

3745-52-34

Accumulation time of hazardous waste.

(A) Except as provided in paragraphs (D), (E), and (F) of this rule, a generator may, for ninety days or less, accumulate and/or conduct treatment of hazardous waste that is generated on-site without an Ohio hazardous waste permit, provided that:

(1) The waste is placed:

(a) In containers and the generator complies with the applicable requirements in rules 3745-66-70 to 3745-66-77 of the Administrative Code; and/or

[Comment: Pursuant to federal law, generators must also comply with the applicable requirements of 40 CFR Part 265 subparts AA, BB, and CC.]

(b) In tanks and the generator complies with the applicable requirements of rules 3745-66-90 to 3745-66-101 of the Administrative Code, except paragraph (C) of rule 3745-66-97 and rule 3745-66-100 of the Administrative Code; and/or

[Comment: Pursuant to federal law, generators must also comply with the applicable requirements of 40 CFR Part 265 subparts AA, BB, and CC.]

(c) On drip pads and the generator complies with rules 3745-69-40 to 3745-69-45 of the Administrative Code and maintains the following records at the facility:

(i) A description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every ninety days; and

(ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal: and/or

(d) In containment buildings and the generator complies with rules 3745-256-100 to 3745-256-102 of the Administrative Code, has placed its professional engineer certification that the building complies with the design standards specified in rule 3745-256-101 of the Administrative Code in the operating record no later than sixty days after the date of initial operation of the unit. Professional engineer certification is required prior to operation of the unit. The owner or operator must maintain the following records at the facility:

- (i) A written description of procedures to ensure that each waste volume remains in the unit for no more than ninety days, a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the ninety-day limit, and documentation that the procedures are complied with; or
 - (ii) Documentation that the unit is emptied at least once every ninety days.
- (e) In addition, a generator who, for ninety days or less, accumulates and/or conducts treatment of hazardous waste that is generated on site without an Ohio hazardous waste permit is exempt from all requirements in rules 3745-66-10 to 3745-66-21 and 3745-66-40 to 3745-66-48 of the Administrative Code except for paragraphs (A) and (B) of rule 3745-66-11 and rule 3745-66-14 of the Administrative Code.
- (2) The date upon which each period of accumulation and/or treatment begins is clearly marked and visible for inspection on each container;
 - (3) While being accumulated and/or treated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste;" and
 - (4) The generator complies with the requirements for owners or operators in ~~paragraph (A)(5) of rule 3745-270-07 and~~ rules 3745-65-16, 3745-65-30 to 3745-65-37, ~~and~~ 3745-65-50 to 3745-65-56 and all applicable requirements of Chapter 3745-270 of the Administrative Code.
- ~~(B) A generator who, for more than ninety days, accumulates and/or conducts treatment of hazardous waste that is generated on-site is an operator of a storage and/or treatment facility and is subject to the requirements of rules 3745-50-40 to 3745-50-235 and Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, and 3745-256 of the Administrative Code unless he has been granted an extension to the ninety day period. Such extension, of up to thirty days, may be granted at the discretion of the director on a case-by-case basis if hazardous waste must remain on-site for longer than ninety days due to unforeseen, temporary, and uncontrollable circumstances.~~
- (B) A generator of one thousand kilograms or greater of hazardous waste in a calendar month, or greater than one kilogram of acute hazardous waste listed in rule 3745-51-31 or paragraph (E) of rule 3745-51-33 of the Administrative Code in a calendar month, who accumulates hazardous waste for more than ninety days, is an operator of a storage facility and is subject to the requirements of Chapters 3745-54

to 3745-57, 3745-65 to 3745-69, 3745-205, and 3745-256 of the Administrative Code and the permit requirements of rules 3745-50-40 to 3745-50-235 of the Administrative Code unless he has been granted an extension to the ninety-day period. Such extension may be granted by the director if hazardous wastes must remain on-site for longer than ninety days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to thirty days may be granted at the discretion of the director on a case-by-case basis.

(C)

(1) A generator may accumulate as much as fifty-five gallons of hazardous waste or one quart of acutely hazardous waste listed in rule 3745-51-31 or paragraph (E) of rule 3745-51-33 of the Administrative Code in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit and without complying with paragraph (A) or (D) of this rule provided he:

(a) Complies with rules 3745-66-71, 3745-66-72, and paragraph (A) of rule 3745-66-73 of the Administrative Code; and

(b) Marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

(2) A generator who accumulates either hazardous waste or acutely hazardous waste listed in rule 3745-51-31 or paragraph (E) of rule 3745-51-33 of the Administrative Code in excess of the amounts listed in paragraph (C)(1) of this rule at or near any point of generation must, with respect to that amount of excess waste, comply within three days with paragraph (A) of this rule or other applicable provisions of Chapter 3745-52 of the Administrative Code. During the three-day period, the generator must continue to comply with paragraphs (C)(1)(a) and (C)(1)(b) of this rule. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

(D) A generator who generates greater than one hundred kilograms but less than one thousand kilograms of hazardous waste in a calendar month may, for one hundred eighty days or less, accumulate and/or conduct treatment of hazardous waste that is generated on-site without an Ohio hazardous waste permit, provided that:

(1) The quantity of waste accumulated on-site never exceeds six thousand kilograms;

(2) The generator complies with the requirements of rules 3745-66-70 to

3745-66-74 and rule 3745-66-77 of the Administrative Code;

- (3) The generator complies with the requirements of rule 3745-66-101 of the Administrative Code;
- (4) The generator complies with the requirements of paragraphs (A)(2) and (A)(3) of this rule, rules 3745-65-30 to 3745-65-37 of the Administrative Code, and ~~paragraph (A)(5) of rule 3745-270-07~~ all applicable requirements of Chapter 3745-270 of the Administrative Code; and
- (5) The generator complies with the following requirements:
 - (a) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in paragraph (D)(5)(d) of this rule. This employee is the emergency coordinator.
 - (b) The generator must post the following information next to the telephone:
 - (i) The name and telephone number of the emergency coordinator;
 - (ii) Location of fire extinguishers and spill control material, and, if present, fire alarm(s); and
 - (iii) The telephone number of the fire department, unless the facility has a direct alarm.
 - (c) The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;
 - (d) The emergency coordinator or his designee must respond to any emergencies that arise. The applicable responses are as follows:
 - (i) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;
 - (ii) In the event of a spill, contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil;

(iii) In the event of a fire, explosion, or other release which could threaten human health outside the facility, or when the generator has knowledge that a spill has reached surface water, the generator must immediately notify the national response center [using their twenty-four-hour toll free number: (800) 424-8802]. The report must include the following information:

(a) The name, address, and U.S. EPA identification number of the generator;

(b) Date, time, and type of incident (e.g., spill or fire);

(c) Quantity and type of hazardous waste involved in the incident;

(d) Extent of injuries, if any; and

(e) Estimated quantity and disposition of recovered materials, if any.

(E) A generator who generates greater than one hundred kilograms but less than one thousand kilograms of hazardous waste in a calendar month and who must transport his waste, or offer his waste for transportation, over a distance of two hundred miles or more for off-site treatment, storage, or disposal, may, for two hundred seventy days or less, accumulate and/or conduct treatment of hazardous waste that is generated on-site without an Ohio hazardous waste permit provided that he complies with the requirements of paragraph (D) of this rule.

(F)

(1) A generator who generates greater than one hundred kilograms but less than one thousand kilograms of hazardous waste in a calendar month is an operator of a storage and/or treatment facility if:

(a) He accumulates and/or treats hazardous waste in quantities exceeding six thousand kilograms; or

(b) He, for more than one hundred eighty days (or for more than two hundred seventy days if he transports his waste, or offers his waste for transportation, over a distance of two hundred miles or more), accumulates and/or conducts treatment of hazardous waste that is generated on-site.

- (2) A generator who is an operator of a storage and/or treatment facility as described in paragraph (F)(1) of this rule is subject to the requirements of Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, and 3745-256 and rules 3745-50-40 to 3745-50-235 of the Administrative Code unless he has been granted an extension to the one hundred eighty-day (or two hundred seventy-day if applicable) period. Such extension, of up to thirty days, may be granted at the discretion of the director on a case-by-case basis if hazardous waste must remain on-site for longer than one-hundred eighty days (or two-hundred seventy days if applicable) due to unforeseen, temporary, and uncontrollable circumstances.
- (G) A generator who generates one thousand kilograms or greater of hazardous waste per calendar month who also generates wastewater treatment sludges from electroplating operations that meet the listing description for EPA hazardous waste number F006, may accumulate F006 waste on-site for more than ninety days, but not more than one hundred eighty days without having an Ohio hazardous waste permit, provided that:
- (1) The generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants or contaminants entering F006 or otherwise released to the environment prior to its recycling;
 - (2) The F006 waste is legitimately recycled through metals recovery;
 - (3) No more than twenty thousand kilograms of F006 waste is accumulated on-site at any one time; and
 - (4) The F006 waste is managed in accordance with the following:
 - (a) The F006 waste is placed:
 - (i) In containers and the generator complies with the applicable requirements of rules 3745-66-70 to 3745-66-77 of the Administrative Code; and/or

[Comment: Pursuant to federal law, generators must also comply with the applicable requirements of 40 CFR Part 265 subparts AA, BB, and CC.]
 - (ii) In tanks and the generator complies with the applicable requirements of rules 3745-66-90 to 3745-66-101 of the Administrative Code except paragraph (C) of rule 3745-66-97 and

rule 3745-66-100 of the Administrative Code; and/or

[Comment: Pursuant to federal law, generators must also comply with the applicable requirements of 40 CFR Part 265 subparts AA, BB, and CC.]

(iii) In containment buildings and the generator complies with rules 3745-256-100 to 3745-256-102 of the Administrative Code, and has placed its professional engineer certification that the building complies with the design standards specified in rule 3745-256-102 of the Administrative Code in the facility's operating record prior to operation of the unit. The owner or operator must maintain the following records at the facility:

(a) A written description of procedures to ensure that the F006 waste remains in the unit for no more than one hundred eighty days, a written description of the waste generation and management practices for the facility showing that they are consistent with the one hundred eighty-day limit, and documentation that the generator is complying with the procedures; or

(b) Documentation that the unit is emptied at least once every one hundred eighty days.

(b) In addition, such a generator is exempt from all the requirements in rules 3745-66-10 to 3745-66-21 and 3745-66-40 to 3745-66-48 of the Administrative Code, except for rules 3745-66-11 and 3745-66-14 of the Administrative Code;

(c) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

(d) While being accumulated on-site, each container and tank is labeled or marked clearly with the words; "hazardous waste;" and

(e) The generator complies with the requirements for owners or operators in paragraph (A)(5) of rule 3745-270-07 and rules 3745-65-16, 3745-65-30 to 3745-65-37, and 3745-65-50 to 3745-65-56 of the Administrative Code.

(H) A generator who generates one thousand kilograms or greater of hazardous waste per calendar month who also generates wastewater treatment sludges from

electroplating operations that meet the listing description for EPA hazardous waste number F006, and who must transport this waste, or offer this waste for transportation, over a distance of two hundred miles or more for off-site metals recovery, may accumulate F006 waste on-site for more than ninety days, but not more than two hundred seventy days without an Ohio hazardous waste permit if the generator complies with the requirements of paragraphs (G)(1) to (G)(4)(e) of this rule.

- (I) A generator accumulating F006 in accordance with paragraphs (G) to (G)(4)(e) and (H) of this rule who accumulates F006 waste on-site for more than one hundred eighty days (or for more than two hundred seventy days if the generator must transport this waste, or offer this waste for transportation, over a distance of two hundred miles or more), or who accumulates more than twenty thousand kilograms of F006 waste on-site is an operator of a storage facility and is subject to the requirements of Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, and 3745-256 of the Administrative Code, and the permit requirements of rules 3745-50-40 to 3745-50-235 of the Administrative Code unless the generator has been granted either an extension to the one hundred eighty-day (or two hundred seventy-day if applicable) period or an exception to the twenty thousand kilogram accumulation limit. Such extension, of up to thirty days, or exception to the accumulation limit, may be granted at the discretion of the director on a case-by-case basis if hazardous waste must remain on-site for longer than one hundred eighty days (or two hundred seventy days if applicable) or if more than twenty thousand kilograms of F006 waste must remain on-site due to unforeseen, temporary, and uncontrollable circumstances.
- (J) Reserved.
- (K) Reserved.
- (L) Reserved.
- (M) A generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of rule 3745-54-72 or 3745-65-72 of the Administrative Code may accumulate the waste on-site in accordance with paragraphs (A) and (B) or (D), (E), and (F) of this rule, depending on the amount of hazardous waste on-site in that calendar month. Upon receipt of the return shipment, the generator must:
- (1) Sign item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

- (2) Sign item 20 of the manifest, if the transporter returned the shipment using a new manifest.

[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

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