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

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3745-52-15**Satellite accumulation area requirements for small quantity generators and large quantity generators.**

(A) A generator may accumulate as much as fifty-five gallons of non-acute hazardous waste and either one quart of liquid acute hazardous waste listed in rule 3745-51-31 or paragraph (E) of rule 3745-51-33 of the Administrative Code or one kilogram (kg) (2.2 pounds) of solid acute hazardous waste listed in rule 3745-51-31 or paragraph (E) of rule 3745-51-33 of the Administrative Code in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a permit or permit by rule and without complying with Chapters 3745-50, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, and 3745-266 of the Administrative Code, provided that all of the conditions for exemption in this rule are met. A generator may comply with the conditions for exemption in this rule instead of complying with the conditions for exemption in paragraph (B) of rule 3745-52-16 or paragraph (A) of rule 3745-52-17 of the Administrative Code, except as required in paragraphs (A)(7) and (A)(8) of rule 3745-52-15 of the Administrative Code. The conditions for exemption for satellite accumulation are as follows:

- (1) If a container holding hazardous waste is not in good condition, or if the container begins to leak, the generator shall immediately transfer the hazardous waste from this container to a container that is in good condition and does not leak, or immediately transfer and manage the waste in a central accumulation area operated in compliance with paragraph (B) of rule 3745-52-16 or paragraph (A) of rule 3745-52-17 of the Administrative Code.
- (2) The generator shall use a container made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.
- (3) Special standards for incompatible wastes.
 - (a) Incompatible wastes, or incompatible wastes and materials, (see appendix to rule 3745-66-99 of the Administrative Code for examples) shall not be placed in the same container, unless paragraph (B) of rule 3745-65-17 of the Administrative Code is complied with.
 - (b) Hazardous waste shall not be placed in an unwashed container that previously held an incompatible waste or material (see appendix to rule 3745-66-99 of the Administrative Code for examples), unless paragraph (B) of rule 3745-65-17 of the Administrative Code is complied with.

- (c) A container holding a hazardous waste that is incompatible with any waste or other materials accumulated nearby in other containers shall be separated from the other materials or protected from the incompatible waste or material by any practical means.
- (4) A container holding hazardous waste shall be closed at all times during accumulation, except when either of the following occur:
- (a) When adding, removing, or consolidating waste.
 - (b) When temporary venting of a container is necessary due to either of the following:
 - (i) For the proper operation of equipment.
 - (ii) To prevent dangerous situations, such as build-up of extreme pressure.
- (5) A generator shall mark or label the generator's container with all of the following:
- (a) The words "Hazardous Waste."
 - (b) An indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the department of transportation requirements at 49 C.F.R. Part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at 29 C.F.R. 1910.1200; or a chemical hazard label consistent with the national fire protection association code 704].
- (6) A generator who accumulates either acute hazardous waste listed in rule 3745-51-31 or paragraph (E) of rule 3745-51-33 of the Administrative Code or non-acute hazardous waste in excess of the amounts listed in paragraph (A) of this rule at or near any point of generation shall do the following:
- (a) Within three consecutive calendar days, comply with the applicable central accumulation area requirements in paragraph (B) of rule 3745-52-16 or paragraph (A) of rule 3745-52-17 of the Administrative Code; or
 - (b) Remove the excess from the satellite accumulation area within three consecutive calendar days to one of the following:

- (i) A central accumulation area operated in accordance with the applicable requirements in paragraph (B) of rule 3745-52-16 or paragraph (A) of rule 3745-52-17 of the Administrative Code.
 - (ii) An on-site permit by rule or permitted treatment, storage, or disposal facility.
 - (iii) An off-site designated facility; and
- (c) During the three-consecutive-calendar-day period, the generator shall continue to comply with paragraphs (A)(1) to (A)(5) of this rule. The generator shall mark or label the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.
- (7) All satellite accumulation areas operated by a small quantity generator shall meet the preparedness and prevention requirements of paragraph (B)(8) of rule 3745-52-16 and emergency procedures of paragraph (B)(9) of rule 3745-52-16 of the Administrative Code.
- (8) All satellite accumulation areas operated by a large quantity generator shall meet the preparedness, prevention, and emergency procedures in rules 3745-52-250 to 3745-52-265 of the Administrative Code.

(B) [Reserved.]

[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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3745-52-16**Conditions for exemption for small quantity generators that accumulate hazardous waste.**

A small quantity generator may accumulate or treat hazardous waste on-site without a hazardous waste permit, and without complying with Chapters 3745-50, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, and 3745-266 of the Administrative Code or the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, provided that all the conditions for exemption listed in this rule are met:

(A) Generation. The generator generates in a calendar month no more than the amounts specified in the definition of "small quantity generator" in rule 3745-50-10 of the Administrative Code.

(B) Accumulation or treatment. The generator accumulates or treats hazardous waste on-site for no more than one hundred eighty days, unless in compliance with the conditions for exemption for longer accumulation in paragraphs (D) and (E) of this rule. The following accumulation conditions also apply:

(1) Accumulation limit. The quantity of hazardous waste accumulated or treated on-site never exceeds 6,000.0 kilograms (13,200.0 pounds).

(2) Accumulation or treatment of hazardous waste in containers:

(a) Condition of containers. If a container holding hazardous waste is not in good condition, or if the container begins to leak, the small quantity generator shall immediately transfer the hazardous waste from this container to a container that is in good condition, or immediately manage the waste in some other way that complies with the conditions for exemption of this rule.

(b) Compatibility of waste with container. The small quantity generator shall use a container made of or lined with materials that shall not react with, and are otherwise compatible with, the hazardous waste to be accumulated or treated, so that the ability of the container to contain the waste is not impaired.

(c) Management of containers.

(i) A container holding hazardous waste shall always be closed during accumulation, except when necessary to add or remove waste.

(ii) A container holding hazardous waste shall not be opened, handled, accumulated, or treated in a manner that may rupture the container or cause the container to leak.

(d) Inspections. At least weekly, the small quantity generator shall inspect central accumulation areas. The small quantity generator shall look for leaking containers and for deterioration of containers caused by corrosion or other factors. See paragraph (B)(2)(a) of this rule for remedial action required if deterioration or leaks are detected.

(e) Special conditions for accumulation or treatment of incompatible wastes.

(i) Incompatible wastes, or incompatible wastes and materials, (see appendix to rule 3745-66-99 of the Administrative Code for examples) shall not be placed in the same container, unless paragraph (B) of rule 3745-65-17 of the Administrative Code is complied with.

(ii) Hazardous waste shall not be placed in an unwashed container that previously held an incompatible waste or material (see appendix of rule 3745-66-99 of the Administrative Code for examples), unless paragraph (B) of rule 3745-65-17 of the Administrative Code is complied with.

(iii) A container accumulating hazardous waste that is incompatible with any waste or other materials accumulated, treated, or stored nearby in other containers, piles, open tanks, or surface impoundments shall be separated from the other materials or protected from waste or materials by means of a dike, berm, wall, or other device.

(3) Accumulation or treatment of hazardous waste in tanks.

(a) [Reserved.]

(b) A small quantity generator of hazardous waste shall comply with the following general operating conditions:

(i) Treatment or accumulation of hazardous waste in tanks shall comply with paragraph (B) of rule 3745-65-17 of the Administrative Code.

(ii) Hazardous wastes or treatment reagents shall not be placed in a tank if the hazardous wastes or treatment reagents could cause the tank or the tank's inner liner to rupture, leak, corrode, or otherwise fail before the end of the tank's intended life.

(iii) Uncovered tanks shall be operated to ensure at least sixty centimeters (two feet) of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control

system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top sixty centimeters (two feet) of the tank.

(iv) Where hazardous waste is continuously fed into a tank, the tank shall be equipped with a means to stop this inflow (e.g., waste feed cutoff system or by-pass system to a stand-by tank).

(c) Except as noted in paragraph (B)(3)(d) of this rule, a small quantity generator that accumulates or treats hazardous waste in tanks shall inspect, where present, all of the following:

(i) Discharge control equipment (e.g., waste feed cutoff systems, by-pass systems, and drainage systems) at least once each operating day, to ensure that the discharge control equipment is in good working order.

(ii) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day, to ensure that the tank is being operated according to the tank's design.

(iii) The level of waste in the tank at least once each operating day, to ensure compliance with paragraph (B)(3)(b)(iii) of this rule.

(iv) The construction materials of the tank at least weekly, to detect corrosion or leaking of fixtures or seams.

(v) The construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes) at least weekly, to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation). The generator shall remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action shall be taken immediately.

(d) A small quantity generator accumulating or treating hazardous waste in tanks or tank systems that have full secondary containment and that either use leak detection equipment, to alert personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified, shall inspect at least weekly, where applicable, the areas identified in paragraph (B)(3)(c) of this rule. Use of the alternate inspection

schedule shall be documented in the generator's operating record. This documentation shall include a description of the established workplace practices at the generator.

(e) [Reserved.]

(f) A small quantity generator accumulating or treating hazardous waste in tanks, upon closure of the facility, shall remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures. At closure, as throughout the operating period, unless the small quantity generator can demonstrate, in accordance with paragraph (C) or (D) of rule 3745-51-03 of the Administrative Code, that any waste removed from the small quantity generator's tank is not a hazardous waste, then the small quantity generator shall manage such waste in accordance with all applicable provisions of Chapters 3745-52, 3745-53, 3745-65 to 3745-69, 3745-256, and 3745-270 of the Administrative Code.

(g) A small quantity generator shall comply with the following special conditions for accumulation or treatment of ignitable or reactive waste:

(i) Ignitable or reactive waste shall not be placed in a tank, unless any of the following are met:

(a) The waste is treated, rendered, or mixed before or immediately after placement in a tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable waste or reactive waste under rule 3745-51-21 or 3745-51-23 of the Administrative Code, and paragraph (B) of rule 3745-65-17 of the Administrative Code is complied with.

(b) The waste is accumulated or treated in such a way that the waste is protected from any material or conditions that may cause the waste to ignite or react.

(c) The tank is used solely for emergencies.

(ii) A small quantity generator which treats or accumulates ignitable or reactive waste in covered tanks shall comply with the buffer zone requirements for tanks contained in tables 2-1 through 2-6 of the national fire protection association's "Flammable and Combustible Liquids Code."

(iii) A small quantity generator shall comply with the following special conditions for incompatible wastes:

(a) Incompatible wastes, or incompatible wastes and materials (see appendix to rule 3745-66-99 of the Administrative Code for examples), shall not be placed in the same tank unless paragraph (B) of rule 3745-65-17 of the Administrative Code is complied with.

(b) Hazardous waste shall not be placed in an unwashed tank that previously held an incompatible waste or material unless paragraph (B) of rule 3745-65-17 of the Administrative Code is complied with.

(4) Accumulation or treatment of hazardous waste on drip pads. If the waste is placed on drip pads, the small quantity generator shall comply with all of the following:

(a) Rules 3745-69-40 to 3745-69-45 of the Administrative Code, except paragraph (C) of rule 3745-69-45 of the Administrative Code.

(b) The small quantity generator shall remove all wastes from the drip pad at least once every ninety days. Any hazardous wastes that are removed from the drip pad at least once every ninety days are then subject to the one hundred eighty day accumulation or treatment limit in paragraph (B) of this rule and rule 3745-52-15 of the Administrative Code if hazardous wastes are being managed in satellite accumulation areas prior to being moved to the central accumulation area.

(c) The small quantity generator shall maintain on-site at the facility all of the following records readily available for inspection:

(i) A written description of procedures that are followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every ninety days.

(ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system, and the date and time of removal.

(5) Accumulation or treatment of hazardous waste in containment buildings. If the waste is placed in containment buildings, the small quantity generator shall comply with rules 3745-256-100 to 3745-256-102 of the Administrative Code. The generator shall label the generator's containment buildings with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors.

emergency responders, waste handlers, or other persons on-site, and also in a conspicuous place to provide an indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the department of transportation requirements at 49 C.F.R. Part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at 29 C.F.R. 1910.1200; or a chemical hazard label consistent with the national fire protection association code 704]. The generator shall also maintain all of the following:

(a) The professional engineer certification that the building complies with the design standards specified in rule 3745-256-101 of the Administrative Code. This certification shall be in the generator's files prior to operation of the unit.

(b) The following records by use of inventory logs, monitoring equipment, or any other effective means:

(i) A written description of procedures to ensure that each waste volume remains in the unit for no more than ninety days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with maintaining the ninety day limit, and documentation that the procedures are complied with.

(ii) Documentation that the unit is emptied at least once every ninety days.

(iii) Inventory logs or records with the information required in paragraph (B)(5)(b)(i) of this rule shall be maintained on-site and readily available for inspection.

(6) Labeling and marking of containers and tanks.

(a) Containers. A small quantity generator shall mark or label the small quantity generator's containers with all of the following:

(i) The words "Hazardous Waste."

(ii) An indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the department of transportation requirements at 49 C.F.R. Part 172 subpart E (labeling) or subpart F (placarding);

a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at 29 C.F.R. 1910.1200; or a chemical hazard label consistent with the national fire protection association code 704].

(iii) The date upon which each period of accumulation begins, clearly visible for inspection on each container.

(b) Tanks. A small quantity generator accumulating or treating hazardous waste in tanks shall do all of the following:

(i) Mark or label the small quantity generator's tanks with the words "Hazardous Waste."

(ii) Mark or label the small quantity generator's tanks with an indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the department of transportation requirements at 49 C.F.R. Part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at 29 C.F.R. 1910.1200; or a chemical hazard label consistent with the national fire protection association code 704].

(iii) Use inventory logs, monitoring equipment, or other records to demonstrate that hazardous waste has been emptied within one hundred eighty days after first entering the tank if using a batch process, or in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within one hundred eighty days after first entering.

(iv) Keep inventory logs or records with the above information on-site and readily available for inspection.

(7) Land disposal restrictions. A small quantity generator shall comply with all the applicable requirements in Chapter 3745-270 of the Administrative Code.

(8) Preparedness and prevention.

(a) Maintenance and operation of facility. A small quantity generator shall maintain and operate the small quantity generator's facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-

sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water, which could threaten human health or the environment.

(b) Required equipment. All areas where hazardous waste is either generated or accumulated or treated shall be equipped with the items in paragraph (B) (8)(b) of this rule (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified in this paragraph or the actual waste generation area or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified in this paragraph). A small quantity generator may determine the most appropriate locations to locate equipment necessary to prepare for and respond to emergencies.

(i) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel.

(ii) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams.

(iii) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment.

(iv) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

(c) Testing and maintenance of equipment. All communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, shall be tested and maintained as necessary to assure proper operation in time of emergency.

(d) Access to communications or alarm system.

(i) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation shall have immediate access (e.g., direct or unimpeded access) to an internal alarm or emergency communication device, either directly

or through visual or voice contact with another employee, unless such a device is not required under paragraph (B)(8)(b) of this rule.

(ii) In the event there is just one employee on the premises while the facility is operating, the employee shall have immediate access (e.g., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under paragraph (B)(8)(b) of this rule.

(e) Required aisle space. The small quantity generator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

(f) Arrangements with local authorities.

(i) The small quantity generator shall attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the local emergency planning committee, if the local emergency planning committee is determined to be the appropriate organization with which to make arrangements.

(a) A small quantity generator attempting to make arrangements with the local fire department shall determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals.

(b) As part of this coordination, the small quantity generator shall attempt to make arrangements, as necessary, to familiarize the organizations listed in paragraph (B)(8)(f)(i) of this rule with the layout of the facility, the properties of hazardous waste handled at the facility, and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes, as well as the types of injuries or illnesses

that could result from fires, explosions, or releases at the facility.

(c) Where more than one police or fire department might respond to an emergency, the small quantity generator shall attempt to make arrangements designating primary emergency authority to a specific fire department or police department, and arrangements with any others to provide support to the primary emergency authority.

(ii) A small quantity generator shall maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation shall include documentation in the operating record that either confirms such arrangements actively exist or, in cases where no arrangements exist, confirms that attempts to make such arrangements were made.

(iii) A facility possessing twenty-four-hour response capabilities may seek a waiver from the authority having jurisdiction over the fire code within the facility's state or locality as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided that the waiver is documented in the operating record.

(9) Emergency procedures. The small quantity generator complies with all of the following conditions for those areas of the generator facility where hazardous waste is generated and accumulated:

(a) At all times, there shall be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility to coordinate all emergency response measures specified in paragraph (B)(9)(d) of this rule. This employee is the emergency coordinator.

(b) The small quantity generator shall post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste:

(i) The name and emergency telephone number of the emergency coordinator.

- (ii) Location of fire extinguishers and spill control material, and, if present, fire alarm.
- (iii) The telephone number of the fire department, unless the facility has a direct alarm.
- (c) The small quantity generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to the employees' responsibilities during normal facility operations and emergencies.
- (d) The emergency coordinator or the emergency coordinator's designee shall respond to any emergencies that arise. The applicable responses are as follows:
 - (i) In the event of a fire, call the fire department or attempt to extinguish the fire using a fire extinguisher.
 - (ii) In the event of a spill, the small quantity generator is responsible for containing the flow of hazardous waste to the extent possible, and as soon as is practicable, cleaning up the hazardous waste and any contaminated materials or soil. Such containment and cleanup can be conducted either by the small quantity generator or by a contractor on behalf of the small quantity generator.
 - (iii) In the event of a fire, explosion, or other release that could threaten human health outside the facility, or when the small quantity generator has knowledge that a spill has reached surface water, the small quantity generator shall immediately notify the "National Response Center" using the twenty-four-hour toll-free number 800/424-8802. The report shall include all of the following information:
 - (a) The name, address, and U.S. EPA identification number of the small quantity generator.
 - (b) Date, time, and type of incident (e.g., spill or fire).
 - (c) Quantity and type of hazardous waste involved in the incident.
 - (d) Extent of injuries, if any.
 - (e) Estimated quantity and disposition of recovered materials, if any.

- (C) Transporting over two hundred miles. A small quantity generator who must transport the small quantity generator's waste, or offers the small quantity generator's waste for transportation, over a distance of two hundred miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on-site for two hundred seventy days or less without a permit or without having permit by rule provided that the generator complies with the conditions of paragraph (B) of this rule.
- (D) Accumulation time limit extension. A small quantity generator who accumulates hazardous waste for more than one hundred eighty days (or for more than two hundred seventy days if the small quantity generator must transport the small quantity generator's waste, or offer the small quantity generator's waste for transportation, over a distance of two hundred miles or more) is subject to rules 3745-50-40 to 3745-50-235 and Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, and 3745-270 of the Administrative Code unless the small quantity generator has been granted an extension to the one hundred eighty-day (or two hundred seventy-day if applicable) period. Such extension may be granted by Ohio EPA if hazardous wastes shall remain on-site for longer than one hundred eighty days (or two hundred seventy days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to thirty days may be granted at the discretion of the director on a case-by-case basis.
- (E) Rejected load. A small quantity generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of rule 3745-54-72 or 3745-65-72 of the Administrative Code may accumulate the returned waste on-site in accordance with paragraphs (A) to (D) of this rule. Upon receipt of the returned shipment, the generator shall perform either of the following:
- (1) Sign item 18c of the manifest, if the transporter returned the shipment using the original manifest.
 - (2) Sign item 20 of the manifest, if the transporter returned the shipment using a new manifest.
- (F) A small quantity generator experiencing an episodic event may accumulate hazardous waste in accordance with rules 3745-52-230 to 3745-52-233 of the Administrative Code in lieu of rule 3745-52-17 of the Administrative Code.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

Replaces: 3745-52-34 rescinded, 3745-66-101 rescinded
Effective: 10/5/2020
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Certification

09/21/2020

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03/17/2012, 10/31/2015, 03/24/2017

3745-52-17**Conditions for exemption for large quantity generators that accumulate hazardous waste.**

A large quantity generator may accumulate or treat hazardous waste on-site without a hazardous waste permit or a permit by rule, and without complying with Chapters 3745-50, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, and 3745-266 of the Administrative Code, or the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, provided that all of the following are met:

(A) Accumulation. A large quantity generator accumulates or treats hazardous waste on-site for no more than ninety days, unless in compliance with the accumulation time limit extension of F006 accumulation conditions for exemption in paragraphs (B) to (E) of this rule. All of the following accumulation conditions also apply:

(1) Accumulation or treatment of hazardous waste in containers. If the hazardous waste is placed in containers, the large quantity generator shall comply with the following:

(a) [Reserved.]

[Comment: Pursuant to federal law, generators also shall comply with the applicable requirements of 40 CFR Part 265 subparts AA, BB, and CC.]

(b) Condition of containers. If a container holding hazardous waste is not in good condition, or if the container begins to leak, the large quantity generator shall immediately transfer the hazardous waste from this container to a container that is in good condition, or immediately manage the waste in some other way that complies with the conditions for exemption of this rule.

(c) Compatibility of waste with container. The large quantity generator shall use a container made of or lined with materials that shall not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

(d) Management of containers.

(i) A container holding hazardous waste shall always be closed during accumulation, except when necessary to add or remove waste.

(ii) A container holding hazardous waste shall not be opened, handled, or stored in a manner that may rupture the container or cause the container to leak.

(e) Inspections. At least weekly, the large quantity generator shall inspect central accumulation areas. The large quantity generator shall look for leaking containers and for deterioration of containers caused by corrosion or other factors. See paragraph (A)(1)(b) of this rule for remedial action required if deterioration or leaks are detected.

(f) Special conditions for accumulation of ignitable and reactive wastes.

(i) Containers holding ignitable or reactive waste shall be located at least fifteen meters (fifty feet) from the facility's property line unless a written approval is obtained from the authority having jurisdiction over the local fire code allowing hazardous waste accumulation to occur within this restricted area. A record of the written approval shall be maintained as long as ignitable or reactive hazardous waste is accumulated in this area.

(ii) The large quantity generator shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste shall be separated and protected from sources of ignition or reaction including but not limited to the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the large quantity generator shall confine smoking and open flame to specially designated locations. "No Smoking" signs shall be conspicuously placed where there is a hazard from ignitable waste or reactive waste.

(g) Special conditions for accumulation of incompatible wastes.

(i) Incompatible wastes, or incompatible wastes and materials, (see appendix to rule 3745-66-99 of the Administrative Code for examples) shall not be placed in the same container unless paragraph (B) of rule 3745-65-17 of the Administrative Code is complied with.

(ii) Hazardous waste shall not be placed in an unwashed container that previously held an incompatible waste or material (see appendix to rule 3745-66-99 of the Administrative Code for examples) unless paragraph (B) of rule 3745-65-17 of the Administrative Code is complied with.

(iii) A container holding a hazardous waste that is incompatible with any waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments shall be separated from the other materials or protected from wastes or materials by means of a dike, berm, wall, or other device.

(2) Accumulation or treatment of hazardous waste in tanks. If the hazardous waste is placed in tanks, the large quantity generator shall comply with the applicable requirements of rules 3745-66-90 to 3745-66-99 of the Administrative Code, except paragraph (C) of rule 3745-66-97 of the Administrative Code.

[Comment: Pursuant to federal law, generators also shall comply with the applicable requirements of 40 CFR Part 265 subparts AA, BB, and CC.]

(3) Accumulation of hazardous waste on drip pads. If the hazardous waste is placed on drip pads, the large quantity generator shall comply with all of the following:

(a) Rules 3745-69-40 to 3745-69-45 of the Administrative Code.

(b) The large quantity generator shall remove all wastes from the drip pad at least once every ninety days. Any hazardous wastes that are removed from the drip pad are then subject to the ninety day accumulation limit in paragraph (A) of this rule and rule 3745-52-15 of the Administrative Code, if the hazardous wastes are being managed in satellite accumulation areas prior to being moved to a central accumulation area.

(c) The large quantity generator shall maintain on-site at the facility all of the following records readily available for inspection:

(i) A written description of procedures that are followed to ensure that all wastes are removed from the drip pad and the sump or collection system at least once every ninety days.

(ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system, and the date and time of removal.

(4) Accumulation or treatment of hazardous waste in containment buildings. If the waste is placed in containment buildings, the large quantity generator shall comply with rules 3745-256-100 to 3745-256-102 of the Administrative Code. The generator shall label the large quantity generator's containment building with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on-site, and also in a conspicuous place to provide an indication of

the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the department of transportation requirements at 49 CFR Part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the national fire protection association code 704]. The generator also shall maintain all of the following:

(a) The professional engineer certification that the building complies with the design standards specified in rule 3745-256-101 of the Administrative Code. This certification shall be in the generator's files prior to operation of the unit.

(b) The following records by use of inventory logs, monitoring equipment, or any other effective means:

(i) A written description of procedures to ensure that each waste volume remains in the unit for no more than ninety days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with respecting the ninety day limit, and documentation that the procedures are complied with.

(ii) Documentation that the unit is emptied at least once every ninety days.

(iii) Inventory logs or records with the information required in paragraph (A)(4)(b) of this rule shall be maintained on-site and readily available for inspection.

(5) Labeling and marking of containers and tanks.

(a) Containers. A large quantity generator shall mark or label the generator's containers with all of the following:

(i) The words "Hazardous waste."

(ii) An indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the department of transportation requirements at 49 CFR Part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at

29 CFR 1910.1200; or a chemical hazard label consistent with the national fire protection association code 704].

(iii) The date upon which each period of accumulation or treatment begins, clearly visible for inspection on each container.

(b) Tanks. A large quantity generator accumulating hazardous waste in tanks shall do all of the following:

(i) Mark or label the generator's tanks with the words "Hazardous waste."

(ii) Mark or label the generator's tanks with an indication of the hazardous of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the department of transportation requirements at 49 CFR Part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the national fire protection association code 704].

(iii) Use inventory logs, monitoring equipment, or other records to demonstrate that hazardous waste has been emptied within ninety days after first entering the tank if using a batch process, or in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within ninety days after first entering.

(iv) Keep inventory logs or records with the information required by paragraph (A)(5)(b) of this rule on-site and readily available for inspection.

(6) Emergency procedures. The large quantity generator complies with the standards in rules 3745-52-250 to 3745-52-265 of the Administrative Code.

(7) Personnel training.

(a) Personnel training requirements.

(i) Facility personnel shall successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic), or on-the-job training that teaches the facility personnel to perform the facility personnel's duties in a way that ensures compliance with

Chapter 3745-52 of the Administrative Code. The large quantity generator shall ensure that this program includes all the elements described in the documents required in paragraph (A)(7)(d) of this rule.

(ii) This program shall be directed by a person trained in hazardous waste management procedures, and shall include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which the facility personnel are employed.

(iii) At a minimum, the training program shall be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing personnel with emergency procedures, emergency equipment, and emergency systems, including (where applicable) all of the following:

(a) Procedures to use, inspect, repair, and replace facility emergency and monitoring equipment.

(b) Key parameters for automatic waste feed cut-off systems.

(c) Communications or alarm systems.

(d) Response to fires or explosions.

(e) Response to groundwater contamination incidents

(f) Shutdown of operations.

(iv) For facility personnel who receive emergency response training pursuant to occupational safety and health administration regulations 29 CFR 1910.120(p)(8) and 1910.120(q), the large quantity generator is not required to provide separate emergency response training pursuant to this rule, provided that the overall facility training meets all the conditions of exemption in this rule.

(b) Facility personnel shall successfully complete the program required in paragraph (A)(7)(a) of this rule within six months after the date of employment or assignment to the facility, or to a new position at the facility, whichever is later. Facility personnel shall not work in unsupervised positions until personnel have completed the training standards of paragraph (A)(7)(a) of this rule.

- (c) Facility personnel shall take part in an annual review of the initial training required in paragraph (A)(7)(a) of this rule.
- (d) The large quantity generator shall maintain all of the following documents and records at the facility:

 - (i) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job.
 - (ii) A written job description for each position listed under paragraph (A)(7)(d)(i) of this rule. This description may be consistent in the description's degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but shall include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position.
 - (iii) A written description of the type and amount of both introductory and continuing training that shall be given to each person filling a position listed under paragraph (A)(7)(d)(i) of this rule.
 - (iv) Records that document that the training or job experience, required under paragraphs (A)(7)(a) to (A)(7)(c) of this rule, has been given to, and completed by, facility personnel.
- (e) Training records on current personnel shall be kept until closure of the facility. Training records on former employees shall be kept for at least three years after the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.
- (8) Closure. A large quantity generator accumulating hazardous wastes in containers, tanks, drip pads, and containment buildings, prior to closing a unit at the facility, or prior to closing the facility, shall meet all of the following conditions:

 - (a) Notification for closure of a waste accumulation unit. A large quantity generator shall perform one of the following when closing a waste accumulation unit:

 - (i) Place a notice in the operating record within thirty days after closure identifying the location of the unit within the facility.
 - (ii) Meet the closure performance standards of paragraph (A)(8)(c) of this rule for container, tank, and containment building waste

accumulation units, or paragraph (A)(8)(d) of this rule for drip pads, and notify Ohio EPA following the procedures in paragraph (A)(8)(b)(ii) of this rule for the waste accumulation unit. If the waste accumulation unit is subsequently reopened, the generator may remove the notice from the operating record.

(b) Notification for closure of the facility.

(i) Notify Ohio EPA using Ohio EPA form EPA 9029 no later than thirty days prior to closing the facility.

(ii) Notify Ohio EPA using Ohio EPA form EPA 9029 within ninety days after closing the facility that the facility has complied with the closure performance standards of paragraph (A)(8)(c) or (A)(8)(d) of this rule. If the facility cannot meet the closure performance standards of paragraph (A)(8)(c) or (A)(8)(d) of this rule, notify Ohio EPA using Ohio EPA form EPA 9029 that the facility shall close as a landfill under rule 3745-68-10 of the Administrative Code in the case of a container, tank or containment building units, or for a facility with drip pads, notify using Ohio EPA form EPA 9029 that the facility shall close under the standards of paragraph (B) of rule 3745-69-45 of the Administrative Code.

(iii) A large quantity generator may request additional time to clean close, but the large quantity generator shall notify Ohio EPA using Ohio EPA form EPA 9029 within seventy-five days after the date provided in paragraph (A)(8)(b)(i) of this rule to request an extension and provide an explanation as to why the additional time is required.

(c) Closure performance standards for container, tank systems, and containment building waste accumulation units.

(i) At closure, the generator shall close the waste accumulation unit or facility in a manner that conforms to the following:

(a) Minimizes the need for further maintenance by controlling, minimizing, or eliminating, to the extent necessary to protect human health and the environment, the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground water or surface water or to the atmosphere.

- (b) Removes or decontaminates all contaminated equipment, structures, and soil, and any remaining hazardous waste residues from waste accumulation units including containment system components (pads, liners, etc.), contaminated soils and subsoils, bases, and structures and equipment contaminated with waste, unless paragraph (D) of rule 3745-51-03 of the Administrative Code applies.
- (c) Any hazardous waste generated in the process of closing either the generator's facility or units accumulating hazardous waste shall be managed in accordance with all applicable standards of Chapters 3745-52, 3745-53, 3745-65 to 3745-69, 3745-256, and 3745-270 of the Administrative Code, including removing any hazardous waste contained in these units within ninety days after generating the hazardous waste, and managing these wastes in a hazardous waste permitted treatment, storage and disposal facility or a facility operating under permit by rule.
- (d) If the generator demonstrates that any contaminated soils and wastes cannot be practicably removed or decontaminated as required in paragraph (A)(8)(c)(i)(b) of this rule, then the waste accumulation unit is considered to be a landfill and the generator shall close the waste accumulation unit and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (rule 3745-68-10 of the Administrative Code). In addition, for the purposes of closure, post-closure, and financial responsibility, such a waste accumulation unit is then considered to be a landfill, and the generator shall meet all of the requirements for landfills specified in rules 3745-66-10 to 3745-66-21 and rules 3745-66-40 to 66-48 of the Administrative Code.
- (d) Closure performance standards for drip pad waste accumulation units. At closure, the generator shall comply with the closure requirements of paragraphs (A)(8)(b) and (A)(8)(c)(i)(a) and (A)(8)(c)(i)(c) of this rule, and paragraphs (A) and (B) of rule 3745-69-45 of the Administrative Code.
- (e) The closure requirements of paragraph (A)(8) of this rule do not apply to satellite accumulation areas.

- (9) Land disposal restrictions. The large quantity generator complies with all applicable requirements in Chapter 3745-270 of the Administrative Code.
- (B) Accumulation time limit extension. A large quantity generator who accumulates hazardous waste for more than ninety days is subject to Chapters 3745-50, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code, and the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, unless the large quantity generator has been granted an extension to the ninety-day period. Such extension may be granted by the director if hazardous wastes shall remain on-site for longer than ninety days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to thirty days may be granted at the discretion of the director on a case-by-case basis.
- (C) Accumulation of F006. A large quantity generator who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the EPA hazardous waste number F006 may accumulate F006 waste on-site for more than ninety days, but not more than one hundred eighty days without being subject to Chapters 3745-50, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, and 3745-266 of the Administrative Code and the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, provided that the large quantity generator complies with all of the following additional conditions for exemption:
- (1) The large quantity generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants entering F006 or otherwise released to the environment prior to the F006 waste's recycling.
 - (2) The F006 waste is legitimately recycled through metals recovery.
 - (3) No more than twenty thousand kilograms of F006 waste is accumulated on-site at any one time.
 - (4) The F006 waste is managed in accordance with all of the following:
 - (a) F006 management requirements.
 - (i) If the F006 waste is placed in containers, the large quantity generator shall comply with the applicable conditions for exemption in paragraph (A)(1) of this rule.
 - (ii) If the F006 is placed in tanks, the large quantity generator shall comply with the applicable conditions for exemption of paragraph (A)(2) of this rule.

(iii) If the F006 is placed in containment buildings, the large quantity generator shall comply with rules 3745-256-100 to 3745-256-102 of the Administrative Code, and has placed the large quantity generator's professional engineer certification that the building complies with the design standards specified in rule 3745-256-101 of the Administrative Code in the facility's files prior to operation of the unit. The large quantity generator shall maintain either of the following records:

(a) A written description of procedures to ensure that the F006 waste remains in the unit for no more than one hundred eighty days, a written description of the waste generation and management practices for the facility showing that the practices are consistent with the one hundred eighty-day limit, and documentation that the large quantity generator is complying with the procedures.

(b) Documentation that the unit is emptied at least once every one hundred eighty days.

(b) The large quantity generator is exempt from rules 3745-66-10 to 3745-66-21 and 3745-66-40 to 3745-66-48 of the Administrative Code, except for those referenced in paragraph (A)(8) of this rule.

(c) The date upon which each period of accumulation begins is clearly marked and is clearly visible for inspection on each container.

(d) While being accumulated on-site, each container and tank is labeled or marked clearly with all of the following:

(i) The words "Hazardous Waste."

(ii) An indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the department of transportation requirements at 49 CFR Part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the national fire protection association code 704].

(e) The large quantity generator complies with the requirements in paragraphs (A)(6) and (A)(7) of this rule.

(D) F006 transported over two hundred miles. A large quantity generator who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the EPA hazardous waste number F006, and who must transport this waste, or offer this waste for transportation, over a distance of two hundred miles or more for off-site metals recovery, may accumulate F006 waste on-site for more than ninety days, but not more than two hundred seventy days without being subject to Chapters 3745-50, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, and 3745-266 of the Administrative Code, and the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, if the large quantity generator complies with all of the conditions for exemption of paragraphs (C)(1) to (C)(4) of this rule.

(E) F006 accumulation time extension. A large quantity generator accumulating F006 in accordance with paragraphs (C) and (D) of this rule who accumulates F006 waste on-site for more than one hundred eighty days (or for more than two hundred seventy days if the generator must transport this waste, or offer this waste for transportation, over a distance of two hundred miles or more), or who accumulates more than twenty thousand kilograms of F006 waste on-site is an operator of a storage facility and is subject to Chapters 3745-50, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, and 3745-256 of the Administrative Code and the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, unless the generator has been granted an extension to the one hundred eighty-day (or two hundred seventy-day if applicable) period or an exception to the twenty thousand kilogram accumulation limit. Such extensions and exceptions may be granted by Ohio EPA if F006 waste shall remain on-site for longer than one hundred eighty days (or two hundred seventy days if applicable) or if more than twenty thousand kilograms of F006 waste shall remain on-site due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to thirty days or an exception to the accumulation limit may be granted at the discretion of the director of on a case-by-case basis.

(F) Consolidation of hazardous waste received from very small quantity generators. Large quantity generators may accumulate or treat on-site hazardous waste received from very small quantity generators under control of the same "person," as defined in rule 3745-50-10 of the Administrative Code, without a storage permit or permit by rule and without complying with Chapters 3745-50, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code and the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, provided that the large quantity generator complies with all of the following conditions. "Control," for the purposes of this rule, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or

otherwise, except that contractors who operate generator facilities on behalf of a different person shall not be deemed to "control" such generators.

(1) The large quantity generator notifies Ohio EPA at least thirty days prior to receiving the first shipment from a very small quantity generator using Ohio EPA form EPA 9029.

(a) Identifies on the form the name and site address for the very small quantity generator as well as the name and business telephone number for a contact person for the very small quantity generator.

(b) Submits an updated Ohio EPA form EPA 9029 within thirty days after a change in the name or site address for the very small quantity generator.

(2) The large quantity generator maintains records of shipments for three years from the date the hazardous waste was received from the very small quantity generator. These records shall identify the name, site address, and contact information for the very small quantity generator and include a description of the hazardous waste received, including the quantity and the date the waste was received.

(3) The large quantity generator complies with the independent requirements identified in paragraph (A)(1)(c) of rule 3745-52-10 of the Administrative Code and the conditions for exemption in this rule for all hazardous waste received from a very small quantity generator. For purposes of the labeling and marking requirements in paragraph (A)(5) of this rule, the large quantity generator shall label the container or unit with the date accumulation started (i.e., the date the hazardous waste was received from the very small quantity generator). If the large quantity generator is consolidating incoming hazardous waste from a very small quantity generator with either the large quantity generator's hazardous waste or with hazardous waste from other very small quantity generators, the large quantity generator shall label each container or unit with the earliest date any hazardous waste in the container was accumulated or treated on-site.

(G) Rejected load. A large quantity generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of rule 3745-54-72 or 3745-65-72 of the Administrative Code may accumulate the returned waste on-site in accordance with paragraphs (A) and (B) of this rule. Upon receipt of the returned shipment, the generator shall perform one of the following:

(1) Sign item 18c of the manifest, if the transporter returned the shipment using the original manifest.

(2) Sign item 20 of the manifest, if the transporter returned the shipment using a new manifest.

[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."]

Replaces: 3745-52-34 rescinded
Effective: 10/5/2020
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Certification

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12/08/1988, 12/30/1989, 04/01/1990, 02/11/1992,
02/14/1995, 09/02/1997, 10/20/1998, 12/07/2000,
03/13/2002, 12/07/2004, 02/16/2009, 09/05/2010,
03/17/2012, 10/31/2015

3745-52-18**U.S. EPA identification numbers and re-notification for small quantity generators and large quantity generators.**

- (A) A generator shall not treat, store, dispose of, transport, or offer for transportation hazardous waste without having received a U.S. EPA identification number from U.S. EPA or Ohio EPA.
- (B) A generator who has not received a U.S. EPA identification number shall obtain one by applying to Ohio EPA using Ohio EPA form EPA 9029. Upon receiving the request, Ohio EPA shall assign a U.S. EPA identification number to the generator.
- (C) A generator shall not offer the generator's hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received a U.S. EPA identification number.
- (D) Re-notification.
- (1) A small quantity generator shall re-notify Ohio EPA starting in 2021 and every four years thereafter using Ohio EPA form EPA 9029. This re-notification shall be submitted by September first of each year in which re-notifications are required.
- (2) A large quantity generator shall re-notify Ohio EPA by March first of each even-numbered year thereafter using Ohio EPA form EPA 9029. A large quantity generator may submit this re-notification as part of the biennial report required under rule 3745-52-41 of the Administrative Code.
- (E) A recognized trader shall not arrange for import or export of hazardous waste without having received a U.S. EPA identification number.

[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."]

Replaces: 3745-52-12 rescinded
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12/07/2004, 09/05/2010, 03/24/2017, 02/12/2018

3745-52-20

Manifest - general requirements.(A) Use requirements.

(1) A generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, or a treatment, storage, ~~and~~ disposal facility who offers for transport a rejected hazardous waste load, ~~must~~shall prepare a manifest ("OMB" control number 2050-0039) on U.S. EPA form 8700-22, and if necessary, U.S. EPA form 8700-22A (the continuation sheet), ~~according to the instructions included in the appendix to 40 CFR Part 262.~~

(2) [Reserved.]

(3) Electronic manifest. In lieu of using the manifest form specified in paragraph (A) (1) of this rule, a person required to prepare a manifest under paragraph (A) (1) of this rule may prepare and use an electronic manifest, provided that the person does the following:

(a) Complies with rule 3745-52-24 of the Administrative Code for use of electronic manifests.

(b) Complies with 40 C.F.R. 3.10 for the reporting of electronic documents to U.S. EPA.

(B) The generator ~~must~~shall designate on the manifest one facility which is permitted to handle the waste described on the manifest.

(C) The generator may also designate on the manifest one alternate facility which is permitted to handle ~~his~~the waste in the event an emergency prevents delivery of the waste to the primary designated facility.

(D) If the transporter is unable to deliver the hazardous waste to the designated facility or the alternate facility, the generator ~~must~~shall either designate another facility or instruct the transporter to return the waste.

(E) ~~The requirements of rules~~Rules 3745-52-20 to 3745-52-57 of the Administrative Code do not apply to hazardous waste produced by generators of greater than one hundred kilograms but less than one thousand kilograms of hazardous waste in a calendar month where both of the following apply:

(1) The waste is reclaimed under a contractual agreement pursuant to which both of the following apply:

(a) The type of waste and frequency of shipments are specified in the agreement;

- (b) The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; ~~and,~~
- (2) The generator maintains a copy of the reclamation agreement in ~~his~~the files for a period of at least three years after termination or expiration of the agreement.
- (F) ~~The requirements of rules~~Rules 3745-52-20 to ~~3745-52-57~~3745-52-27 of the Administrative Code and paragraph (B) of rule 3745-52-32 of the Administrative Code do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Notwithstanding paragraph (A) of rule 3745-53-10 of the Administrative Code, the generator or transporter ~~must~~shall comply with the requirements for transporters ~~set forth~~ in rules 3745-53-30 and 3745-53-31 of the Administrative Code in the event of a discharge of hazardous waste on a public or private right-of-way.

[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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Five Year Review (FYR) Dates: Exempt

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12/30/1989, 03/13/2002, 12/07/2004, 02/16/2009,
03/17/2012

3745-52-21

Manifest tracking numbers, manifest printing, and obtaining manifests.

(A) A registrant may not print, or have printed, the manifest for use or distribution unless the registrant has received approval from U.S. EPA pursuant to 40 CFR 262.21.

(B) Ohio EPA will recognize decisions of U.S. EPA regarding manifest tracking numbers, manifest printing, and obtaining manifests under 40 CFR 262.21. Ohio EPA has no additional requirements regarding manifest tracking numbers, manifest printing, or obtaining manifests other than those in 40 CFR 262.21.

[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."]

Effective: 9/29/2021
Five Year Review (FYR) Dates: 6/7/2021 and Exempt

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Date

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Rule Amplifies: 3734.12
Prior Effective Dates: 02/16/2009, 10/31/2015

3745-52-22 Manifest- number of copies.

The manifest shall consist of at least the number of copies which will provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records and another copy to be returned to the generator.

Effective: 04/15/1981

119.032 review dates: Exempt

Promulgated under: 119.03

Statutory authority: 3734.12

Rule amplifies: 3734.12

Prior effective dates: 07/27/1980

3745-52-23

Use of the manifest.

(A) The generator ~~must~~shall do all of the following:

- (1) Sign the manifest certification by hand;~~and~~.
- (2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest;~~and~~.
- (3) Retain one copy, in accordance with paragraph (A) of rule 3745-52-40 of the Administrative Code.

(B) The generator shall give the transporter the remaining copies of the manifest.

(C) For shipment of hazardous waste within the United States solely by water (bulk shipments only), the generator ~~must~~shall send three copies of the manifest dated and signed in accordance with this rule to the owner or operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States, if transported by water. Copies of the manifest are not required for each transporter.

(D) For rail shipments of hazardous waste within the United States which originate at the site of generation, the generator ~~must~~shall send at least three copies of the manifest dated and signed in accordance with this rule to any of the following:

- (1) The next non-rail transporter, if any;~~or~~.
- (2) The designated facility if transported solely by rail;~~or~~.
- (3) The last rail transporter to handle the waste in the United States if exported by rail.

(E) For shipments of hazardous waste to a designated facility in another state that is authorized pursuant to 40 CFR Part 271 but has not yet obtained authorization to regulate that particular waste as hazardous, the generator ~~must~~shall assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility.

[Comment: See ~~paragraphs (E) and (F)~~ of rule 3745-53-20 of the Administrative Code for special provisions for rail or water (bulk shipment) transporters.]

(F) For rejected shipments of hazardous waste or container residues contained in non-empty containers that are returned to the generator by the designated facility [following the procedures of paragraph (F) of rule 3745-54-72 or paragraph (F) of rule 3745-65-72 of the Administrative Code], the generator ~~must~~shall do all of the following:

(1) Sign either of the following:

(a) Item 20 of the new manifest if a new manifest is used for the returned shipment; ~~or~~.

(b) Item 18c of the original manifest if the original manifest is used for the returned shipment;.

(2) Provide the transporter a copy of the manifest;.

(3) Within thirty days after delivery of the rejected shipment or container residues contained in non-empty containers, send a copy of the manifest to the designated facility that returned the shipment to the generator; ~~and~~.

(4) Retain at the generator's site a copy of each manifest for at least three years after the date of delivery.

[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."]

Effective: 2/12/2018

Five Year Review (FYR) Dates: Exempt

CERTIFIED ELECTRONICALLY

Certification

01/10/2018

Date

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08/26/1981 (Emer.), 12/02/1981, 03/04/1985,
03/31/1992, 03/17/2012

3745-52-24

Use of the electronic manifest.

(A) Legal equivalence to paper manifests. Electronic manifests that are obtained, completed, and transmitted in accordance with paragraph (A)(3) of rule 3745-52-20 of the Administrative Code, and used in accordance with this rule in lieu of U.S. EPA forms 8700-22 and 8700-22A, are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in the hazardous waste rules to obtain, complete, sign, provide, use, or retain a manifest.

(1) Any requirement in the hazardous waste rules to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 40 C.F.R. 262.25(a).

(2) Any requirement in the hazardous waste rules to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when an electronic manifest is transmitted to the other person by submittal to the electronic manifest system.

(3) Any requirement in the hazardous waste rules for a generator to keep or retain a copy of each manifest is satisfied by retention of a signed electronic manifest in the generator's account on the national e-manifest system, provided that such copies are readily available to view and produce if requested by any U.S. EPA or Ohio EPA inspector.

(4) No generator may be held liable for the inability to produce an electronic manifest for inspection under this rule if the generator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the electronic manifest system for which the generator bears no responsibility.

(B) A generator may participate in the electronic manifest system either by accessing the electronic manifest system from the generator's own electronic equipment, or by accessing the electronic manifest system from portable equipment brought to the generator's site by the transporter who accepts the hazardous waste shipment from the generator for off-site transportation.

(C) Restriction on use of electronic manifests. A generator may use an electronic manifest for the tracking of waste shipments involving any hazardous waste only if known at the time the manifest is originated that all waste handlers named on the manifest participate in the use of the electronic manifest, except as follows:

(1) A generator may sign by hand and retain a paper copy of the manifest signed by hand by the initial transporter, in lieu of executing the generator copy

electronically, thereby enabling the transporter and subsequent waste handlers to execute the remainder of the manifest copies electronically.

(2) [Reserved.]

(D) Requirement for one printed copy. To the extent the hazardous materials regulation on shipping papers for carriage by public highway requires shippers of hazardous materials to supply a paper document for compliance with 49 C.F.R. 177.817, a generator who originates an electronic manifest also shall provide the initial transporter with one printed copy of the electronic manifest.

(E) Special procedures when electronic manifest is unavailable. If a generator has prepared an electronic manifest for a hazardous waste shipment, but the electronic manifest system becomes unavailable for any reason prior to the time that the initial transporter has signed electronically to acknowledge the receipt of the hazardous waste from the generator, then the generator shall obtain and complete a paper manifest and, if necessary, a continuation sheet (U.S. EPA forms 8700-22 and 8700-22A) in accordance with the manifest instructions, and use these paper forms from this point forward in accordance with rule 3745-52-23 of the Administrative Code.

(F) Special procedures for electronic signature methods undergoing tests. If a generator has prepared an electronic manifest for a hazardous waste shipment, and signs this manifest electronically using an electronic signature method which is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the generator also shall sign with an ink signature the generator or offeror certification on the printed copy of the manifest provided under paragraph (D) of this rule.

(G) [Reserved.]

(H) Post-receipt manifest data corrections. After facilities have certified to the receipt of hazardous wastes by signing item 20 of the manifest, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. Generators may participate electronically in the post-receipt data corrections process by following the process described in paragraph (L) of rule 3745-54-71 of the Administrative Code, which applies to corrections made to either paper or electronic manifest records.

[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."]

Effective: 10/5/2020

Five Year Review (FYR) Dates: Exempt

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Certification

09/21/2020

Date

Promulgated Under: 119.03
Statutory Authority: 3734.12
Rule Amplifies: 3734.12

3745-52-25**Electronic manifest signatures.**

Electronic signature methods for the e-manifest system shall be all of the following:

(A) Be a legally valid and enforceable signature under 40 C.F.R. 262.25(a).

(B) Be a method that is designed and implemented in a manner that U.S. EPA considers to be as cost-effective and practical as possible for the users of the manifest.

[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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Rule Amplifies: 3734.12

3745-52-27

Waste minimization certification.

A generator who initiates a shipment of hazardous waste must certify to one of the following statements in item 15 of the uniform hazardous waste manifest:

(A) "I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment;" or

(B) "I am a small quantity generator. I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford."

Effective: 02/16/2009

R.C. 119.032 review dates: Exempt

CERTIFIED ELECTRONICALLY

Certification

01/13/2009

Date

Promulgated Under: 119.03
Statutory Authority: 3734.12
Rule Amplifies: 3734.12

3745-52-30

Packaging.

Before transporting hazardous wastes or offering hazardous wastes for transportation off-site, the generator shall package the waste in accordance with the applicable United States department of transportation regulations on packaging, under 49 CFR ~~Parts~~Part 173, 49 CFR Part 178, and 49 CFR Part 179.

Effective: 10/31/2015

Five Year Review (FYR) Dates: Exempt

CERTIFIED ELECTRONICALLY

Certification

10/07/2015

Date

Promulgated Under: 119.03
Statutory Authority: 3734.12
Rule Amplifies: 3734.12
Prior Effective Dates: 07/27/1980, 04/15/1981

3745-52-31 Labeling.

Before transporting hazardous wastes or offering hazardous wastes for transportation off-site, the generator shall label each package of hazardous waste in accordance with the applicable United States department of transportation regulations on hazardous materials under 49 CFR Part 172.

Effective: 04/15/1981

119.032 review dates: Exempt

Promulgated under: 119.03

Statutory authority: 3734.12

Rule amplifies: 3734.12

Prior effective dates: 07/27/1980

3745-52-32

Marking.

(A) Before transporting hazardous wastes or offering hazardous ~~wastes~~waste for transportation off-site, the generator ~~must~~shall mark each package of hazardous ~~wastes~~waste in accordance with the applicable United States department of transportation regulations on hazardous materials under 49 ~~CFR~~C.F.R. Part 172.

(B) Before transporting hazardous ~~wastes~~waste or offering hazardous ~~wastes~~waste for transportation off-site, a generator ~~must~~shall mark each container of one hundred nineteen gallons or less used in such transportation with all of the following words and information displayed in accordance with ~~the requirements of~~ 49 ~~CFR~~C.F.R. 172.304:

~~"Hazardous waste - Federal law prohibits improper disposal. If found, contact the nearest police or public safety authority, or the United States Environmental Protection Agency. Generator's name and address _____ Generator's U.S. EPA identification number _____ Manifest document number _____."~~

(1) Hazardous waste - Federal law prohibits improper disposal. If found, contact the nearest police or public safety authority or the United States Environmental Protection Agency.

(2) Generator's name and address.

(3) Generator's U.S. EPA identification number.

(4) Manifest tracking number.

(5) EPA hazardous waste numbers.

(C) A generator may use a nationally recognized electronic system, such as bar coding, to identify the EPA hazardous waste numbers, as required by paragraph (B)(5) or (D) of this rule.

(D) Lab packs to be incinerated in compliance with paragraph (C) of rule 3745-270-42 of the Administrative Code are not required to be marked with EPA hazardous waste numbers, except D004, D005, D006, D007, D008, D010, and D011, where applicable.

[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."]

Effective: 10/5/2020

Five Year Review (FYR) Dates: Exempt

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09/21/2020

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08/26/1981 (Emer.), 12/02/1981, 05/29/1985 (Emer.),
08/29/1985 (Emer.), 10/20/1998, 02/16/2009

3745-52-33

Placarding.

Before transporting hazardous wastes or offering hazardous wastes for transportation off-site, ~~the~~ generator ~~shall~~ must placard or offer the initial transporter the appropriate placards according to United States department of transportation regulations for hazardous materials under 49 CFR Part 172, ~~Subpart~~ subpart F.

[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."]

Effective: 02/16/2009

R.C. 119.032 review dates: Exempt

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Certification

01/13/2009

Date

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Prior Effective Dates: 07/27/1980

TO BE RESCINDED

3745-52-34 **Accumulation time of hazardous waste.**

(A) Except as provided in paragraphs (D), (E), and (F) of this rule, a generator may, for ninety days or less, accumulate or conduct treatment of hazardous waste that is generated on-site without an Ohio hazardous waste permit, provided that:

(1) The waste is placed in or using a combination of:

(a) Containers and the generator complies with the applicable requirements in rules 3745-66-70 to 3745-66-77 of the Administrative Code.

[Comment: Pursuant to federal law, generators also shall comply with the applicable requirements of 40 CFR Part 265 subparts AA, BB, and CC.]

(b) Tanks and the generator complies with the applicable requirements of rules 3745-66-90 to 3745-66-101 of the Administrative Code, except paragraph (C) of rule 3745-66-97 and rule 3745-66-100 of the Administrative Code.

[Comment: Pursuant to federal law, generators also shall comply with the applicable requirements of 40 CFR Part 265 subparts AA, BB, and CC.]

(c) Drip pads and the generator complies with rules 3745-69-40 to 3745-69-45 of the Administrative Code and maintains the following records at the facility:

(i) A description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every ninety days.

(ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.

- (d) Containment buildings and the generator complies with rules 3745-256-100 to 3745-256-102 of the Administrative Code, has placed its professional engineer certification that the building complies with the design standards specified in rule 3745-256-101 of the Administrative Code in the operating record no later than sixty days after the date of initial operation of the unit. Professional engineer certification is required prior to operation of the unit. The owner or operator shall maintain the following records at the facility:
- (i) A written description of procedures to ensure that each waste volume remains in the unit for no more than ninety days, a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the ninety-day limit, and documentation that the procedures are complied with; or
 - (ii) Documentation that the unit is emptied at least once every ninety days.
- (e) In addition, a generator who, for ninety days or less, accumulates or conducts treatment of hazardous waste that is generated on site without an Ohio hazardous waste permit is exempt from rules 3745-66-10 to 3745-66-21 and 3745-66-40 to 3745-66-48 of the Administrative Code except for paragraphs (A) and (B) of rule 3745-66-11 and rule 3745-66-14 of the Administrative Code.
- (2) The date upon which each period of accumulation or treatment begins is clearly marked and visible for inspection on each container.
 - (3) While being accumulated or treated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste."
 - (4) The generator complies with the requirements for owners or operators in rules 3745-65-16, 3745-65-30 to 3745-65-37, 3745-65-50 to 3745-65-56 and all applicable requirements of Chapter 3745-270 of the Administrative Code.
- (B) A generator of one thousand kilograms or greater of hazardous waste in a calendar month, or greater than one kilogram of acute hazardous waste listed in rule 3745-51-31 or paragraph (E) of rule 3745-51-33 of the Administrative Code in a calendar month, who accumulates hazardous waste for more than ninety days, is an operator of a storage facility and is subject to Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, and 3745-256 of the Administrative Code and the permit requirements of rules 3745-50-40 to 3745-50-235 of the Administrative Code

unless the owner or operator has been granted an extension to the ninety-day period. Such extension may be granted by the director if hazardous wastes shall remain on-site for longer than ninety days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to thirty days may be granted at the discretion of the director on a case-by-case basis.

(C) A generator:

(1) May accumulate as much as fifty-five gallons of hazardous waste or one quart of acutely hazardous waste listed in rule 3745-51-31 or paragraph (E) of rule 3745-51-33 of the Administrative Code in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit and without complying with paragraph (A) or (D) of this rule provided the generator:

(a) Complies with rules 3745-66-71, 3745-66-72, and paragraph (A) of rule 3745-66-73 of the Administrative Code; and

(b) Marks the containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

(2) Who accumulates either hazardous waste or acutely hazardous waste listed in rule 3745-51-31 or paragraph (E) of rule 3745-51-33 of the Administrative Code in excess of the amounts listed in paragraph (C)(1) of this rule at or near any point of generation shall, with respect to that amount of excess waste, comply within three days with paragraph (A) of this rule or other applicable provisions of Chapter 3745-52 of the Administrative Code. During the three-day period, the generator shall continue to comply with paragraphs (C)(1)(a) and (C)(1)(b) of this rule. The generator shall mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

(D) A generator who generates greater than one hundred kilograms but less than one thousand kilograms of hazardous waste in a calendar month may, for one hundred eighty days or less, accumulate or conduct treatment of hazardous waste that is generated on-site without an Ohio hazardous waste permit, provided that:

(1) The quantity of waste accumulated on-site never exceeds six thousand kilograms;

(2) The generator complies with rules 3745-66-70 to 3745-66-74 and rule 3745-66-77 of the Administrative Code;

(3) The generator complies with rule 3745-66-101 of the Administrative Code;

- (4) The generator complies with paragraphs (A)(2) and (A)(3) of this rule, rules 3745-65-30 to 3745-65-37 of the Administrative Code, and all applicable requirements of Chapter 3745-270 of the Administrative Code; and
- (5) The generator complies with the following requirements:
- (a) At all times there shall be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in paragraph (D)(5)(d) of this rule. This employee is the emergency coordinator.
 - (b) The generator shall post the following information next to the telephone:
 - (i) The name and telephone number of the emergency coordinator;
 - (ii) Location of fire extinguishers and spill control material, and, if present, fire alarms; and
 - (iii) The telephone number of the fire department, unless the facility has a direct alarm.
 - (c) The generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;
 - (d) The emergency coordinator or the emergency coordinator's designee shall respond to any emergencies that arise. The applicable responses are as follows:

- (i) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;
 - (ii) In the event of a spill, contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil;
 - (iii) In the event of a fire, explosion, or other release which could threaten human health outside the facility, or when the generator has knowledge that a spill has reached surface water, the generator shall immediately notify the "National Response Center using their twenty-four hour toll free number: 800/424-8802." The report shall include the following information:
 - (a) The name, address, and U.S. EPA identification number of the generator;
 - (b) Date, time, and type of incident (e.g., spill or fire);
 - (c) Quantity and type of hazardous waste involved in the incident;
 - (d) Extent of injuries, if any; and
 - (e) Estimated quantity and disposition of recovered materials, if any.
- (E) A generator who generates greater than one hundred kilograms but less than one thousand kilograms of hazardous waste in a calendar month and who shall transport the waste, or offer the waste for transportation, over a distance of two hundred miles or more for off-site treatment, storage, or disposal, may, for two hundred seventy days or less, accumulate or conduct treatment of hazardous waste that is generated on-site without an Ohio hazardous waste permit provided that the generator complies with paragraph (D) of this rule.
- (F) A generator who:
- (1) Generates greater than one hundred kilograms but less than one thousand kilograms of hazardous waste in a calendar month is an operator of a storage or treatment facility if:
 - (a) The generator accumulates or treats hazardous waste in quantities exceeding six thousand kilograms; or

- (b) The generator, for more than one hundred eighty days (or for more than two hundred seventy days if the generator transports the waste, or offers the waste for transportation, over a distance of two hundred miles or more), accumulates or conducts treatment of hazardous waste that is generated on-site.
- (2) Is an operator of a storage or treatment facility as described in paragraph (F)(1) of this rule is subject to Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, and 3745-256 and rules 3745-50-40 to 3745-50-235 of the Administrative Code unless the generator has been granted an extension to the one hundred eighty-day (or two hundred seventy-day if applicable) period. Such extension, of up to thirty days, may be granted at the discretion of the director on a case-by-case basis if hazardous waste shall remain on-site for longer than one-hundred eighty days (or two-hundred seventy days if applicable) due to unforeseen, temporary, and uncontrollable circumstances.
- (G) A generator who generates one thousand kilograms or greater of hazardous waste per calendar month who also generates wastewater treatment sludges from electroplating operations that meet the listing description for EPA hazardous waste number F006, may accumulate F006 waste on-site for more than ninety days, but not more than one hundred eighty days without having an Ohio hazardous waste permit, provided that:
- (1) The generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants or contaminants entering F006 or otherwise released to the environment prior to its recycling;
 - (2) The F006 waste is legitimately recycled through metals recovery;
 - (3) No more than twenty thousand kilograms of F006 waste is accumulated on-site at any one time; and
 - (4) The F006 waste is managed in accordance with the following:
 - (a) The F006 waste is placed in any combination of the following:

- (i) Containers and the generator complies with the applicable requirements of rules 3745-66-70 to 3745-66-77 of the Administrative Code.

[Comment: Pursuant to federal law, generators also shall comply with the applicable requirements of 40 CFR Part 265 subparts AA, BB, and CC.]

- (ii) Tanks and the generator complies with the applicable requirements of rules 3745-66-90 to 3745-66-101 of the Administrative Code except paragraph (C) of rule 3745-66-97 and rule 3745-66-100 of the Administrative Code.

[Comment: Pursuant to federal law, generators also shall comply with the applicable requirements of 40 CFR Part 265 subparts AA, BB, and CC.]

- (iii) Containment buildings and the generator complies with rules 3745-256-100 to 3745-256-102 of the Administrative Code, and has placed the professional engineer certification that the building complies with the design standards specified in rule 3745-256-102 of the Administrative Code in the facility's operating record prior to operation of the unit. The owner or operator shall maintain the following records at the facility:

- (a) A written description of procedures to ensure that the F006 waste remains in the unit for no more than one hundred eighty days, a written description of the waste generation and management practices for the facility showing that they are consistent with the one hundred eighty-day limit, and documentation that the generator is complying with the procedures; or

- (b) Documentation that the unit is emptied at least once every one hundred eighty days.

- (b) In addition, such a generator is exempt from rules 3745-66-10 to 3745-66-21 and 3745-66-40 to 3745-66-48 of the Administrative Code, except for rules 3745-66-11 and 3745-66-14 of the Administrative Code;

- (c) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
 - (d) While being accumulated on-site, each container and tank is labeled or marked clearly with the words "hazardous waste"; and
 - (e) The generator complies with the requirements for owners or operators in paragraph (A)(5) of rule 3745-270-07 and rules 3745-65-16, 3745-65-30 to 3745-65-37, and 3745-65-50 to 3745-65-56 of the Administrative Code.
- (H) A generator who generates one thousand kilograms or greater of hazardous waste per calendar month who also generates wastewater treatment sludges from electroplating operations that meet the listing description for EPA hazardous waste number F006, and who shall transport this waste, or offer this waste for transportation, over a distance of two hundred miles or more for off-site metals recovery, may accumulate F006 waste on-site for more than ninety days, but not more than two hundred seventy days without an Ohio hazardous waste permit if the generator complies with paragraphs (G)(1) to (G)(4)(e) of this rule.
- (I) A generator accumulating F006 in accordance with paragraphs (G) to (G)(4)(e) and (H) of this rule who accumulates F006 waste on-site for more than one hundred eighty days (or for more than two hundred seventy days if the generator shall transport this waste, or offer this waste for transportation, over a distance of two hundred miles or more), or who accumulates more than twenty thousand kilograms of F006 waste on-site is an operator of a storage facility and is subject to Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, and 3745-256 of the Administrative Code, and the permit requirements of rules 3745-50-40 to 3745-50-235 of the Administrative Code unless the generator has been granted either an extension to the one hundred eighty-day (or two hundred seventy-day if applicable) period or an exception to the twenty thousand kilogram accumulation limit. Such extension, of up to thirty days, or exception to the accumulation limit, may be granted at the discretion of the director on a case-by-case basis if hazardous waste shall remain on-site for longer than one hundred eighty days (or two hundred seventy days if applicable) or if more than twenty thousand kilograms of F006 waste shall remain on-site due to unforeseen, temporary, and uncontrollable circumstances.
- (J) Reserved.
- (K) Reserved.
- (L) Reserved.

(M) A generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of rule 3745-54-72 or 3745-65-72 of the Administrative Code may accumulate the waste on-site in accordance with paragraphs (A) and (B) or (D), (E), and (F) of this rule, depending on the amount of hazardous waste on-site in that calendar month. Upon receipt of the return shipment, the generator shall either:

- (1) Sign item 18c of the manifest, if the transporter returned the shipment using the original manifest.
- (2) Sign item 20 of the manifest, if the transporter returned the shipment using a new manifest.

[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."]

Effective: 10/5/2020

Five Year Review (FYR) Dates: 7/13/2020

CERTIFIED ELECTRONICALLY

Certification

09/21/2020

Date

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12/08/1988, 12/30/1989, 04/01/1990, 02/11/1992,
02/14/1995, 09/02/1997, 10/20/1998, 12/07/2000,
03/13/2002, 12/07/2004, 02/16/2009, 09/05/2010,
03/17/2012, 10/31/2015

3745-52-35**Liquids in landfills prohibition.**

The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited. Prior to disposal in a hazardous waste landfill, liquids shall meet additional requirements as specified in rules 3745-57-14 and 3745-68-14 of the Administrative Code.

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Rule Amplifies: 3734.12

3745-52-40

Recordkeeping for small quantity generators and large quantity generators.

- (A) ~~The~~A generator ~~must~~shall keep a copy of each manifest signed in accordance with paragraph (A) of rule 3745-52-23 of the Administrative Code for three years or until ~~he~~the generator receives a signed copy from the designated facility which received the waste. This signed copy ~~must~~shall be retained as a record for at least three years after the date the waste was accepted by the initial transporter.
- (B) ~~The~~A generator ~~must~~shall keep a copy of each biennial report and exception report for a period of at least three years after the due date of the report.
- ~~(C) The generator must keep records of any test results, waste analyses, or other determinations made in accordance with rule 3745-52-11 of the Administrative Code for at least three years after the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.~~
- (C) See paragraph (F) of rule 3745-52-11 of the Administrative Code for recordkeeping requirements for documenting hazardous waste determinations.
- (D) The periods of retention referred to in this rule are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the director.

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08/26/1981 (Emer.), 12/02/1981, 03/09/2001,
05/13/2007, 02/05/2013

3745-52-41**Biennial report for large quantity generators.**

- (A) A generator who is a large quantity generator for at least one month of an odd-numbered year (reporting year) who ships any hazardous waste off-site to a treatment, storage, or disposal facility within the United States shall complete and submit the hazardous waste biennial report using Ohio EPA forms EPA 9027, EPA 9028, and EPA 9029 by March first of the following even-numbered year and shall cover generator activities during the previous year.
- (B) Any generator who is a large quantity generator for at least one month of an odd-numbered year (reporting year) who treats, stores, or disposes of hazardous waste on-site shall complete and submit the hazardous waste biennial report using Ohio EPA forms EPA 9027, EPA 9028, and EPA 9029 by March first of the following even-numbered year covering those wastes in accordance with rules 3745-50-40 to 3745-50-235 and Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, and 3745-266 of the Administrative Code. This requirement also applies to large quantity generators that receive hazardous waste from very small quantity generators pursuant to paragraph (F) of rule 3745-52-17 of the Administrative Code.
- (C) Exports of hazardous waste to foreign countries are not required to be reported on the biennial report form. A separate annual report requirement is provided in 40 C.F.R. 262.83(g) for hazardous waste exporters.

[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."]

Replaces: 3745-52-41 rescinded
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12/07/2000, 03/13/2002, 12/07/2004, 02/16/2009,
02/05/2013, 02/12/2018

TO BE RESCINDED

3745-52-41

Biennial report- generator standards.

- (A) A generator who ships any hazardous waste off-site shall prepare and submit to Ohio EPA the "Hazardous Waste Biennial Report" by March first of each even numbered year. The generator shall prepare the "Hazardous Waste Biennial Report" using Ohio EPA forms EPA 9027, EPA 9028, and EPA 9029 provided by the director upon the request of the generator. The "Hazardous Waste Biennial Report" shall cover generator activities during the previous calendar year, and shall include the following information:
- (1) The U.S. EPA identification number, name, and address of the generator.
 - (2) The calendar year covered by the report.
 - (3) The U.S. EPA identification number, name, and address for each off-site treatment, storage, or disposal facility to which waste was shipped during the year.
 - (4) The name and U.S. EPA identification number of each transporter used during the reporting year for shipments to a treatment, storage, or disposal facility.
 - (5) A description, EPA hazardous waste number (from rules 3745-51-20 to 3745-51-24 or 3745-51-30 to 3745-51-35 of the Administrative Code), U.S. department of transportation hazard class, and quantity of each hazardous waste shipped off-site for shipments to a treatment, storage, or disposal facility. This information shall be listed by U.S. EPA identification number of each such off-site facility to which waste was shipped.
 - (6) A description of the efforts undertaken during the year to reduce the quantity and toxicity of hazardous waste generated.
 - (7) A description of the changes in quantity and toxicity of waste actually achieved during the year in comparison to previous years.
 - (8) The certification signed by the generator or authorized representative.
- (B) Any generator who treats, stores, or disposes of hazardous waste on-site shall submit a "Hazardous Waste Biennial Report" covering those wastes in accordance with rules 3745-50-40 to 3745-50-235 and Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, and 3745-266 of the Administrative Code.

[Comment: Reporting for exports of hazardous waste is not required on the "Biennial Report" form; however, 40 CFR 262.83 requires a separate annual report. The annual report is to be submitted to U.S. EPA and not to Ohio EPA.]

[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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12/07/2000, 03/13/2002, 12/07/2004, 02/16/2009,
02/05/2013, 02/12/2018

3745-52-42

Exception report for small quantity generators and large quantity generators.

(A)

(1) A generator of one thousand kilograms or greater of hazardous waste in a calendar month, or greater than one kilogram of acute hazardous waste listed in rule 3745-51-31 or paragraph (E) of rule 3745-51-33 of the Administrative Code in a calendar month, who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within thirty-five days after the date the waste was accepted by the initial transporter, ~~must~~shall contact the transporter ~~and/or~~ the owner or operator of the designated facility to determine the status of the hazardous waste.

(2) A generator of one thousand kilograms or greater of hazardous waste in a calendar month, or greater than one kilogram of acute hazardous waste listed in rule 3745-51-31 or paragraph (E) of rule 3745-51-33 of the Administrative Code in a calendar month ~~must~~shall submit an exception report to Ohio EPA if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within forty-five days after the date the waste was accepted by the initial transporter. The exception report ~~must~~shall include:

- (a) A legible copy of the manifest for which the generator does not have confirmation of delivery; and
- (b) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

(B) A generator of greater than one hundred kilograms but less than one thousand kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within sixty days after the date the waste was accepted by the initial transporter ~~must~~shall submit to Ohio EPA a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery.

[Comment: The submittal to Ohio EPA need only be a legible handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received.]

(C) For rejected shipments of hazardous waste or container residues contained in non-empty containers that are forwarded to an alternate facility by a designated facility using a new manifest [following the procedures of paragraphs (E)(1) to (E)(6) of rule

3745-54-72 or paragraphs (E)(1) to (E)(6) of rule 3745-65-72 of the Administrative Code], the generator ~~must~~shall comply with the requirements of paragraph (A) or (B) of this rule, as applicable, for the shipment that forwards the material from the designated facility to the alternate facility instead of for the shipment from the generator to the designated facility. For purposes of paragraph (A) or (B) of this rule, for a shipment that forwards such waste to an alternate facility by a designated facility:

- (1) The copy of the manifest received by the generator ~~must~~shall have the handwritten signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility; and
- (2) The thirty-five day, forty-five day, or sixty day timeframes begin on the date the waste was accepted by the initial transporter who forwards the hazardous waste shipment from the designated facility to the alternate facility.

Effective: 9/29/2021

Five Year Review (FYR) Dates: Exempt

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3745-52-43

Additional reports for small quantity generators and large quantity generators.

Upon request of the director, the generator shall furnish additional reports concerning the quantities and disposition of wastes identified or listed in Chapter 3745-51 of the Administrative Code.

Effective: 9/29/2021

Five Year Review (FYR) Dates: Exempt

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Certification

09/14/2021

Date

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Rule Amplifies: 3734.12
Prior Effective Dates: 07/27/1980, 04/15/1981, 12/02/1981

3745-52-44

Recordkeeping for small quantity generators.

A small quantity generator is subject only to the following independent requirements in rules 3745-52-40 to 3745-52-44 of the Administrative Code:

(A) Paragraphs (A), (C), and (D) of rule 3745-52-40 of the Administrative Code, recordkeeping.

(B) Paragraph (B) of rule 3745-52-42 of the Administrative Code, exception reporting.

(C) Rule 3745-52-43 of the Administrative Code, additional reporting.

Replaces: 3745-52-44 rescinded
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09/21/2020

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Prior Effective Dates: 09/22/1986, 12/30/1989, 02/11/1992, 09/05/2010

TO BE RESCINDED

3745-52-44

Recordkeeping and reporting requirements for generators of between one hundred and one thousand kilograms per month.

A generator of greater than one hundred kilograms but less than one thousand kilograms of hazardous waste in a calendar month is subject only to the requirements of paragraphs (A), (C), and (D) of rule 3745-52-40 of the Administrative Code for recordkeeping, paragraph (B) of rule 3745-52-42 of the Administrative Code for exception reporting, and rule 3745-52-43 of the Administrative Code for additional reporting requirements.

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TO BE RESCINDED

3745-52-50 **Applicability- exports of hazardous waste to a foreign country.**

Regulations in 40 CFR Part 262 subpart H establish requirements applicable to exports of hazardous waste to a foreign country. A "primary exporter" (as defined in 40 CFR 262.81) of hazardous waste shall comply with the special requirements of 40 CFR Part 262 subpart H, and a transporter transporting hazardous waste for export to a foreign country shall comply with applicable requirements of Chapter 3745-53 of the Administrative Code.

[Comment 1: The authorities in 40 CFR Part 262 subpart H, regarding exports of hazardous waste to a foreign country, are not delegable to states. Ohio EPA will recognize the administrator's decisions under these federal regulations.]

[Comment 2: 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 3: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

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TO BE RESCINDED

3745-52-60

Imports of hazardous waste from a foreign country.

- (A) Any person who imports hazardous waste from a foreign country into the state of Ohio shall comply with Chapter 3745-52 of the Administrative Code and the special requirements of 40 CFR Part 262 subpart H.

[Comment: The authorities in 40 CFR Part 262 subpart H, regarding imports of hazardous waste from a foreign country, are not delegable to states. Ohio EPA will recognize the administrator's decisions under these federal regulations.]

- (B) When importing hazardous waste from a foreign country into Ohio a person shall comply with rule 3745-52-20 of the Administrative Code for the manifest except that:

(1) In place of the generator's name, address, and U.S. EPA identification number, the name and address of the foreign generator and the importer's name, address, and U.S. EPA identification number shall be used.

(2) In place of the generator's signature on the certification statement, the Ohio importer or the Ohio importer's agent shall sign and date the certification and obtain the signature of the initial transporter.

- (C) A person who imports hazardous waste may obtain the manifest form from any source that is registered with U.S. EPA as a supplier of manifests (e.g., states, waste handlers, or commercial forms printers).

- (D) In the "International Shipments" block, the importer shall check the import box and enter the point of entry (city and state) into the United States.

- (E) The importer shall provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to U.S. EPA in accordance with paragraph (A)(3) of rule 3745-54-71 and paragraph (A)(3) of rule 3745-65-71 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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3745-52-70

Farmers.

A farmer disposing of waste pesticides from his own use which are hazardous wastes is not required to comply with the standards in Chapter 3745-52 of the Administrative Code or other standards in Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, or 3745-270, or rules 3745-50-40 to ~~3745-50-66~~3745-50-235 of the Administrative Code for those wastes provided he triple rinses each emptied pesticide container in accordance with paragraph (B)(3) of rule 3745-51-07 of the Administrative Code and disposes of the pesticide residues on his own farm in a manner consistent with the disposal instructions on the pesticide label.

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R.C. 119.032 review dates: Exempt

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08/26/1981 (Emer.), 12/02/1981, 12/30/1989,
12/07/2000, 12/07/2004

3745-52-80

Applicability - transboundary movement of hazardous waste for recovery or disposal.

(A) This rule and 40 C.F.R. Part 262 subpart H apply to transboundary movements of hazardous wastes.

(B) Any person (including exporter, importer, disposal facility operator, or recovery facility operator) who mixes two or more wastes (including hazardous and non-hazardous wastes) or otherwise subjects two or more wastes (including hazardous and non-hazardous wastes) to physical or chemical transformation operations, and thereby creates a new hazardous waste, becomes a generator and assumes all subsequent generator duties under Ohio hazardous waste laws and any exporter duties, if applicable, under this rule and 40 C.F.R. Part 262 subpart H.

[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."]

Replaces: 3745-52-50 rescinded, 3745-52-60 rescinded
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02/12/2018

3745-52-200

Definitions_- university labs.

The following definitions apply to rules 3745-52-200 to 3745-52-216 of the Administrative Code:

~~(A)~~ "Central accumulation area" means an on-site hazardous waste accumulation area subject to either paragraphs (A) to (B) of rule 3745-52-34 of the Administrative Code (large quantity generators), or paragraphs (D) to (F) of rule 3745-52-34 of the Administrative Code (small quantity generators). A central accumulation area at an eligible academic entity that chooses to be subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code shall also comply with rule 3745-52-11 of the Administrative Code when accumulating unwanted material or hazardous waste.

~~(B)~~(A) "College" or "university" means a private or public, post-secondary, degree-granting, academic institution, that is accredited by an accrediting agency listed annually by the U.S. department of education.

~~(C)~~(B) "Eligible academic entity" means a college or university, or a non-profit research institute that is owned by or has a formal written affiliation agreement with a college or university, or a teaching hospital that is owned by or has a formal written affiliation agreement with a college or university.

~~(D)~~(C) "Formal written affiliation agreement for a non-profit research institute" means a written document that establishes a relationship between institutions for the purposes of research or education and is signed by an "authorized representative of a facility," as defined in rule 3745-50-10 of the Administrative Code, from each institution. A relationship on a project-by-project or grant-by-grant basis is not considered a formal written affiliation agreement.

~~(E)~~(D) "A formal written affiliation agreement for a teaching hospital" means a master affiliation agreement and program letter of agreement, as defined by the "Accreditation Council for Graduate Medical Education," with an accredited medical program or medical school.

~~(F)~~(E) "Laboratory" means an area owned by an eligible academic entity where relatively small quantities of chemicals and other substances are used on a non-production basis for teaching or research (or diagnostic purposes at a teaching hospital) and are stored and used in containers that are easily manipulated by one person. Photo laboratories, art studios, and field laboratories are considered laboratories. Areas such as chemical stockrooms and preparatory laboratories that provide a support function to teaching or research laboratories (or diagnostic laboratories at teaching hospitals) are also considered laboratories.

~~(G)~~(F) "Laboratory clean-out" means an evaluation of the inventory of chemicals and other materials in a laboratory that are no longer needed or that have expired and the subsequent removal of those chemicals or other unwanted materials from the laboratory. A clean-out may occur for several reasons. It may be on a routine basis (e.g., at the end of a semester or academic year) or as a result of a renovation, relocation, or change in laboratory supervisor or occupant. A regularly scheduled removal of unwanted material as required by rule 3745-52-208 of the Administrative Code does not qualify as a laboratory clean-out.

~~(H)~~(G) "Laboratory worker" means a person who handles chemicals or unwanted material in a laboratory and may include, but is not limited to, faculty, staff, post-doctoral fellows, interns, researchers, technicians, supervisors or managers, and principal investigators. A person does not need to be paid or otherwise compensated for work in the laboratory to be considered a laboratory worker. Undergraduate and graduate students in a supervised classroom setting are not laboratory workers.

~~(H)~~(H) "Non-profit research institute" means an organization that conducts research as ~~its~~the organization's primary function and files as a non-profit organization under the tax code of 26 U.S.C. 501(c)(3).

~~(I)~~(I) "Reactive acutely hazardous unwanted material" means an unwanted material that is one of the acutely hazardous commercial chemical products listed in paragraph (E) of rule 3745-51-33 of the Administrative Code for reactivity.

~~(K)~~(J) "Teaching hospital" means a hospital that trains students to become physicians, nurses, or other health or laboratory personnel.

~~(L)~~(K) "Trained professional" means a person who has completed the applicable hazardous waste training requirements of rule ~~3745-65-16~~3745-52-17 of the Administrative Code for large quantity generators, or is knowledgeable about normal operations and emergencies in accordance with ~~paragraph (D)(5)(c) of rule 3745-52-34~~3745-52-16 of the Administrative Code for small quantity generators and ~~conditionally exempt~~every very small quantity generators. A trained professional may be an employee of the eligible academic entity or may be a contractor or vendor who meets the requisite training requirements.

~~(M)~~(L) "Unwanted material" means any chemical, mixtures of chemicals, products of experiments, or other material from a laboratory that is no longer needed, wanted, or usable in the laboratory and that is destined for hazardous waste determination by a trained professional. Unwanted materials include reactive acutely hazardous unwanted materials and materials that may eventually be determined not to be waste pursuant to rule 3745-51-02 of the Administrative Code, or a hazardous waste pursuant to rule 3745-51-03 of the Administrative Code. If an eligible academic

entity elects to use another equally effective term in lieu of unwanted material, as allowed by paragraph (A)(1)(a) of rule 3745-52-206 of the Administrative Code, the equally effective term has the same meaning and is subject to the same requirements as unwanted material under rules 3745-52-200 to 3745-52-216 of the Administrative Code.

~~(N)~~(M) "Working container" means a small container (i.e., two gallons or less) that is in use at a laboratory bench, hood, or other work station, to collect unwanted material from a laboratory experiment or procedure.

[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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3745-52-201

Applicability_- university labs.

- (A) Large quantity generators and small quantity generators. Rules 3745-52-200 to 3745-52-216 of the Administrative Code provide alternative requirements to ~~the requirements in rule~~rules 3745-52-11 and ~~paragraph (C) of rule 3745-52-34~~3745-52-15 of the Administrative Code for the hazardous waste determination and accumulation of hazardous waste in laboratories owned by eligible academic entities that choose to be subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code, provided that such generators complete the notification requirements of rule 3745-52-203 of the Administrative Code.
- (B) ~~Conditionally exempt~~Very small quantity generators. Rules 3745-52-200 to 3745-52-216 of the Administrative Code provide alternative requirements to ~~the conditional exemption in paragraph (B) of rule 3745-51-05~~3745-52-14 of the Administrative Code for the accumulation of hazardous waste in laboratories owned by eligible academic entities that choose to be subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code, provided that such generators complete the notification requirements of rule 3745-52-203 of the Administrative Code.

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3745-52-202

Use of the university lab-rules is an option.

- (A) Large quantity generators and small quantity generators. Eligible academic entities have the option of complying with rules 3745-52-200 to 3745-52-216 of the Administrative Code with respect to ~~its~~the eligible academic entity's laboratories, as an alternative to complying with ~~the requirements of rule~~rules 3745-52-11 and ~~paragraph (C) of rule 3745-52-34~~3745-52-15 of the Administrative Code.
- (B) ~~Conditionally exempt~~Very small quantity generators. Eligible academic entities have the option of complying with rules 3745-52-200 to 3745-52-216 of the Administrative Code with respect to ~~its~~the eligible academic entity's laboratories, as an alternative to complying with the conditional exemption of ~~paragraph (B) of rule 3745-51-05~~3745-52-14 of the Administrative Code.

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3745-52-203

~~How an eligible academic entity indicates it will be subject to the university lab rules~~**Notification requirement - university labs.**

- (A) An eligible academic entity shall notify Ohio EPA in writing, using Ohio EPA form EPA 9029, that the eligible academic entity is electing to be subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code for all the laboratories owned by the eligible academic entity under the same U.S. EPA identification number. An eligible academic entity that is a ~~conditionally exempt~~very small quantity generator and does not have a U.S. EPA identification number shall notify that the eligible academic entity is electing to be subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code for all the laboratories owned by the eligible academic entity that are "on-site," as defined in rule 3745-50-10 of the Administrative Code. An eligible academic entity shall submit a separate notification (Ohio EPA form EPA 9029) for each U.S. EPA identification number (or site, for ~~conditionally exempt~~very small quantity generators) that is electing to be subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code, and shall submit the Ohio EPA form EPA 9029 before the eligible academic entity begins to operate under rules 3745-52-200 to 3745-52-216 of the Administrative Code.
- (B) When submitting the Ohio EPA form EPA 9029, the eligible academic entity shall, at a minimum, fill out the following fields on the form:
- (1) Reason for submittal.
 - (2) Site U.S. EPA identification number (except for ~~conditionally exempt~~very small quantity generators).
 - (3) Site name.
 - (4) Site location information.
 - (5) Site land type.
 - (6) "North American Industry Classification System" (NAICS) codes for the site.
 - (7) Site mailing address.
 - (8) Site contact person.
 - (9) Operator and legal owner of the site.
 - (10) Type of regulated waste activity.
 - (11) Certification.

- (C) An eligible academic entity shall keep a copy of the notification (Ohio EPA form EPA 9029) on file at the eligible academic entity for as long as the eligible academic entity's laboratories are subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code.
- (D) A teaching hospital that is not owned by a college or university shall keep a copy of the teaching hospital's formal written affiliation agreement with a college or university on file at the teaching hospital for as long as the teaching hospital's laboratories are subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code.
- (E) A non-profit research institute that is not owned by a college or university shall keep a copy of the non-profit research institute's formal written affiliation agreement with a college or university on file at the non-profit research institute for as long as the non-profit research institute's laboratories are subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

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3745-52-204

~~How an eligible academic entity indicates it will withdraw from the university lab rules~~
Withdrawal notification - university labs.

- (A) An eligible academic entity shall notify Ohio EPA in writing, using Ohio EPA form EPA 9029, that the eligible academic entity is electing to no longer be subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code for all the laboratories owned by the eligible academic entity under the same U.S. EPA identification number and that the eligible academic entity ~~will~~shall comply with ~~rule~~rules 3745-52-11 and ~~paragraph (C) of rule 3745-52-34~~3745-52-15 of the Administrative Code for small quantity generators and large quantity generators. An eligible academic entity that is a ~~conditionally exempt~~very small quantity generator and does not have a U.S. EPA identification number shall notify that the eligible academic entity is withdrawing from rules 3745-52-200 to 3745-52-216 of the Administrative Code for all the laboratories owned by the eligible academic entity that are "on-site" as defined in rule 3745-50-10 of the Administrative Code, and that the eligible academic entity ~~will~~shall comply with ~~the conditional exemption in paragraph (B) of rule 3745-51-05~~3745-52-14 of the Administrative Code. An eligible academic entity shall submit a separate notification (Ohio EPA form EPA 9029) for each U.S. EPA identification number (or site, for ~~conditionally exempt~~very small quantity generators) that is withdrawing from rules 3745-52-200 to 3745-52-216 of the Administrative Code and shall submit the Ohio EPA form EPA 9029 before the eligible academic entity begins to operate under ~~rule~~rules 3745-52-11 and ~~paragraph (C) of rule 3745-52-34~~3745-52-15 of the Administrative Code for small quantity generators and large quantity generators, or ~~paragraph (B) of rule 3745-51-05~~3745-52-14 of the Administrative Code for ~~conditionally exempt~~very small quantity generators.
- (B) When submitting the Ohio EPA form EPA 9029, the eligible academic entity shall, at a minimum, fill in the following fields on the form:
- (1) Reason for submittal.
 - (2) Site U.S. EPA identification number (except for ~~conditionally exempt~~very small quantity generators).
 - (3) Site name.
 - (4) Site location information.
 - (5) Site land type.
 - (6) "North American Industry Classification System" (NAICS) codes for the site.
 - (7) Site mailing address.

(8) Site contact person.

(9) Operator and legal owner of the site.

(10) Type of regulated waste activity.

(11) Certification.

(C) An eligible academic entity shall keep a copy of the withdrawal notice (Ohio EPA form EPA 9029) on file at the eligible academic entity for three years after the date of the notification.

[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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3745-52-205

Summary of the requirements of the university lab rules.

An eligible academic entity that chooses to be subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code is not required to have a permit by rule or a hazardous waste management "Part B" permit for the accumulation of unwanted material and hazardous waste in ~~its~~ laboratories owned by the eligible academic entity, provided the laboratories comply with ~~the provisions of~~ rules 3745-52-200 to 3745-52-216 of the Administrative Code and the eligible academic entity has a "Laboratory Management Plan" (LMP) in accordance with rule 3745-52-214 of the Administrative Code that describes how the laboratories owned by the eligible academic entity ~~will~~ shall comply with ~~the requirements of~~ rules 3745-52-200 to 3745-52-216 of the Administrative Code.

~~{Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."}~~

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3745-52-206

Labeling and management standards for containers of unwanted material in the laboratory.

An eligible academic entity shall manage containers of unwanted material while in the laboratory in accordance with this rule.

(A) Labeling. Label unwanted material as follows:

- (1) The following information shall be affixed or attached to the container:
 - (a) The words "unwanted material" or another equally effective term that is to be used consistently by the eligible academic entity and that is identified in "Part I" of the "Laboratory Management Plan"; and
 - (b) Sufficient information to alert emergency responders to the contents of the container. Examples of information that would be sufficient to alert emergency responders to the contents of the container include, but are not limited to:
 - (i) The name of the chemicals.
 - (ii) The type or class of chemical, such as organic solvents or halogenated organic solvents.
- (2) The following information may be affixed or attached to the container, but shall at a minimum be associated with the container:
 - (a) The date that the unwanted material first began accumulating in the container, and
 - (b) Information sufficient to allow a trained professional to properly identify whether an unwanted material is a waste or hazardous waste and to assign the proper EPA hazardous waste numbers; pursuant to rule 3745-52-11 of the Administrative Code. Examples of information that would allow a trained professional to properly identify whether an unwanted material is a waste or hazardous waste include, but are not limited to:
 - (i) The name or description of the chemical contents or composition of the unwanted material, or, if known, the product of the chemical reaction,
 - (ii) Whether the unwanted material has been used or is unused,
 - (iii) A description of the manner in which the chemical was produced or processed, if applicable.

(B) Management of containers in the laboratory. An eligible academic entity shall properly manage containers of unwanted material in the laboratory to assure safe storage of the unwanted material, to prevent leaks, spills, emissions to the air, adverse chemical reactions, and dangerous situations that may result in harm to human health or the environment. Proper container management shall include the following:

- (1) Containers are maintained and kept in good condition and damaged containers are replaced, overpacked, or repaired; and
- (2) Containers are compatible with ~~their~~the contents of the containers to avoid reactions between the contents and the container, and are made of, or lined with, material that is compatible with the unwanted material so that the container's integrity is not impaired; and
- (3) Containers shall be kept closed at all times, except:
 - (a) When adding, removing, or bulking unwanted material; or
 - (b) A working container may be open until the end of the procedure or work shift, or until ~~the working container~~ the working container is full, whichever comes first, at which time the working container either shall be closed or the contents shall be emptied into a separate container that is then closed; or
 - (c) When venting of a container is necessary:
 - (i) ~~For the~~The proper operation of laboratory equipment, such as with in-line collection of unwanted materials from high performance liquid chromatographs; or
 - (ii) To prevent dangerous situations, such as build-up of extreme pressure.

~~{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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Prior Effective Dates: 09/05/2010, 10/31/2015

3745-52-207

Training - university labs.

An eligible academic entity ~~must~~shall provide training to all individuals working in a laboratory at the eligible academic entity, as follows:

(A) Training for laboratory workers and students ~~must~~shall be commensurate with ~~their~~the duties of the laboratory workers and students so they~~the laboratory workers and students~~ understand ~~the requirements in rules 3745-52-200 to 3745-52-216 of the Administrative Code and can implement them~~these rules.

(B) An eligible academic entity may provide training for laboratory workers and students in a variety of ways, including; but not limited to any of the following:

(1) Instruction by the professor or laboratory manager before or during an experiment;
~~or.~~

(2) Formal classroom training;~~or.~~

(3) ~~Electronic/written~~Electronic or written training;~~or.~~

(4) On-the-job training;~~or.~~

(5) Written or oral exams.

(C) An eligible academic entity that is a large quantity generator ~~must~~shall maintain documentation for the durations specified in paragraph (E) of rule 3745-65-16 of the Administrative Code demonstrating training for all laboratory workers that is sufficient to determine whether laboratory workers have been trained. Examples of documentation demonstrating training may include, but are not limited to, the following:

(1) ~~Sign-in/attendance sheet(s)~~Sign-in or attendance sheets for training ~~session(s);~~
~~or~~sessions.

(2) Syllabus for training ~~session;~~ ~~or~~sessions.

(3) Certificate of training completion;~~or.~~

(4) Test results.

(D) A trained professional ~~must~~shall do both of the following:

(1) Accompany the transfer of unwanted material and hazardous waste when the unwanted material and hazardous waste is removed from the laboratory;~~and.~~

- (2) Make the hazardous waste determination, pursuant to paragraphs (A) to (D) of rule 3745-52-11 of the Administrative Code, for unwanted material.

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3745-52-208

Removing containers of unwanted material from the laboratory.

- (A) Removing containers of unwanted material on a regular schedule. An eligible academic entity ~~must~~shall do either of the following:
- (1) Remove all containers of unwanted material from each laboratory on a regular interval, not to exceed ~~six~~six ~~twelve~~ months; ~~or,~~
 - (2) Remove containers of unwanted material from each laboratory within ~~six~~six ~~twelve~~ months after each container's accumulation start date.
- (B) The eligible academic entity ~~must~~shall specify in "Part I" of ~~its~~the "Laboratory Management Plan" whether ~~it will~~the eligible academic entity shall comply with paragraph (A)(1) or (A)(2) of this rule for the regular removal of unwanted material from ~~its~~the eligible academic entity's laboratories.
- (C) The eligible academic entity ~~must~~shall specify in "Part II" of ~~its~~the "Laboratory Management Plan" how ~~it will~~the eligible academic entity shall comply with paragraph (A)(1) or (A)(2) of this rule and develop a schedule for regular removals of unwanted material from ~~its~~the eligible academic entity's laboratories.
- (D) Removing containers of unwanted material when volumes are exceeded.
- (1) If a laboratory accumulates a total volume of unwanted material (including reactive acutely hazardous unwanted material) in excess of fifty-five gallons before the regularly scheduled removal, the eligible academic entity ~~must~~shall ensure that all containers of unwanted material in the laboratory (including reactive acutely hazardous unwanted material) are both:
 - (a) Marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date that fifty-five gallons is exceeded; ~~and,~~
 - (b) Removed from the laboratory within ten calendar days after the date that fifty-five gallons was exceeded, or at the next regularly scheduled removal, whichever comes first.
 - (2) If a laboratory accumulates more than one quart of liquid reactive acutely hazardous unwanted material or more than one kilogram (2.2 pounds) of solid reactive acutely hazardous unwanted material before the regularly scheduled removal, then the eligible academic entity ~~must~~shall ensure that all containers of reactive acutely hazardous unwanted material are both:

- (a) Marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date that one quart or one kilogram is exceeded; ~~and~~.
- (b) Removed from the laboratory within ten calendar days after the date that one quart or one kilogram was exceeded, or at the next regularly scheduled removal, whichever comes first.

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3745-52-209

Where and when to make the hazardous waste determination and where to send containers of unwanted material upon removal from the laboratory.

- (A) Large quantity generators and small quantity generators. An eligible academic entity shall ensure that a trained professional makes a hazardous waste determination, pursuant to rule 3745-52-11 of the Administrative Code, for unwanted material in any of the following areas:
- (1) In the laboratory before the unwanted material is removed from the laboratory, in accordance with rule 3745-52-210 of the Administrative Code.
 - (2) Within four calendar days after the unwanted material arrives at an on-site central accumulation area, in accordance with rule 3745-52-211 of the Administrative Code.
 - (3) Within four calendar days after the unwanted material arrives at an on-site interim or permitted treatment, storage, or disposal facility, in accordance with rule 3745-52-212 of the Administrative Code.
- (B) ~~Conditionally exempt~~ Very small quantity generators. An eligible academic entity shall ensure that a trained professional makes a hazardous waste determination, pursuant to paragraphs (A) to (D) of rule 3745-52-11 of the Administrative Code, for unwanted material in the laboratory before the unwanted material is removed from the laboratory, in accordance with rule 3745-52-210 of the Administrative Code.

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3745-52-210

Making the hazardous waste determination in the laboratory before the unwanted material is removed from the laboratory.

If an eligible academic entity makes the hazardous waste determination pursuant to rule 3745-52-11 of the Administrative Code, for unwanted material in the laboratory, the eligible academic entity shall comply with the following:

- (A) A trained professional shall make the hazardous waste determination, pursuant to paragraphs (A) to (D) of rule 3745-52-11 of the Administrative Code, before the unwanted material is removed from the laboratory.
- (B) If an unwanted material is a hazardous waste, the eligible academic entity shall do the following:
- (1) Write the words "hazardous waste" on the container label that is affixed or attached to the container before the hazardous waste may be removed from the laboratory.
 - (2) Write the appropriate EPA hazardous waste numbers on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste is transported off-site.
 - (3) Count the hazardous waste toward the eligible academic entity's generator statuscategory, pursuant to ~~paragraphs (C) and (D) of rule 3745-51-05~~3745-52-13 of the Administrative Code, in the calendar month that the hazardous waste determination was made.
- (C) A trained professional shall accompany all hazardous waste that is transferred from the laboratories to an on-site central accumulation area or on-site interim or permitted treatment, storage, or disposal facility.
- (D) When hazardous waste is removed from the laboratory:
- (1) Large quantity generators and small quantity generators shall ensure ~~it~~the hazardous waste is taken directly from the laboratories to an on-site central accumulation area, or on-site interim or permitted treatment, storage, or disposal facility, or transported off-site.
 - (2) ~~Conditionally exempt~~Very small quantity generators shall ensure ~~it~~the hazardous waste is taken directly from the laboratories to any of the types of facilities listed in ~~paragraph (F)(3) of rule 3745-51-05~~3745-52-14 of the Administrative Code ~~for acute hazardous waste, or in paragraph (G)(3) of rule 3745-51-05 of the Administrative Code for hazardous waste.~~

(E) An unwanted material that is a hazardous waste is subject to all applicable hazardous waste rules when the unwanted material is removed from the laboratory.

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3745-52-211 **Making the hazardous waste determination at an on-site central accumulation area.**

If an eligible academic entity makes the hazardous waste determination, pursuant to rule 3745-52-11 of the Administrative Code, for unwanted material at an on-site central accumulation area, the eligible academic entity shall comply with the following:

- (A) A trained professional shall accompany all unwanted material that is transferred from the laboratories to an on-site central accumulation area.
- (B) All unwanted material removed from the laboratories shall be taken directly from the laboratories to the on-site central accumulation area.
- (C) The unwanted material becomes subject to the generator accumulation requirements of ~~paragraph (A) of rule 3745-52-34~~rule 3745-52-16 of the Administrative Code for ~~large~~small quantity generators, or ~~paragraphs (D) to (F) of rule 3745-52-34~~rule 3745-52-17 of the Administrative Code for ~~small~~large quantity generators, as soon as the unwanted material arrives in the central accumulation area, except for the "hazardous waste" labeling ~~requirements~~conditions of paragraph ~~(A) (3)(B)(6)~~ of rule ~~3745-52-34~~3745-52-16 and paragraph (A)(5) of rule 3745-52-17 of the Administrative Code.
- (D) A trained professional shall determine, pursuant to paragraphs (A) to (D) of rule 3745-52-11 of the Administrative Code, if the unwanted material is a hazardous waste within four calendar days after the unwanted material arrives at the on-site central accumulation area.
- (E) If the unwanted material is a hazardous waste, the eligible academic entity shall do the following:
 - (1) Write the words "hazardous waste" on the container label that is affixed or attached to the container, within four calendar days after the container arrives at the on-site central accumulation area and before the hazardous waste may be removed from the on-site central accumulation area.
 - (2) Write the appropriate EPA hazardous waste numbers on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste may be treated or disposed of on-site or transported off-site.
 - (3) Count the hazardous waste toward the eligible academic entity's generator status~~category~~, pursuant to ~~paragraphs (C) and (D) of rule 3745-51-05~~rule 3745-52-13 of the Administrative Code in the calendar month that the hazardous waste determination was made.

(4) Manage the hazardous waste according to all applicable hazardous waste rules.

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3745-52-212

Making the hazardous waste determination at an on-site interim or permitted treatment, storage, or disposal facility.

If an eligible academic entity makes the hazardous waste determination pursuant to rule 3745-52-11 of the Administrative Code, for unwanted material at an on-site interim or permitted treatment, storage, or disposal facility, that eligible academic entity shall comply with the following:

- (A) A trained professional shall accompany all unwanted material that is transferred from the laboratories to an on-site interim or permitted treatment, storage, or disposal facility.
- (B) All unwanted material removed from the laboratories shall be taken directly from the laboratories to the on-site interim or permitted treatment, storage, or disposal facility.
- (C) The unwanted material becomes subject to the terms of the eligible academic entity's hazardous waste permit or interim as soon as the unwanted material arrives in the on-site treatment, storage or disposal facility.
- (D) A trained professional shall determine, pursuant to paragraphs (A) to (D) of rule 3745-52-11 of the Administrative Code, if the unwanted material is a hazardous waste within four calendar days after the unwanted material arrives at an on-site interim or permitted treatment, storage, or disposal facility.
- (E) If the unwanted material is a hazardous waste, the eligible academic entity shall do all of the following:
 - (1) Write the words "hazardous waste" on the container label that is affixed or attached to the container within four calendar days after arriving at the on-site interim or permitted treatment, storage, or disposal facility and before the hazardous waste may be removed from the on-site interim or permitted treatment, storage, or disposal facility.
 - (2) Write the appropriate EPA hazardous waste numbers on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste may be treated or disposed on-site or transported off-site.
 - (3) Count the hazardous waste toward the eligible academic entity's generator statuscategory, pursuant to ~~paragraphs (C) and (D) of rule 3745-51-05~~3745-52-13 of the Administrative Code in the calendar month that the hazardous waste determination was made.
 - (4) Manage the hazardous waste according to all applicable hazardous waste rules.

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3745-52-213

Laboratory clean-outs.

(A) One time per twelve-month period for each laboratory, an eligible academic entity may opt to conduct a laboratory clean-out that is subject to all the applicable requirements of rules 3745-52-200 to 3745-52-216 of the Administrative Code, except that:

- (1) If the volume of unwanted material in the laboratory exceeds fifty-five gallons (or one quart of liquid reactive acutely hazardous unwanted material or one kilogram of solid reactive acutely hazardous unwanted material), the eligible academic entity is not required to remove all unwanted materials from the laboratory within ten calendar days after exceeding fifty-five gallons (or one quart of liquid reactive acutely hazardous unwanted material or one kilogram of solid reactive acutely hazardous unwanted material), as required by rule 3745-52-208 of the Administrative Code. Instead, the eligible academic entity ~~must~~shall remove all unwanted materials from the laboratory within thirty calendar days ~~from~~after the start of the laboratory clean-out; ~~and~~.
- (2) For the purposes of on-site accumulation, an eligible academic entity is not required to count a hazardous waste that is an unused commercial chemical product (listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code or exhibiting one or more characteristics identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code) generated solely during the laboratory clean-out toward ~~its~~the eligible academic entity's hazardous waste generator ~~status~~category, pursuant to ~~paragraphs (C) and (D) of rule 3745-51-05~~rule 3745-52-13 of the Administrative Code. An unwanted material that is generated prior to the beginning of the laboratory clean-out and is still in the laboratory at the time the laboratory clean-out commences ~~must~~shall be counted toward hazardous waste generator ~~status~~category, pursuant to ~~paragraphs (C) and (D) of rule 3745-51-05~~rule 3745-52-13 of the Administrative Code, if ~~it~~the unwanted material is determined to be hazardous waste; ~~and~~.
- (3) For the purposes of off-site management, an eligible academic entity ~~must~~shall count all ~~its~~the eligible academic entity's hazardous waste, regardless of whether the hazardous waste was counted toward generator ~~status~~category under paragraph (A)(2) of this rule, and if ~~it~~the eligible academic entity generates more than one kilogram per month of acute hazardous waste or more than one hundred kilograms per month of non-acute hazardous waste (i.e., the ~~conditionally exempt~~very small quantity generator limits of ~~rule 3745-51-05~~as defined in rule 3745-50-10 of the Administrative Code), the hazardous waste is subject to all applicable hazardous waste rules when ~~it~~the hazardous waste is transported off-site; ~~and~~.
- (4) An eligible academic entity ~~must~~shall document the activities of the laboratory clean-out. The documentation ~~must~~, at a minimum, shall identify the laboratory

being cleaned out, the date the laboratory clean-out begins and ends, and the volume of hazardous waste generated during the laboratory clean-out. The eligible academic entity ~~must~~shall maintain the records for a period of three years ~~from~~after the date the clean-out ends;~~and.~~

(B) For all other laboratory clean-outs conducted during the same twelve-month period, an eligible academic entity is subject to all the applicable requirements of rules 3745-52-200 to 3745-52-216 of the Administrative Code, including, but not limited to the following:

- (1) The requirement to remove all unwanted materials from the laboratory within ten calendar days after exceeding fifty-five gallons (or one quart of reactive acutely hazardous unwanted material), as required by rule 3745-52-208 of the Administrative Code;~~and.~~
- (2) The requirement to count all hazardous waste, including unused hazardous waste, generated during the laboratory clean-out toward ~~its~~the eligible academic entity's hazardous waste generator ~~status~~category, pursuant to ~~paragraphs (C) and (D) of rule 3745-51-05~~rule 3745-52-13 of the Administrative Code.

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3745-52-214

Laboratory management plan.

An eligible academic entity shall develop and retain a written "Laboratory Management Plan" (LMP), or revise an existing written plan. The LMP is a site-specific document that describes how the eligible academic entity ~~will~~shall manage unwanted materials in compliance with rules 3745-52-200 to 3745-52-216 of the Administrative Code. An eligible academic entity may write one LMP for all the laboratories owned by the eligible academic entity that have opted to use rules 3745-52-200 to 3745-52-216 of the Administrative Code, even if the laboratories are located at sites with different U.S. EPA identification numbers. The LMP shall contain two parts with a total of nine elements identified in paragraphs (A) and (B) of this rule. "Part I" of the LMP shall describe procedures for each of the elements listed in paragraph (A) of this rule. An eligible academic entity shall implement and comply with the specific provisions developed to address the elements in "Part I" of the LMP. "Part II" of the LMP shall describe best management practices for each of the elements listed in paragraph (B) of this rule. The specific actions taken by an eligible academic entity to implement each element in "Part II" of the LMP may vary from the procedures described in the LMP without constituting a violation of rules 3745-52-200 to 3745-52-216 of the Administrative Code. "Part II" of the LMP may include additional elements and best management practices.

(A) The eligible academic entity shall implement and comply with the following specific provisions of "Part I" of the LMP. "Part I" of the LMP shall be done by the eligible academic entity:

(1) Describe procedures for container labeling in accordance with paragraph (A) of rule 3745-52-206 of the Administrative Code, as follows:

(a) Identifying whether the eligible academic entity ~~will~~shall use the term "unwanted material" on the containers in the laboratory. If not, identify an equally effective term that ~~will~~shall be used in lieu of "unwanted material" and consistently by the eligible academic entity. The equally effective term, if used, has the same meaning and is subject to the same requirements as "unwanted material."

(b) Identifying the manner in which information that is "associated with the container" ~~will~~shall be imparted.

(2) Identify whether the eligible academic entity ~~will~~shall comply with paragraph (A)(1) or (A)(2) of rule 3745-52-208 of the Administrative Code for regularly scheduled removals of unwanted material from the laboratory.

(B) "Part II" of the LMP shall be done by an eligible academic entity:

- (1) Describe the intended best practices for container labeling and management (see the required standards in rule 3745-52-206 of the Administrative Code).
- (2) Describe the intended best practices for providing training for laboratory workers and students commensurate with the duties of the laboratory workers and students [see the required standards in paragraph (A) of rule 3745-52-207 of the Administrative Code].
- (3) Describe the intended best practices for providing training to ensure safe on-site transfers of unwanted material and hazardous waste by trained professionals [see the required standards in paragraph (D)(1) of rule 3745-52-207 of the Administrative Code].
- (4) Describe the intended best practices for removing unwanted material from the laboratory, including:
 - (a) For regularly scheduled removals. Develop a regular schedule for identifying and removing unwanted materials from the laboratories [see the required standards in paragraphs (A)(1) and (A)(2) of rule 3745-52-208 of the Administrative Code].
 - (b) For removals when maximum volumes are exceeded:
 - (i) Describe the intended best practices for removing unwanted materials from the laboratory within ten calendar days ~~when~~after maximum volumes of unwanted materials have been exceeded [see the required standards in paragraph (D) of rule 3745-52-208 of the Administrative Code].
 - (ii) Describe the intended best practices for communicating that maximum volumes of unwanted materials have been exceeded.
- (5) Describe the intended best practices for making hazardous waste determinations, including specifying the duties of the individuals involved in the process (see the required standards in ~~rules~~paragraphs (A) to (D) of rule 3745-52-11 and rules 3745-52-209 to 3745-52-212 of the Administrative Code).
- (6) Describe the intended best practices for laboratory clean-outs, if the eligible academic entity plans to use the incentives for laboratory clean-outs provided in rule 3745-52-213 of the Administrative Code, including both:
 - (a) Procedures for conducting laboratory clean-outs [see the required standards in paragraphs (A)(1) to (A)(3) of rule 3745-52-213 of the Administrative Code].

- (b) Procedures for documenting laboratory clean-outs [see the required standards in paragraph (A)(4) of rule 3745-52-213 of the Administrative Code].
- (7) Describe the intended best practices for emergency prevention, including all of the following:
- (a) Procedures for emergency prevention, notification, and response, appropriate to the hazards in the laboratory.
 - (b) A list of chemicals that the eligible academic entity has, or is likely to have, that become more dangerous when the expiration date of those chemicals is exceeded or as those chemicals degrade.
 - (c) Procedures to safely dispose of chemicals that become more dangerous when the expiration date of those chemicals is exceeded or as those chemicals degrade.
 - (d) Procedures for the timely characterization of unknown chemicals.
- (C) An eligible academic entity shall make the LMP available to laboratory workers, students, or any others at the eligible academic entity who request it.
- (D) An eligible academic entity shall review and revise the LMP as needed.

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3745-52-215

Unwanted material that is not waste or hazardous waste.

- (A) If an unwanted material does not meet the definition of "waste" in rule 3745-51-02 of the Administrative Code, the unwanted material is no longer subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code or to the hazardous waste rules.
- (B) If an unwanted material does not meet the definition of "hazardous waste" in rule 3745-51-03 of the Administrative Code, the unwanted material is no longer subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code or to the hazardous waste rules, but shall be managed in compliance with any other applicable rules or conditions.

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3745-52-216

Non-laboratory hazardous waste generated at an eligible academic entity.

An eligible academic entity that generates hazardous waste outside of a laboratory is not eligible to manage that hazardous waste ~~under~~ in accordance with rules 3745-52-200 to 3745-52-216 of the Administrative Code, ~~and~~ one of the following applies:

- (A) ~~Remains~~ Such eligible academic entity remains subject to the generator requirements of ~~rule~~ rules 3745-52-11 and ~~paragraph (C) of rule 3745-52-34~~ 3745-52-15 of the Administrative Code for large quantity generators and small quantity generators (if the hazardous waste is managed in a satellite accumulation area), and all other applicable generator requirements of Chapter 3745-52 of the Administrative Code with respect to that hazardous waste; ~~or.~~
- (B) ~~Remains~~ Such eligible academic entity remains subject to the conditional exemption of ~~paragraph (B) of rule 3745-51-05~~ 3745-52-14 of the Administrative Code for ~~conditionally exempt~~ very small quantity generators, with respect to that hazardous waste.

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3745-52-230

Applicability - alternative standards for episodic generation.

Rules 3745-52-230 to 3745-52-233 of the Administrative Code are applicable to "very small quantity generators" and "small quantity generators" as defined in rule 3745-50-10 of the Administrative Code.

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3745-52-231**Definitions - alternative standards for episodic generation.**

- (A) "Episodic event" means an activity or activities, either planned or unplanned, that does not normally occur during generator operations, resulting in an increase in the generation of hazardous wastes that exceeds the calendar month quantity limits for the generator's usual category.
- (B) "Planned episodic event" means an episodic event that the generator planned and prepared for, including regular maintenance, tank cleanouts, short-term projects, and removal of excess chemical inventory.
- (C) "Unplanned episodic event" means an episodic event that the generator did not plan or reasonably did not expect to occur, including production process upsets, product recalls, accidental spills, or "acts of nature," such as tornado, hurricane, or flood.

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3745-52-232**Conditions for generators that manage hazardous waste from an episodic event.**

(A) Very small quantity generator. A very small quantity generator may maintain the generator's existing generator category for hazardous waste generated during an episodic event provided that the generator complies with all of the following conditions:

(1) The very small quantity generator is limited to one episodic event per calendar year, unless a petition is granted under rule 3745-52-233 of the Administrative Code.

(2) Notification. The very small quantity generator shall notify Ohio EPA no later than thirty calendar days prior to initiating a planned episodic event using Ohio EPA form 9029. In the event of an unplanned episodic event, the generator shall notify Ohio EPA within seventy-two hours after the unplanned event via telephone, email, or fax and subsequently submit Ohio EPA form 9029. The generator shall include the start date and end date of the episodic event, the reason for the event, and types and estimated quantities of hazardous waste expected to be generated as a result of the episodic event, and shall identify a facility contact and emergency coordinator with twenty-four-hour telephone access to discuss the notification submittal or respond to an emergency in compliance with paragraph (B)(9)(a) of rule 3745-52-16 of the Administrative Code.

(3) U.S. EPA identification number. The very small quantity generator shall have a U.S. EPA identification number or obtain a U.S. EPA identification number using Ohio EPA form 9029.

(4) Accumulation. A very small quantity generator is prohibited from accumulating hazardous waste generated from an episodic event on drip pads and in containment buildings. When accumulating hazardous waste in containers and tanks, all of the following conditions apply:

(a) Containers. A very small quantity generator accumulating in containers shall mark or label the containers with the following:

(i) The words "Episodic Hazardous Waste."

(ii) An indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the department of transportation requirements at 49 C.F.R. Part 172 subpart E (labeling) or subpart F (placarding);

a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at 29 C.F.R. 1910.1200; or a chemical hazard label consistent with the national fire protection association code 704].

(iii) The date upon which the episodic event began, clearly visible for inspection on each container.

(b) Tanks. A very small quantity generator accumulating episodic hazardous waste in tanks shall do all of the following:

(i) Mark or label the tank with the words "Episodic Hazardous Waste."

(ii) Mark or label the tanks with an indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the department of transportation requirements at 49 C.F.R. Part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at 29 C.F.R. 1910.1200; or a chemical hazard label consistent with the national fire protection association code 704].

(iii) Use inventory logs, monitoring equipment or other records to identify the date upon which each episodic event begins.

(iv) Keep on-site and readily available for inspections the inventory logs or records with the information required in paragraph (A)(4)(b) of this rule.

(c) Hazardous waste shall be managed in a manner that minimizes the possibility of a fire, explosion, or release of hazardous waste or hazardous waste constituents to the air, soil, or water, including the following:

(i) Containers shall be in good condition and compatible with the hazardous waste being accumulated therein. Containers shall be kept closed except to add or remove waste.

(ii) Tanks shall be in good condition and compatible with the hazardous waste accumulated therein. Tanks shall have procedures in place to prevent the overflow (e.g., be equipped with a means to stop inflow with systems such as a waste feed cutoff system or bypass system to a standby tank when hazardous waste is continuously

fed into the tank). Tanks shall be inspected at least once each operating day to ensure all applicable discharge control equipment, such as waste feed cutoff systems, bypass systems, and drainage systems are in good working order and to ensure the tank is operated according to the tank's design by reviewing the data gathered from monitoring equipment such as pressure and temperature gauges from the inspection.

- (5) The very small quantity generator shall comply with the hazardous waste manifest rules 3745-52-20 to 3745-52-27 of the Administrative Code when the very small quantity generator sends the very small quantity generator's episodic event hazardous waste off-site to a "designated facility," as defined in rule 3745-50-10 of the Administrative Code.
- (6) The very small quantity generator has up to sixty calendar days from the start of the episodic event to manifest and send the very small quantity generator's hazardous waste generated from the episodic event to a "designated facility," as defined in rule 3745-50-10 of the Administrative Code.
- (7) Very small quantity generators shall maintain all of the following records for three years after the end date of the episodic event:
- (a) Beginning and end dates of the episodic event.
 - (b) A description of the episodic event.
 - (c) A description of the types and quantities of hazardous wastes generated during the event.
 - (d) A description of how the hazardous waste was managed as well as the name of the RCRA-designated facility that received the hazardous waste.
 - (e) Names of hazardous waste transporters.
 - (f) An approval letter from Ohio EPA if the generator petitioned to conduct one additional episodic event per calendar year.
- (B) Small quantity generators. A small quantity generator may maintain the small quantity generator's existing generator category during an episodic event provided that the small quantity generator complies with the following conditions:
- (1) The small quantity generator is limited to one episodic event per calendar year unless a petition is granted under rule 3745-52-233 of the Administrative Code.

- (2) Notification. The small quantity generator shall notify Ohio EPA no later than thirty calendar days prior to initiating a planned episodic event using Ohio EPA form 9029. In the event of an unplanned episodic event, the small quantity generator shall notify Ohio EPA within seventy-two hours after the unplanned event via telephone, email, or fax, and subsequently submit Ohio EPA form 9029. The small quantity generator shall include the start date and end date of the episodic event, the reason for the event, types and estimated quantities of hazardous wastes expected to be generated as a result of the episodic event, and identify a facility contact and emergency coordinator with twenty-four-hour telephone access to discuss the notification submittal or respond to emergency.
- (3) U.S. EPA identification number. The small quantity generator shall have a U.S. EPA identification number or obtain a U.S. EPA identification number using Ohio EPA form 9029.
- (4) Accumulation by small quantity generators. A small quantity generator is prohibited from accumulating hazardous wastes generated from an episodic event waste on drip pads and in containment buildings. When accumulating hazardous waste generated from an episodic event in containers and tanks, the following conditions apply:
- (a) Containers. A small quantity generator accumulating episodic hazardous waste in containers shall meet the standards in paragraph (B)(2) of rule 3745-52-16 of the Administrative Code and shall mark or label the small quantity generator's containers with all of the following:
- (i) The words "Episodic Hazardous Waste."
- (ii) An indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the department of transportation requirements at 49 C.F.R. Part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at 29 C.F.R. 1910.1200; or a chemical hazard label consistent with the national fire protection association code 704].
- (iii) The date upon which the episodic event began, clearly visible for inspection on each container.

- (b) Tanks. A small quantity generator accumulating episodic hazardous waste in tanks shall meet the standards in paragraph (B)(3) of rule 3745-52-16 of the Administrative Code and shall do all of the following:
- (i) Mark or label the tank with the words "Episodic Hazardous Waste."
 - (ii) Mark or label the tanks with an indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the department of transportation requirements at 49 C.F.R. Part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at 29 C.F.R. 1910.1200; or a chemical hazard label consistent with the national fire protection association code 704].
 - (iii) Use inventory logs, monitoring equipment, or other records to identify the date upon which each period of accumulation begins and ends.
 - (iv) Keep on-site and readily available for inspections the inventory logs or records with the information required in paragraph (B)(4)(b) of this rule.
- (5) The small quantity generator shall treat hazardous waste generated from an episodic event on-site or manifest and ship such hazardous waste off-site to a "designated facility," as defined in rule 3745-50-10 of the Administrative Code, within sixty calendar days after the start of the episodic event.
- (6) The small quantity generator shall maintain all of the following records for three years after the end date of the episodic event:
- (a) Beginning and end dates of the episodic event.
 - (b) A description of the episodic event.
 - (c) A description of the types and quantities of hazardous wastes generated during the event.
 - (d) A description of how the hazardous waste was managed as well as the name of the "designated facility," as defined by rule 3745-50-10 of the Administrative Code, that received the hazardous waste.

(e) Names of hazardous waste transporters.

(f) An approval letter from Ohio EPA if the generator petitioned to conduct one additional episodic event per calendar year.

[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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3745-52-233

Petition to manage one additional episodic event per calendar year.

(A) A generator may petition the director for a second episodic event in a calendar year without impacting the generator's generator category under the following conditions:

(1) If a very small quantity generator or small quantity generator has already held a planned episodic event in a calendar year, the generator may petition Ohio EPA for an additional unplanned episodic event in that calendar year within seventy-two hours after the unplanned event.

(2) If a very small quantity generator or small quantity generator has already held an unplanned episodic event in a calendar year, the generator may petition Ohio EPA for an additional planned episodic event in that calendar year.

(B) The petition shall include all of the following:

(1) The reasons why an additional episodic event is needed and the nature of the episodic event.

(2) The estimated amount of hazardous waste to be managed from the event.

(3) How the hazardous waste is to be managed.

(4) The estimated length of time needed to complete management of the hazardous waste generated from the episodic event, not to exceed sixty days.

(5) Information regarding the previous episodic event managed by the generator, including the nature of the event, whether the episodic event was a planned or unplanned event, and how the generator complied with the conditions.

(C) The petition shall be made to the director in writing, either on paper or electronically.

(D) The generator shall retain written approval in the generator's records for three years after the date the episodic event ended.

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3745-52-250

Applicability - preparedness, prevention, and emergency procedures for large quantity generators.

Rules 3745-52-250 to 3745-52-265 of the Administrative Code apply to those areas of a large quantity generator where hazardous waste is generated or accumulated on-site.

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3745-52-251

Maintenance and operation of facility - preparedness, prevention, and emergency procedures for large quantity generators.

A large quantity generator shall maintain and operate the large quantity generator's facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

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3745-52-252**Required equipment - preparedness, prevention, and emergency procedures for large quantity generators.**

All areas deemed applicable by rule 3745-52-250 of the Administrative Code shall be equipped with the following items in paragraphs (A) to (D) of this rule [unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified in paragraphs (A) to (D) of this rule or the actual hazardous waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified in paragraphs (A) to (D) of this rule]. A large quantity generator may determine the most appropriate locations within the large quantity generator's facility to locate equipment necessary to prepare for and respond to emergencies:

- (A) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel.
- (B) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams.
- (C) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment.
- (D) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

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3745-52-253

Testing and maintenance of equipment - preparedness, prevention, and emergency procedures for large quantity generators.

All communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, shall be tested and maintained as necessary to assure proper operation in time of emergency.

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3745-52-254

Access to communications or alarm system - preparedness, prevention, and emergency procedures for large quantity generators.

(A) When hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation shall have immediate access (e.g., direct or unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required by rule 3745-52-252 of the Administrative Code.

(B) In the event there is just one employee on the premises while the facility is operating, the employee shall have immediate access (e.g., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required by rule 3745-52-252 of the Administrative Code.

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3745-52-255

Required aisle space - preparedness, prevention, and emergency procedures for large quantity generators.

The large quantity generator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

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3745-52-256**Arrangements with local authorities - preparedness, prevention, and emergency procedures for large quantity generators.**

- (A) The large quantity generator shall attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the local emergency planning committee, if this organization is determined to be the appropriate organization with which to make arrangements.
- (1) A large quantity generator attempting to make arrangements with the local fire department shall determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals.
- (2) As part of this coordination, the large quantity generator shall attempt to make arrangements, as necessary, to familiarize these organizations with the layout of the facility, the properties of the hazardous waste handled at the facility and associated hazards, places where personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes, as well as the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.
- (3) Where more than one police department or fire department might respond to an emergency, the large quantity generator shall attempt to make arrangements designating primary emergency authority to a specific fire department or police department, and arrangements with any others to provide support to the primary emergency authority.
- (B) The large quantity generator shall maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation shall include documentation in the operating record that either confirms such arrangements actively exist or, in cases where no arrangements exist, confirms that attempts to make such arrangements were made.
- (C) A facility possessing twenty-four-hour response capabilities may seek a waiver from the authority having jurisdiction over the fire code within the facility's state or locality as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided that the waiver is documented in the operating record.

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3745-52-260

Purpose and implementation of contingency plan - preparedness, prevention, and emergency procedures for large quantity generators.

(A) A large quantity generator shall have a contingency plan for the facility. The contingency plan shall be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

(B) The provisions of the contingency plan shall be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

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3745-52-261**Content of contingency plan - preparedness, prevention, and emergency procedures for large quantity generators.**

- (A) The contingency plan shall describe the actions facility personnel shall take to comply with rules 3745-52-260 and 3745-52-265 of the Administrative Code in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.
- (B) If the generator has already prepared a "Spill Prevention, Control, and Countermeasures Plan" in accordance with 40 C.F.R. Part 112, or some other emergency or contingency plan, the generator need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the standards of Chapter 3745-52 of the Administrative Code. The generator may develop one contingency plan that meets all regulatory standards. Ohio EPA recommends that the plan be based on the "National Response Team's Integrated Contingency Plan Guidance" ("One Plan").
- (C) The contingency plan shall describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals or, if applicable, the local emergency planning committee, pursuant to rule 3745-52-256 of the Administrative Code.
- (D) The contingency plan shall list names and emergency telephone numbers of all persons qualified to act as emergency coordinator (see rule 3745-52-264 of the Administrative Code) and this list shall be kept up to date. Where more than one person is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which the emergency coordinators shall assume responsibility as alternates. In situations where the generator facility has an emergency coordinator continuously on duty because the facility operates twenty-four hours per day, every day of the year, the plan may list the staffed position (e.g., operations manager, shift coordinator, shift operations supervisor) as well as an emergency telephone number that can be guaranteed to be answered at all times.
- (E) The contingency plan shall include a list of all emergency equipment at the facility [such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment], where this equipment is required. This list shall be kept up to date. In addition, the contingency plan shall include the location and a physical description of each item on the list, and a brief outline of the capabilities.
- (F) The contingency plan shall include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary. This evacuation plan shall describe signals to be used to begin evacuation, evacuation routes, and alternate

evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

[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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3745-52-262

Copies of contingency plan - preparedness, prevention, and emergency procedures for large quantity generators.

A copy of the contingency plan and all revisions to the contingency plan shall be maintained at the large quantity generator. Additional requirements include the following:

(A) The large quantity generator shall submit a copy of the contingency plan and all revisions to all local emergency responders (i.e., police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services). This document may also be submitted to the local emergency planning committee, as appropriate.

(B) A large quantity generator that first becomes subject to these provisions after the first effective date of this rule or a large quantity generator that is otherwise amending the generator's contingency plan shall at that time submit a quick reference guide of the contingency plan to the local emergency responders identified at paragraph (A) of this rule or, as appropriate, the local emergency planning committee. The quick reference guide shall include all of the following elements:

(1) The types or names of hazardous wastes in layman's terms and the associated hazard associated with each hazardous waste present at any one time (e.g., toxic paint wastes, spent ignitable solvent, corrosive acid).

(2) The estimated maximum amount of each hazardous waste that may be present at any one time.

(3) The identification of any hazardous wastes where exposure would require unique or special treatment by medical or hospital staff.

(4) A map of the facility showing where hazardous wastes are generated, accumulated, and treated and routes for accessing these wastes.

(5) A street map of the facility in relation to surrounding businesses, schools, and residential areas to understand how best to get to the facility and how best to evacuate citizens and workers.

(6) The locations of water supply (e.g., fire hydrant and the flow rate).

(7) The identification of on-site notification systems (e.g., a fire alarm that rings off-site, smoke alarms).

(8) The name of the emergency coordinator and seven days a week, twenty-four-hour emergency telephone number or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator.

(C) If necessary, generators shall update the quick reference guides, when the contingency plan is amended, and shall submit these documents to the local emergency responders identified in paragraph (A) of this rule or, as appropriate, to the local emergency planning committee.

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3745-52-263

Amendment of contingency plan - preparedness, prevention, and emergency procedures for large quantity generators.

The contingency plan shall be reviewed, and immediately amended if necessary, when any of the following occur:

- (A) Applicable regulations are revised.
- (B) The contingency plan fails in an emergency.
- (C) The generator facility changes - in the generator facility's design, construction, operation, maintenance, or other circumstances - in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency.
- (D) The list of emergency coordinators changes.
- (E) The list of emergency equipment changes.

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3745-52-264**Emergency coordinator - preparedness, prevention, and emergency procedures for large quantity generators.**

At all times, there shall be at least one employee either on the generator's premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility to coordinate all emergency response measures and implement the necessary emergency procedures outlined in rule 3745-52-265 of the Administrative Code. Although responsibilities may vary depending on factors such as type and variety of hazardous waste handled by the generator, as well as type and complexity of the facility, this emergency coordinator shall be thoroughly familiar with all aspects of the generator's contingency plan, all operations and activities at the facility, the location and characteristics of hazardous waste handled, the location of all records within the facility, and the facility's layout. In addition, this person shall have the authority to commit the resources needed to carry out the contingency plan.

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3745-52-265

Emergency procedures - preparedness, prevention, and emergency procedures for large quantity generators.

- (A) When there is an imminent or actual emergency situation, the emergency coordinator (or the emergency coordinator's designee when the emergency coordinator is on call) shall immediately ~~do the following~~:
- (1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and
 - (2) Notify appropriate state or local agencies with designated response roles if help is needed.
- (B) When there is a release, fire, or explosion, the emergency coordinator shall immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or by review of the generator's records or manifests and, if necessary, by chemical analysis.
- (C) Concurrently, the emergency coordinator shall assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment shall consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions).
- (D) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment outside the facility, the emergency coordinator shall report ~~all of the findings~~ as follows:
- (1) If the assessment indicates that evacuation of local areas may be advisable, the emergency coordinator shall immediately notify appropriate local authorities. The emergency coordinator shall be available to help appropriate officials decide whether local areas should be evacuated; and
 - (2) The emergency coordinator shall immediately notify either the government official designated as the on-scene coordinator for that geographical area, or the Ohio EPA spill hotline at 800/282-9378. The report shall include ~~all of the following~~:
 - (a) Name and telephone number of the person making the report;:
 - (b) Name and address of the generator;:
 - (c) Time and type of incident (e.g., release, fire);:

- (d) Name and quantity of ~~material~~materials involved, to the extent known;
 - (e) The extent of injuries, if any; and
 - (f) The possible hazards to human health or the environment outside the facility.
- (E) During an emergency, the emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the generator's facility. These measures shall include, where applicable, stopping processes and operations, collecting and containing released hazardous waste, and removing or isolating containers.
- (F) If the generator stops operations in response to a fire, explosion, or release, the emergency coordinator shall monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.
- (G) Immediately after an emergency, the emergency coordinator shall provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility. Unless the generator can demonstrate, in accordance with ~~paragraphs~~paragraph (C) or (D) of rule 3745-51-03 of the Administrative Code, that the recovered material is not a hazardous waste, the recovered material is a newly generated hazardous waste that shall be managed in accordance with the applicable requirements and conditions for exemption in Chapters 3745-52, 3745-53, 3745-65 to 3745-69, and 3745-256 of the Administrative Code.
- (H) The emergency coordinator shall ensure that, in the affected areas of the facility:
- (1) No hazardous waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and
 - (2) All emergency equipment listed in the contingency plan is cleaned and fit for the emergency equipment's intended use before operations are resumed.
- ~~(I)~~(I) The generator shall note in the operating record the time, date, and details of any incident that requires implementation of the contingency plan. Within fifteen days after the incident, the generator shall submit a written report on the incident to the director. The report shall include ~~all of the following~~:
- ~~(i)~~(1) Name, address, and telephone number of the generator;
 - ~~(ii)~~(2) Date, time, and type of incident (e.g., fire, explosion);
 - ~~(iii)~~(3) Name and quantity of ~~material~~materials involved;

~~(iv)~~(4) The extent of injuries, if any;

~~(v)~~(5) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

~~(vi)~~(6) Estimated quantity and disposition of recovered material that resulted from the incident.

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