



Ohio Administrative Code

Rule 3745-51-11 Criteria for listing hazardous waste.

Effective: October 5, 2020

(A) The director shall list a waste as a hazardous waste only upon determining that the waste meets one of the following criteria:

(1) The waste exhibits any of the characteristics of hazardous waste identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code.

(2) The waste has been found to be fatal to humans in low doses or, in the absence of data on human toxicity, the waste has been shown in studies to have an oral LD50 toxicity (rat) of less than fifty milligrams per kilogram, an inhalation LC50 toxicity (rat) of less than two milligrams per liter, or a dermal LD50 toxicity (rabbit) of less than two hundred milligrams per kilogram or is otherwise capable of causing or significantly contributing to an increase in serious irreversible, or incapacitating reversible illness. (Wastes listed in accordance with these criteria shall be designated acute hazardous wastes.)

[Comment: As used in this paragraph, LD (lethal dosage) and LC (lethal concentration) are standard measures of toxicity. A LD50 dosage, and a LC50 concentration, are fatal to fifty per cent of the test subjects.]

(3) The waste contains any of the toxic constituents listed in the appendix to this rule and, after considering the following factors, the director concludes that the waste is capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed:

(a) The nature of the toxicity presented by the constituent.

(b) The concentration of the constituent in the waste.

(c) The potential of the constituent or any toxic degradation product of the constituent to migrate



from the waste into the environment under the types of improper management considered in paragraph (A)(3)(g) of this rule.

- (d) The persistence of the constituent or any toxic degradation product of the constituent.
 - (e) The potential for the constituent or any toxic degradation product of the constituent to degrade into nonharmful constituents and the rate of degradation.
 - (f) The degree to which the constituent or any degradation product of the constituent bioaccumulates in ecosystems.
 - (g) The plausible types of improper management to which the waste could be subjected.
 - (h) The quantities of the waste generated at individual generation sites or on a regional or national basis.
 - (i) The nature and severity of the human health and environmental damage that has occurred as a result of the improper management of wastes containing the constituent.
 - (j) Action taken by other governmental agencies or regulatory programs based on the health or environmental hazard posed by the waste or waste constituent.
 - (k) Such other factors as may be appropriate. Substances shall be listed in the appendix to this rule only if those substances have been shown in scientific studies to have toxic, carcinogenic, mutagenic or teratogenic effects on humans or other life forms. (Wastes listed in accordance with these criteria shall be designated toxic wastes.)
- (B) The director may list classes or types of waste as hazardous waste if the director has reason to believe that individual wastes, within the class or type of waste, typically or frequently are hazardous under the definition of "hazardous waste" in Section 1004(5) of the Resource Conservation and Recovery Act.
- (C) The director shall use the criteria for listing specified in this rule to establish the exclusion limits



referred to in rule 3745-52-13 of the Administrative Code.

(D) The director shall not list any waste that the administrator delisted or excluded by an amendment to the federal regulations, any waste that the administrator declined to list by publishing a denial of a rulemaking petition or by withdrawal of a proposed listing in the Federal Register after May 18, 1980, or any waste oil or polychlorinated biphenyl not listed by the administrator.

[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."]