



Ohio Administrative Code

Rule 3745-270-09 Special rules regarding wastes that exhibit a characteristic.

Effective: [October 23, 2022](#)

(A) The initial generator of a waste shall determine each EPA hazardous waste number applicable to the waste in order to determine the applicable treatment standards under rules 3745-270-40 to 3745-270-49 of the Administrative Code. This determination may be made concurrently with the hazardous waste determination required in rule 3745-52-11 of the Administrative Code. For purposes of Chapter 3745-270 of the Administrative Code, the waste will carry the EPA hazardous waste number for any applicable listed waste under rules 3745-51-30 to 3745-51-35 of the Administrative Code. In addition, where the waste exhibits a characteristic, the waste will carry one or more of the characteristic EPA hazardous waste numbers under rules 3745-51-20 to 3745-51-24 of the Administrative Code, except when the treatment standard for the listed waste operates in lieu of the treatment standard for the characteristic waste, as specified in paragraph (B) of this rule. If the generator determines that the generator's waste displays a hazardous characteristic (and is not D001 nonwastewater treated by CMBST, RORGS, or POLYM in the table in rule 3745-270-42 of the Administrative Code), the generator shall determine the "underlying hazardous constituents" (as defined in rule 3745-270-02 of the Administrative Code) in the characteristic waste.

(B) Where a prohibited waste is both listed under rules 3745-51-30 to 3745-51-35 of the Administrative Code and exhibits a characteristic under rules 3745-51-20 to 3745-51-24 of the Administrative Code, the treatment standard for the EPA hazardous waste number listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code will operate in lieu of the standard for the EPA hazardous waste number under rules 3745-51-20 to 3745-51-24 of the Administrative Code, provided that the treatment standard for the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic. Otherwise, the waste shall meet the treatment standards for all applicable listed and characteristic EPA hazardous waste numbers.

(C) In addition to any applicable standards determined from the initial point of generation, no prohibited waste which exhibits a characteristic under rules 3745-51-20 to 3745-51-24 of the Administrative Code may be land disposed unless the waste complies with the treatment standards under rules 3745-270-40 to 3745-270-49 of the Administrative Code.



(D) Wastes that exhibit a characteristic are also subject to rule 3745-270-07 of the Administrative Code, except that once the waste is no longer hazardous, a one-time notification and certification shall be placed in the generator's or treater's on-site files. The notification and certification shall be updated if the process or operation generating the waste changes or if the licensed solid waste landfill facility receiving the waste changes.

(1) The notification shall include the following information:

(a) The name and address of the licensed solid waste facility receiving the waste shipment; and

(b) A description of the waste as initially generated, including the applicable EPA hazardous waste numbers, treatability groups, and "underlying hazardous constituents" (as defined in rule 3745-270-02 of the Administrative Code), unless the waste will be treated and monitored for all underlying hazardous constituents. If all underlying hazardous constituents will be treated and monitored, there is no requirement to list any of the underlying hazardous constituents on the notice.

(2) The certification shall be signed by an authorized representative and shall state the language in paragraph (B)(4) of rule 3745-270-07 of the Administrative Code.

(a) If treatment removes the characteristic but does not meet standards applicable to underlying hazardous constituents, then the certification in paragraph (B)(4)(d) of rule 3745-270-07 of the Administrative Code applies.

(b) [Reserved.]