

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:

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

(2) Rules 3745-52-20 to 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).

(3) For precious metals exported to or imported from other countries for recovery, 40 ~~CFR~~C.F.R. Part 262 subpart H and ~~paragraph (A)(2) of rule 3745-65-12 of the Administrative Code.~~

[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 United States is solely regulated by the federal government.]

(C) Persons who store recycled materials that are regulated under this rule shall keep the following records to document that such persons 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.

(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 3745-50, 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: 10/5/2020

Five Year Review (FYR) Dates: 7/13/2020 and 10/05/2025

CERTIFIED ELECTRONICALLY

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Certification

09/21/2020

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Date

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