



## Ohio Administrative Code Rule 3745-52-13 Generator category determinations.

Effective: October 5, 2020

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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.

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), (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.