

3745-266-80

**Applicability and requirements- spent lead-acid batteries being reclaimed.**

(A) Are spent lead-acid batteries exempt from hazardous waste management requirements?

If you generate, collect, transport, store, or regenerate lead-acid batteries for reclamation purposes, you may be exempt from certain hazardous waste management requirements. Use the following table to determine which requirements apply to you. Alternatively, you may choose to manage your spent lead-acid batteries under Chapter 3745-273 of the Administrative Code.

If your batteries...	And if you...	Then you...	And you...
(1) <del>Will be</del> <u>Are</u> reclaimed through regeneration (such as by electrolyte replacement)	--	Are exempt from the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, <del>rules 3745-50-40 to 3745-50-235 of the Administrative Code,</del> Chapters <u>3745-50,</u> 3745-52 (except for rule 3745-52-11 of the Administrative Code), 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266 (except for this rule), and 3745-270 of the Administrative Code	Are subject to Chapter 3745-51 and rule 3745-52-11 of the Administrative Code
(2) <del>Will be</del> <u>Are</u> reclaimed other than through regeneration	Generate, collect, or transport these batteries	Are exempt from the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, <del>rules 3745-50-40 to 3745-50-235 of the Administrative Code,</del> Chapters <u>3745-50,</u> 3745-52 (except for rule 3745-52-11 of the Administrative Code), 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, and 3745-266	Are subject to Chapter 3745-51 and rule 3745-52-11 of the Administrative Code, and applicable provisions in Chapter 3745-270 of the Administrative Code

		of the Administrative Code (except for this rule)	
(3) <del>Will be</del> <u>Are</u> reclaimed other than through regeneration	Store these batteries but you aren't the reclaimer	Are exempt from the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, <del>rules 3745-50-40 to 3745-50-235 of the Administrative Code,</del> Chapters <u>3745-50</u> , 3745-52 (except for rule 3745-52-11 of the Administrative Code), 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, and 3745-266 of the Administrative Code (except for this rule)	Are subject to Chapter 3745-51 and rule 3745-52-11 of the Administrative Code, and applicable provisions in Chapter 3745-270 of the Administrative Code
(4) <del>Will be</del> <u>Are</u> reclaimed other than through regeneration	Store these batteries before you reclaim these batteries	Shall comply with paragraph (B) of this rule, and as appropriate, other regulatory provisions described in paragraph (B) of this rule. <u>(See paragraph (A) [Comment 2] of this rule.)</u>	Are subject to Chapter 3745-51 and rule 3745-52-11 of the Administrative Code, and applicable provisions in Chapter 3745-270 of the Administrative Code
(5) <del>Will be</del> <u>Are</u> reclaimed other than through regeneration	Don't store these batteries before you reclaim these batteries	Are exempt from the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, <del>rules 3745-50-40 to 3745-50-235 of the Administrative Code,</del> Chapters <u>3745-50</u> , 3745-52 (except for rule 3745-52-11 of the Administrative Code), 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205,	Are subject to Chapter 3745-51 and rule 3745-52-11 of the Administrative Code, and applicable provisions in Chapter 3745-270 of the Administrative Code

		<p>3745-256, and 3745-266 of the Administrative Code (except for this rule)</p>	
<p>(6) <del>Will be</del> <u>Are</u> reclaimed <del>other than through regeneration or any other means</del></p>	<p><del>Store spent lead-acid batteries for less than seventy-two hours before entering the spent lead-acid batteries into the reclaiming process at your facility</del> <u>Export these batteries for reclamation in a foreign country</u></p>	<p>Are exempt from <del>rules 3745-50-40 to 3745-50-235 of the Administrative Code, and shall comply with paragraph (C) of this rule, and as appropriate, shall comply with other rules referenced in paragraph (C) of this rule</del> <u>the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, Chapters 3745-50, 3745-52 (except for rules 3745-52-11 and 3745-52-18 of the Administrative Code, and 40 C.F.R. Part 262 subpart H), 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266 (except for this rule), and 3745-270 of the Administrative Code</u></p>	<p>Are subject to Chapter 3745-51 and <del>rules</del> <u>rules 3745-52-11 and 3745-52-18</u> of the Administrative Code, and <del>applicable provisions of Chapter 3745-270 of the Administrative Code</del> <u>40 C.F.R. Part 262 subpart H</u></p>
<p>(7) <del>Will be</del> <u>Are</u> reclaimed through regeneration or any other means</p>	<p>Transport these batteries in the United States to export these batteries for reclamation in a foreign country</p>	<p>Are exempt from the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, <del>and rules 3745-50-40 to 3745-50-235 of the Administrative Code, and Chapters 3745-50, 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266 (except for this rule), and 3745-270 of the Administrative Code</del></p>	<p>Shall comply with applicable requirements in <del>40 CFR</del> <u>40 C.F.R.</u> Part 262 subpart H</p>

<p>(8) <del>Will be</del><u>Are</u> reclaimed other than through regeneration</p>	<p>Import these batteries from foreign country and store these batteries, but you aren't the claimer</p>	<p>Are exempt from the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, <del>rules 3745-50-40 to 3745-50-235 of the Administrative Code, Chapter 3745-50, 3745-52 of the Administrative Code (except for rules 3745-52-11 and 3745-52-12</del><u>3745-52-18</u> of the Administrative Code; <del>and Chapters</del>), 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266 (except for this rule), and 3745-270 of the Administrative Code</p>	<p>Are subject to Chapter 3745-51 and rules 3745-52-11 and <del>3745-52-12</del> <u>3745-52-18</u> of the Administrative Code, applicable provisions of Chapter 3745-270 of the Administrative Code, and 40 <del>CFR</del><u>C.F.R.</u> Part 262 subpart H</p>
<p>(9) <del>Will be</del><u>Are</u> reclaimed other than through regeneration</p>	<p>Import these batteries from foreign country and store these batteries before you reclaim these batteries</p>	<p>Shall comply with paragraph (B) of this rule, and, as appropriate, other regulatory provisions described in paragraph (B) of this rule. <u>(See paragraph (A) [Comment 2] of this rule.)</u></p>	<p>Are subject to Chapter 3745-51 and rules 3745-52-11 and <del>3745-52-12</del> <u>3745-52-18</u> of the Administrative Code, applicable provisions of Chapter 3745-270 of the Administrative Code, and 40 <del>CFR</del><u>C.F.R.</u> Part 262 subpart H</p>
<p>(10) <del>Will be</del><u>Are</u> reclaimed other than through regeneration</p>	<p>Import these batteries from foreign country and don't store these batteries before you</p>	<p>Are exempt from the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, <del>rules 3745-50-40 to 3745-50-235 of the Administrative</del></p>	<p>Are subject to Chapter 3745-51 and rules 3745-52-11 and <del>3745-52-12</del> <u>3745-52-18</u> of the Administrative Code, applicable</p>

	reclaim these batteries	<del>Code, Chapter</del> <u>Chapters 3745-50, 3745-52 of the Administrative Code</u> (except for rules 3745-52-11 and <del>3745-52-12</del> <u>3745-52-18</u> of the Administrative Code, <del>and Chapters, and</del> <u>40 C.F.R. Part 262 subpart H</u> ), 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266 (except for this rule), and 3745-270 of the Administrative Code	provisions of Chapter 3745-270 of the Administrative Code, and 40 <del>CFRC</del> <u>C.F.R.</u> Part 262 subpart H
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[Comment 1: 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.]

[Comment 2: Owners or operators who store lead acid batteries for less than seventy-two-hours prior to reclaiming as described in paragraphs (A)(4) and (A)(9) of this rule, may comply with paragraph (C)(3) of rule 3745-51-06 of the Administrative Code in lieu of paragraph (B) of this rule.]

(B) If I store spent lead-acid batteries before I reclaim the lead-acid batteries but not through regeneration, which requirements apply? Paragraph (B) of this rule applies to you if you store spent lead-acid batteries before you reclaim the lead-acid batteries, but you don't reclaim the lead-acid batteries through regeneration. The following requirements are slightly different, depending on your hazardous waste management permit status:

(1) For facilities with a permit by rule, you shall comply with all of the following:

- (a) The requirement to notify Ohio EPA or U.S. EPA of regulated waste activity.
- (b) All applicable provisions in rule 3745-65-01 of the Administrative Code.
- (c) All applicable provisions in rules 3745-65-10 to 3745-65-19 of the Administrative Code ~~but not~~ except rule 3745-65-13 of the Administrative Code (waste analysis).

- (d) All applicable provisions in rules 3745-65-30 to 3745-65-37 and 3745-65-50 to 3745-65-56 of the Administrative Code.
  - (e) All applicable provisions in rules 3745-65-70 to 3745-65-77 of the Administrative Code ~~but not rule~~except rules 3745-65-71 ~~or~~and 3745-65-72 of the Administrative Code (dealing with the use of the manifest and manifest discrepancies)†.
  - (f) All applicable provisions in rules 3745-65-90 to 3745-65-94, 3745-67-20 to 3745-67-30, and 3745-67-50 to 3745-67-60, and Chapter 3745-66 of the Administrative Code.
  - (g) All applicable provisions in ~~rules 3745-50-40 to 3745-50-235~~Chapter 3745-50 of the Administrative Code.
  - (h) [Reserved.]
- (2) For permitted facilities, you shall comply with all of the following:
- (a) The requirement to notify Ohio EPA or U.S. EPA of regulated waste activity.
  - (b) All applicable provisions in rules 3745-54-01 to 3745-54-03 of the Administrative Code.
  - (c) All applicable provisions in rules 3745-54-10 to 3745-54-19 of the Administrative Code ~~but not~~except rule 3745-54-13 of the Administrative Code (waste analysis)†.
  - (d) All applicable provisions in rules 3745-54-30 to 3745-54-37 and 3745-54-50 to 3745-54-56 of the Administrative Code.
  - (e) All applicable provisions in rules 3745-54-70 to 3745-54-77 of the Administrative Code ~~but not~~except rule 3745-54-71 or 3745-54-72 of the Administrative Code (dealing with the use of the manifest and manifest discrepancies)†.
  - (f) All applicable provisions in rules 3745-54-90 to 3745-54-101, 3745-56-20 to 3745-56-31, and 3745-56-50 to 3745-56-59, and Chapter 3745-55 of the Administrative Code.
  - (g) All applicable provisions in ~~rules 3745-50-40 to 3745-50-235~~Chapter 3745-50 of the Administrative Code.

(h) [Reserved.]

~~(C) If I store spent lead-acid batteries received from off-site for less than seventy-two hours prior to entering the lead-acid batteries into the reclaiming process, but reclamation is not through regeneration, which requirements apply? You shall store spent lead-acid batteries received from off-site in tanks, containers, or containment buildings. You shall comply with the applicable requirements of paragraphs (C)(3) to (C)(3)(b) of rule 3745-51-06 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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