

3745-53-10

**Applicability- transporter standards.**

- (A) Chapter 3745-53 of the Administrative Code establishes standards which apply to persons transporting hazardous waste within the state of Ohio if the transportation requires a hazardous waste manifest under Chapter 3745-52 of the Administrative Code.
- (B) Chapter 3745-53 of the Administrative Code does not apply to on-site transportation of hazardous waste by generators or by owners or operators of permitted hazardous waste facilities.
- (C) A transporter of hazardous waste must also comply with Chapter 3745-52 of the Administrative Code, if he:
- (1) Transports hazardous waste into the state of Ohio from a foreign country; or
  - (2) Mixes hazardous wastes of different United States department of transportation shipping descriptions by placing them into a single container.
- (D) ~~Reserved.~~ A transporter of hazardous waste subject to the manifesting requirements of 40 CFR Part 262 or the manifesting requirements of Chapter 3745-52 of the Administrative Code, or subject to the waste management standards of Chapter 3745-273 of the Administrative Code, that is being imported from or exported to any of the countries listed in 40 CFR 262.58 (a)(1) for purposes of recovery is subject to rules 3745-53-10 to 3745-53-12 of the Administrative Code and to all relevant requirements of 40 CFR Part 262 subpart H, including, but not limited to, 40 CFR 262.84 for movement documents.
- [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.]
- (E) Chapter 3745-53 of the Administrative Code does not apply to transportation during an explosives or munitions emergency response, conducted in accordance with paragraph (G)(8)(a)(iv) or (G)(8)(d) of rule 3745-54-01 of the Administrative Code or paragraph (C)(11)(a)(iv) or (C)(11)(d) of rule 3745-65-01 of the Administrative Code and paragraph (D)(1)(d) or (D)(3) of rule 3745-50-45 of the Administrative Code.
- (F) Rule 3745-266-203 of the Administrative Code identifies how the requirements of Chapter 3745-53 of the Administrative Code applies to military munitions classified as waste under rule 3745-266-202 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: 07/27/1980, 04/15/1981, 05/22/1981 (Emer.),  
08/26/1981 (Emer.), 12/02/1981, 01/07/1983,  
02/11/1992, 12/07/2004