

3745-266-20 **Applicability- recyclable materials used in a manner ~~constituting~~that constitutes disposal.**

(A) Rules 3745-266-20 to 3745-266-23 of the Administrative Code apply to recyclable materials that are applied to or placed on the land:

(1) Without mixing with any other substance(s); or

(2) After mixing or combination with any other substance(s).

(3) The materials in paragraphs (A)(1) and (A)(2) of this rule will be referred to throughout rules 3745-266-20 to 3745-266-23 of the Administrative Code as "materials used in a manner that constitutes disposal."

(B) Products produced for use by the general public that are used in a manner that constitutes disposal and that contain recyclable materials are not presently subject to regulation if the recyclable materials have undergone a chemical reaction in the course of producing the products so as to become inseparable by physical means and if such products meet the applicable treatment standards in rules 3745-270-40 to 3745-270-49 of the Administrative Code [or applicable prohibition levels in rule 3745-270-32 of the Administrative Code or Section 3004(d) of RCRA, where no treatment standards have been established] for each recyclable material (i.e., hazardous waste) that they contain.

(C) Anti-skid/deicing uses of slags, which are generated from high temperature metals recovery (HTMR) processing of hazardous wastes K061, K062, and F006, in a manner constituting disposal are not covered by the exemption in paragraph (B) of this rule and remain subject to regulation.

(D) Fertilizers that contain recyclable materials are not subject to regulation provided that:

(1) They are zinc fertilizers excluded from the definition of "waste" according to paragraph (A)(21) of rule 3745-51-04 of the Administrative Code; or

(2) They meet the applicable treatment standards in rules 3745-270-40 to 3745-270-49 of the Administrative Code for each hazardous waste that they contain.

[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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