

3745-273-09      **Definitions- ~~pertaining to~~ management standards for universal waste.**

As used in Chapter 3745-273 of the Administrative Code:

- (A) "Ampule" means an airtight vial made of glass, plastic, metal, or any combination of these materials.
- (B) "Battery" means a device consisting of one or more electrically connected electrochemical cells, which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.
- (C) "Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in paragraphs (A) and (C) of rule 3745-273-13 of the Administrative Code and in paragraphs (A) and (C) of rule 3745-273-33 of the Administrative Code. A facility at which a particular category of universal waste is only accumulated is not a destination facility for purposes of managing that category of universal waste.
- (D) "FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136-136y).
- (E) "Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in Chapter 3745-51 of the Administrative Code or whose act first causes a hazardous waste to become subject to the hazardous waste rules.
- (F) "Lamp" or "universal waste lamp" means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

- (G) "Large quantity handler of universal waste" means a "universal waste handler" (as defined in this rule) who accumulates five thousand kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, or lamps, calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which the five thousand kilogram limit is met or exceeded.
- (H) "Mercury-containing equipment" means a device or part of a device (including thermostats, but excluding batteries and lamps) that contains elemental mercury integral to its function.
- (I) "On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access are also considered on-site property.
- (J) "Pesticide" means any substance or mixture of substances intended ~~for preventing, destroying, repelling, or mitigating~~ to prevent, destroy, repel, or mitigate any pest, or intended for use as a plant regulator, defoliant, or desiccant, other than any article that is any of the following:
- (1) ~~Is a~~ An new animal drug under Section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA) Section 201(w), or,
  - (2) ~~Is an~~ An animal drug that has been determined by regulation of the secretary of health and human services not to be a new animal drug, ~~or,~~
  - (3) ~~Is an~~ An animal feed under Section 201(w) of the FFDCA Section 201(x) that bears or contains any substances described by any portion of the definition of "pesticide" in this rule.
- (K) "Small quantity handler of universal waste" means a "universal waste handler" (as defined in this rule) who does not accumulate five thousand kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, or lamps, calculated collectively) at any time.

- (L) "Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury-containing ampules that have been removed from these temperature control devices in compliance with ~~the requirements of~~ paragraph (C)(2) of rule 3745-273-13 of the Administrative Code or paragraph (C)(2) of rule 3745-273-33 of the Administrative Code.
- (M) "Universal waste" means any of the following hazardous wastes that are subject to ~~the universal waste requirements of~~ Chapter 3745-273 of the Administrative Code:
- (1) Batteries as described in rule 3745-273-02 of the Administrative Code;
  - (2) Pesticides as described in rule 3745-273-03 of the Administrative Code;
  - (3) Mercury-containing equipment as described in rule 3745-273-04 of the Administrative Code; ~~and,~~
  - (4) Lamps as described in rule 3745-273-05 of the Administrative Code.
- (N) "Universal waste handler":
- (1) Means either of the following:
    - (a) A "generator" (as defined in this rule) of universal waste; ~~or,~~
    - (b) The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.
  - (2) Does not mean either of the following:
    - (a) A person who treats [except under ~~the provisions of~~ paragraph (A) or (C) of rule 3745-273-13 of the Administrative Code, or paragraph (A) or (C) of rule 3745-273-33 of the Administrative Code], disposes of, or recycles universal waste; ~~or,~~
    - (b) A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

(O) "Universal waste transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

(P) "Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

[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

10/07/2015

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Date

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