

3745-266-203

Standards applicable to for the transportation of waste military munitions.

(A) Criteria for hazardous waste regulation of waste non-chemical military munitions in transportation.

(1) Waste military munitions that are being transported and that exhibit a hazardous waste characteristic or are listed as hazardous waste under Chapter 3745-51 of the Administrative Code, are listed or identified as a hazardous waste (and thus are subject to regulation under 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), unless all the following conditions are met:

(a) The waste military munitions are not chemical agents or chemical munitions.

(b) The waste military munitions shall be transported in accordance with the department of defense (DOD) shipping controls applicable to the transport of military munitions.

(c) The waste military munitions shall be transported from a military owned or operated installation to a military owned or operated treatment, storage, or disposal facility.

(d) The transporter of the waste shall provide verbal notice to the director within twenty-four hours after the time the transporter becomes aware of any loss or theft of the waste military munitions, or any failure to meet a condition of paragraph (A)(1) of this rule that may endanger health or the environment. In addition, a written submittal describing the circumstances shall be provided within five days after the time the transporter becomes aware of any loss or theft of the waste military munitions or any failure to meet a condition of paragraph (A)(1) of this rule.

(2) If any waste military munitions shipped under paragraph (A)(1) of this rule are not received by the receiving facility within forty-five days after the day the waste was shipped, the owner or operator of the receiving facility shall report this non-receipt to the director within five days.

(3) The exemption from regulation as hazardous waste in paragraph (A)(1) of this rule applies only to the transportation of non-chemical waste military munitions. The exemption does not affect the regulatory status of waste military munitions as hazardous wastes with regard to storage, treatment, or disposal.

- (4) The conditional exemption in paragraph (A)(1) of this rule applies only so long as all of the conditions in paragraph (A)(1) of this rule are met.
- (B) Reinstatement of exemption. If any waste military munition loses the exemption under paragraph (A)(1) of this rule, an application may be filed with the director for reinstatement of the exemption from hazardous waste transportation regulation with respect to such munition as soon as the munition is returned to compliance with ~~the conditions of~~ paragraph (A)(1) of this rule. If the director finds that reinstatement of the exemption is appropriate based on factors such as the transporter's provision of a satisfactory explanation of the circumstances of the violation, or a demonstration that the violations are not likely to recur, the director may reinstate the exemption under paragraph (A)(1) of this rule. If the director does not take action on the reinstatement application within sixty days after receipt of the application, then reinstatement is deemed granted, retroactive to the date of the application. However, the director may terminate a conditional exemption reinstated by default in the preceding sentence if the director finds that reinstatement is inappropriate based on factors such as the transporter's failure to provide a satisfactory explanation of the circumstances of the violation, or failure to demonstrate that the violations are not likely to recur. In reinstating the exemption under paragraph (A)(1) of this rule, the director may specify additional conditions as are necessary to ensure and document proper transportation to protect human health and the environment.
- (C) Amendments to DOD shipping controls. The DOD shipping controls applicable to the transport of military munitions referenced in paragraph (A)(1)(b) of this rule are government bill of lading (GBL) [general services administration (GSA) standard form 1103], requisition tracking form (DD form 1348), the signature and tally record (DD form 1907), special instructions for motor vehicle drivers (DD form 836), and the motor vehicle inspection report (DD form 626).

[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."]

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Certification

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Date

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