



## Ohio Administrative Code

### Rule 3745-65-01 Purpose, scope, and applicability of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code.

Effective: October 5, 2020

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(A) The purpose of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code is to establish minimum standards which define the acceptable management of hazardous waste during the period of a permit by rule pursuant to paragraph (C) of rule 3745-50-40 of the Administrative Code until certification of final closure and Ohio EPA acceptance through written acknowledgment of the change in facility status, or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.

(B) Chapters 3745-65 to 3745-69 and 3745-256 and 3745-57-70 to 3745-57-75 of the Administrative Code apply to the following:

(1) Owners and operators of facilities that treat, store, or dispose of hazardous waste and are subject to the permit requirements under rules 3745-50-40 to 3745-50-235 of the Administrative Code, until final administrative disposition of the permit application is made pursuant to the "Part B" permit requirements. These standards apply to all treatment, storage, and disposal of hazardous waste at these facilities.

(2) Owners and operators of facilities who have fully complied with the requirements of paragraph (C) of rule 3745-50-40 of the Administrative Code until final administrative disposition of the permit application is made pursuant to the "Part B" permit requirements. These standards apply to all treatment, storage and disposal of hazardous waste at these facilities.

(C) Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code do not apply to the following:

(1) [Reserved.]

(2) [Reserved.]



(3) The owner or operator of a publicly owned treatment works (POTW) which treats, stores, or disposes of hazardous waste.

[Comment: The owner or operator of a facility in paragraphs (C)(1) to (C)(3) of this rule is subject to Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code to the extent such rules are included in a permit by rule granted to such a person under rule 3745-50-46 of the Administrative Code.]

(4) [Reserved.]

(5) [Reserved.]

(6) The owner or operator of a facility that manages recyclable materials described in paragraphs (A)(2), (A)(3), and (A)(4) of rule 3745-51-06 of the Administrative Code (except to the extent that recyclable materials are referred to in Chapter 3745-279 or rules 3745-266-20 to 3745-266-23, 3745-266-70, 3745-266-80, or 3745-266-100 to 3745-266-112 of the Administrative Code).

(7) A generator accumulating or conducting treatment of hazardous waste that is generated on-site in compliance with applicable conditions for exemption in rules 3745-52-14 to 3745-52-17, 3745-52-200 to 3745-52-216, and 3745-52-230 to 3745-52-233 of the Administrative Code, except to the extent the requirements of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code are included in rules 3745-52-14 to 3745-52-17, 3745-52-200 to 3745-52-216, and 3745-52-230 to 3745-52-233 of the Administrative Code.

(8) A farmer disposing of waste pesticides from the farmer's own use in compliance with rule 3745-52-70 of the Administrative Code.

(9) The owner or operator of a "totally enclosed treatment facility," as defined in rule 3745-50-10 of the Administrative Code.

(10) The owner or operator of an "elementary neutralization unit" or a "wastewater treatment unit," as defined in rule 3745-50-10 of the Administrative Code, provided that if the owner or operator is diluting hazardous ignitable waste (D001) [other than the D001 high total organic carbon (TOC)



subcategory defined in rule 3745-270-40 of the Administrative Code in the table of treatment standards for hazardous waste], or reactive waste (D003), to remove the characteristic before land disposal, the owner or operator shall comply with paragraph (B) of rule 3745-65-17 of the Administrative Code.

(11) Immediate or emergency response situations.

(a) Except as provided in paragraph (C)(11)(b) of this rule, a person engaged in treatment or containment activities during the immediate response to any of the following situations:

(i) A discharge of a hazardous waste.

(ii) An imminent and substantial threat of a discharge of a hazardous waste.

(iii) A discharge of a material which, when discharged, becomes a hazardous waste.

(iv) An immediate threat to human health, public safety, property, or the environment, from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an "explosives or munitions emergency response specialist" as defined in rule 3745-50-10 of the Administrative Code.

(b) An owner or operator of a facility otherwise regulated by Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code shall comply with rules 3745-65-30 to 3745-65-37 and 3745-65-50 to 3745-65-56 of the Administrative Code.

(c) Any person who is covered by paragraph (C)(11)(a) of this rule and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of Chapters 3745-50, 3745-65 to 3745-69, and 3745-256 of the Administrative Code and 40 C.F.R. Part 122, Part 123, and Part 124 for those activities.

(d) In the case of an explosives or munitions emergency response, if a federal, state, or local official acting within the scope of official responsibilities, or an explosives or munitions emergency response specialist, determines that immediate removal of the material or waste is necessary to protect human



health or the environment, that official or specialist may authorize the removal of the material or waste by transporters who do not have a U.S. EPA identification number and without the preparation of a manifest. In the case of emergency responses involving military munitions, the responding explosives or munitions emergency response specialist's organizational unit shall retain records for three years identifying the dates of the response, the names of the responsible persons responding, the type and description of material addressed, and the disposition of such material.

(12) A transporter storing manifested shipments of hazardous waste in containers that comply with rule 3745-52-30 of the Administrative Code at a transfer facility for a period of ten days or less.

(13) The addition of sorbent material to waste in a "container," as defined in rule 3745-50-10 of the Administrative Code, or the addition of waste to the sorbent material in a container provided that these actions occur at the time waste is first placed in the containers, and rules 3745-66-71 and 3745-66-72 and paragraph (B) of rule 3745-65-17 of the Administrative Code are complied with.

(14) "Universal waste handlers" and "universal waste transporters," as defined in rule 3745-50-10 of the Administrative Code, handling the wastes listed in this paragraph. These handlers and transporters are subject to regulation under Chapter 3745-273 of the Administrative Code when handling the following universal wastes:

- (a) Batteries as described in rule 3745-273-02 of the Administrative Code.
- (b) Pesticides as described in rule 3745-273-03 of the Administrative Code.
- (c) Mercury-containing equipment as described in rule 3745-273-04 of the Administrative Code.
- (d) Lamps as described in rule 3745-273-05 of the Administrative Code.
- (e) Ohio-specific universal wastes, which include the following:
  - (i) Aerosol containers as described in paragraph (A) of rule 3745-273-89 of the Administrative Code.



(ii) Antifreeze as described in paragraph (B) of rule 3745-273-89 of the Administrative Code.

(iii) Paint and paint-related wastes as described in paragraph (C) of rule 3745-273-89 of the Administrative Code.

(15) [Reserved.]

(16) Reverse distributors accumulating "potentially creditable hazardous waste pharmaceuticals" and "evaluated hazardous waste pharmaceuticals" as defined in rule 3745-266-500 of the Administrative Code. Reverse distributors are subject to regulation under rules 3745-266-500 to 3745-266-510 of the Administrative Code in lieu of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

(D) Hazardous waste having EPA hazardous waste number F020, F021, F022, F023, F026, or F027 shall not be managed at facilities subject to regulation under Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code unless the hazardous waste is managed in one or more of the following hazardous waste management units:

(1) The wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system.

(2) The waste is stored in tanks or containers.

(3) The waste is stored or treated in waste piles that comply with paragraph (C) of rule 3745-56-50 of the Administrative Code as well as all other applicable requirements of rules 3745-67-50 to 3745-67-60 of the Administrative Code.

(4) The waste is burned in incinerators that are certified pursuant to the standards in rule 3745-68-52 of the Administrative Code.

(5) The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in rule 3745-68-83 of the



Administrative Code.

(E) Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code apply to the owners or operators of all facilities which treat, store, or dispose of hazardous waste referred to in Chapter 3745-270 of the Administrative Code, and the standards in Chapter 3745-270 of the Administrative Code are considered material conditions or requirements in Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code.

(F) Rule 3745-266-205 of the Administrative Code identifies when Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code apply to the storage of military munitions classified as waste under rule 3745-266-202 of the Administrative Code. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in Chapters 3745-50, 3745-51, 3745-52, 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.