

3745-266-70

Applicability and requirements- recyclable materials utilized for precious metal recovery.

(A) This rule applies to recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these.

(B) Persons who generate, transport, or store recyclable materials that are regulated under this rule are subject to the following requirements:

(1) The requirement to notify Ohio EPA or U.S. EPA of regulated waste activity; and

(2) Rules 3745-52-20 to ~~3745-52-23~~3745-52-27 of the Administrative Code (for generators), rules 3745-53-20 and 3745-53-21 of the Administrative Code (for transporters), and rules 3745-65-71 and 3745-65-72 of the Administrative Code (for persons who store); and

(3) ~~Reserved.~~ For precious metals exported to or imported from designated "Organization for Economic Cooperation and Development (OECD)" member countries for recovery, 40 CFR Part 262 subpart H and paragraph (A)(2) of rule 3745-65-12 of the Administrative Code. For precious metals exported to or imported from non-OECD countries for recovery, 40 CFR Part 262 subpart E and 40 CFR Part 262 subpart F.

[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 U.S. is solely regulated by the federal government.]

(C) Persons who store recycled materials that are regulated under this rule must keep the following records to document that they are not accumulating these materials speculatively [as defined in paragraph (C) of rule 3745-51-01 of the Administrative Code]:

(1) Records showing the volume of these materials stored at the beginning of the calendar year;

(2) The amount of these materials generated or received during the calendar year; and

(3) The amount of materials remaining at the end of the calendar year.

(D) Recyclable materials that are regulated under this rule that are "accumulated speculatively" [as defined in paragraph (C) of rule 3745-51-01 of the Administrative Code] are subject to all applicable provisions of Chapters 3745-52, 3745-53, 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.

[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: 03/17/2012

R.C. 119.032 review dates: 11/30/2011 and 08/25/2016

CERTIFIED ELECTRONICALLY

Certification

03/06/2012

Date

Promulgated Under: 119.03
Statutory Authority: 3734.12
Rule Amplifies: 3734.12
Prior Effective Dates: 01/30/1986, 11/13/1987, 12/07/2000, 12/07/2004,
02/16/2009