



Ohio-specific universal waste rules

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Ohio EPA's rulemaking

On December 21, 2017, the Ohio EPA amended its rules regarding universal waste management. Ohio's previous universal waste rules, found in Ohio Administrative Code Chapter 3745-273, applied to handlers, transporters and destination facilities for only specific categories of hazardous waste streams, including lamps, pesticides, mercury-containing equipment and discarded batteries. The Ohio EPA's recently amended universal waste rules add paint and paint-related waste to the universal waste management rules. The newly enacted rules went into effect on December 21, 2017.

Summary of Ohio EPA's recently enacted Ohio-specific universal waste rules

Under the prior version of the universal waste rules, the definition of universal waste included batteries, pesticides, mercury-containing equipment and lamps. OAC 3745-273-09(Q). Under the new rules, "Ohio-specific universal waste" has been added to the definition of universal waste. OAC 3745-273-09(Q). Ohio-specific universal waste is defined to include aerosol containers, antifreeze and paint and paint-related wastes. OAC 3745-273-09(A), (C), (L), (M), (Q)(5). Ohio EPA's rule changes expand the provisions related to universal waste management to include Ohio-specific universal waste.

The waste management standards that apply to small quantity handlers of universal waste have been updated to apply to small quantity handlers of each of the Ohio-specific universal wastes, as have labeling or marking standards for such small quantity handlers. OAC 3745-273-13 and -14. Similarly, waste management standards applicable to large quantity handlers of universal waste have been amended to include management standards for large quantity handlers, as have labeling or marking standards

for such large quantity handlers. OAC 3745-273-33, -34. Additionally, a provision has been added to clarify instances where OAC Chapter 3745-273 does not apply to persons managing aerosol containers, antifreeze and paint and paint-related wastes. OAC 3745-273-89.

Outline of Ohio Administrative Code rule changes

Ohio EPA's recent rule changes include changes to numerous provisions of the Ohio Administrative Code. These specific code changes include:

- 3745-50-45(C)(8): This rule outlines specific exclusions to the requirement to obtain a hazardous waste permit. Ohio-specific universal waste, defined to include aerosol containers, antifreeze and paint and paint-related wastes, has been added to the exclusion allowing "universal waste handlers" and "universal waste transporters" from obtaining a hazardous waste permit. Batteries, pesticides, mercury-containing equipment and lamps were already defined as universal wastes and included in the exclusion.
- 3745-51-09: Ohio-specific universal waste has been added to this provision applicable to universal waste, to clarify that these wastes are not fully regulated as hazardous waste, and instead are subject to regulation under OAC Chapter 3745-273, which governs Management Standards for Universal Waste.
- 3745-54-01, 3745-65-01, and 3745-270-01: These rules have each been amended to clarify that such rules do not apply to Ohio-specific universal wastes, as these wastes are to be regulated by OAC Chapter 3745-273.
- 3745-273-09: "Ohio-specific universal wastes" has been added to the definition of "Universal waste," which are defined to specifically include "aerosol container," "antifreeze," "paint" and "paint-related waste." Each of these terms are defined as follows:
 - 3745-273-09(A): "Aerosol container" means a non-opening, non-refillable container that holds a substance under pressure and that can release the substance as a spray, gel or foam by means of a propellant gas."
 - 3745-273-09(C): "Antifreeze" means propylene glycol or ethylene glycol including aggregated batches of propylene glycol or ethylene glycol used as a heat transfer medium in an internal combustion engine; heating, ventilating and air conditioning units; and electronics cooling applications; or used for winterizing equipment."
 - 3745-273-09(L): "Paint" means a pigmented or unpigmented powder coating, or a pigmented or unpigmented mixture of binder and suitable liquid resulting from commercial, industrial, mining, agricultural and post-consumer activities that upon drying forms an adhering coating on the surface that the paint is applied. Powder coating is a surface coating that is applied as a dry powder and is fused into a continuous coating film through the use of heat."
 - 3745-273-09(M): "Paint-related waste" means a material contaminated with paint that results from the packaging of paint, wholesale and retail operations, paint manufacturing and paint application or removal activities, or a material derived from the reclamation of paint-related wastes that is recycled in a manner other than burning for energy recovery or used in a manner constituting disposal according to rules 3745-51-02 and 3745-266-20 of the Administrative Code.
- 3745-273-13: This rule outlines the standards by which small quantity handlers of universal waste shall manage the waste. Specific provisions to address Ohio-specific universal waste have been added at subparts (E), (F) and (G).
- 3745-273-14: Labeling or marking requirements for small quantity handlers of universal waste have been amended to include labeling or marking requirements as they pertain to Ohio-specific universal waste.
- 3745-273-15: The accumulation time limits specific to small quantity handlers of universal waste have been amended, as specifically applicable to aerosol containers.
- 3745-273-32: This rule has been amended to clarify that large quantity handlers of universal waste shall provide notification to US EPA of all types of universal waste managed by the handler, including Ohio-specific universal wastes.
- 3745-273-33: This rule outlines the standards by which large quantity handlers of universal waste shall manage the waste. Specific provisions to address Ohio-specific universal waste have been added at subparts (E), (F) and (G).
- 3745-273-34: Labeling or marking requirements for large quantity handlers of universal waste have been amended to

now include labeling or marking requirements as they pertain to Ohio-specific universal waste.

- 3745-273-35: The accumulation time limits specific to large quantity handlers of universal waste have been amended, as specifically applicable to aerosol containers.
- 3745-273-39: Requirements applicable to large quantity handlers when tracking universal waste shipments have been amended to make such requirements applicable to Ohio-specific universal wastes.
- 3745-273-62: Universal waste shipment tracking requirements applicable to owners or operators of a destination facility as set forth in this rule have been updated to apply to Ohio-specific universal wastes.
- 3745-273-89: This rule has been added to clarify the instances in which persons managing Ohio-specific universal wastes would fall outside of the regulatory scope of OAC Chapter 3745-273.

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