

3745-270-50

Prohibitions on storage of restricted wastes.

(A) Except as provided in this rule, the storage of hazardous wastes restricted from land disposal under rules ~~3745-270-30~~3745-270-20 to 3745-270-39 of the Administrative Code or ~~section~~Section 3004(d) of RCRA is prohibited, unless the following conditions are met:

- (1) A generator stores such wastes in tanks, containers, or containment buildings on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements in rule 3745-52-34 and Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, and 3745-256 of the Administrative Code.

[~~Note~~Comment: A generator who is in existence on the effective date of a rule in Chapter 3745-270 of the Administrative Code and who must store hazardous wastes for longer than ninety days due to the rules of Chapter 3745-270 of the Administrative Code becomes an owner or operator of a storage facility and must obtain an Ohio hazardous waste installation and operation permit. Such a facility may qualify for a permit by rule upon compliance with rule 3745-50-46 and paragraph (C) of rule 3745-50-40 of the Administrative Code.]

- (2) An owner or operator of a hazardous waste treatment, storage, or disposal facility stores such wastes in tanks, containers, or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and:

- (a) Each container is clearly marked to identify its contents and the date each period of accumulation begins;

- (b) Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information for each tank is recorded and maintained in the operating record at that facility. Regardless of whether the tank itself is marked, an owner or operator must comply with the operating record requirements specified in rule 3745-54-73 or 3745-65-73 of the Administrative Code.

- (3) A transporter stores manifested shipments of such wastes at a transfer facility for ten days or less.

(B) An owner or operator of a treatment, storage, or disposal facility may store such wastes for up to one year unless Ohio EPA can demonstrate that such storage was

not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

- (C) An owner or operator of a treatment, storage, or disposal facility may store such wastes beyond one year; however, the owner or operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.
- (D) If a generator's waste is exempt from a prohibition on the type of land disposal utilized for the waste (for example, because of an approved case-by-case extension under rule 3745-270-05 of the Administrative Code, an approved petition under rule 3745-270-06 of the Administrative Code, or a national capacity variance under rules 3745-270-30 to 3745-270-39 of the Administrative Code), the prohibition in paragraph (A) of this rule does not apply during the period of such exemption.
- (E) The prohibition in paragraph (A) of this rule does not apply to hazardous wastes that meet the treatment standards specified in rule 3745-270-42 of the Administrative Code or the treatment standards specified in a variance granted under rule 3745-270-44 of the Administrative Code, or, where treatment standards have not been specified, is in compliance with the applicable prohibitions specified in ~~section~~Section 3004 of RCRA.
- (F) Liquid hazardous wastes containing polychlorinated biphenyls (PCBs) at concentrations greater than or equal to fifty ~~ppm~~parts per million must be stored at a facility that meets the requirements of 40 CFR 761.65(b) and must be removed from storage and treated or disposed as required by Chapter 3745-270 of the Administrative Code within one year of the date when such wastes are first placed into storage.
- (G) The prohibition and requirements in this rule do not apply to hazardous remediation wastes stored in a staging pile approved pursuant to rule 3745-57-74 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."]~~

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Certification

03/06/2012

Date

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