

3745-66-96

Response to leaks or spills and disposition of leaking or unfit for use tank systems.

A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately, and the owner or operator must satisfy the following requirements:

(A) Cessation of use; prevent flow or addition of wastes. The owner or operator must immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.

(B) Removal of waste from tank system or secondary containment system.

(1) If the release was from the tank system, the owner or operator must, within twenty-four hours after detection of the leak or, if the owner or operator demonstrates that that is not possible, at the earliest practicable time remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed.

(2) If the release was to a secondary containment system, all released materials must be removed within twenty-four hours or in as timely a manner as is possible to prevent harm to human health and the environment.

(C) Containment of visible releases to the environment. The owner or operator must immediately conduct a visual inspection of the release and, based upon that inspection:

(1) Prevent further migration of the leak or spill to soils or surface water; and

(2) Remove, and properly dispose of, any visible contamination of the soil or surface water.

(D) Notifications, reports.

(1) Any release to the environment, except as provided in paragraph (D)(2) of this rule, must be reported to the director within twenty-four hours ~~or~~ after detection. If the release has been reported pursuant to 40 CFR Part 302, that report will satisfy this requirement.

(2) A leak or spill of hazardous waste that is:

(a) Less than or equal to a quantity of one pound; and

- (b) Immediately contained and cleaned-up is exempted from the requirements of paragraphs (D) to (D)(3)(e) of this rule.
- (3) Within thirty days ~~of~~after detection of a release to the environment, a report containing the following information must be submitted to the director:
- (a) Likely route of migration of the release;
 - (b) Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate);
 - (c) Results of any monitoring or sampling conducted in connection with the release, (if available). If sampling or monitoring data relating to the release are not available within thirty days, these data must be submitted to the director as soon as they become available;
 - (d) Proximity to downgradient drinking water, surface water, and population areas; and
 - (e) Description of response actions taken or planned.
- (E) Provision of secondary containment, repair, or closure.
- (1) Unless the owner or operator satisfies the requirements of paragraphs (E)(2) to (E)(4) of this rule, the tank system must be closed in accordance with rule 3745-66-97 of the Administrative Code.
 - (2) If the cause of the release was a spill that has not damaged the integrity of the system, the owner/operator may return the system to service as soon as the released waste is removed and repairs, if necessary, are made.
 - (3) If the cause of the release was a leak from the primary tank system into the secondary containment system, the system must be repaired prior to returning the tank system to service.
 - (4) If the source of the release was a leak to the environment from a component of a tank system without secondary containment, the owner/operator must provide the component of the system from which the leak occurred with secondary containment that satisfies the requirements of rule 3745-66-93 of the Administrative Code before it can be returned to service, unless the source of

the leak is an aboveground portion of a tank system. If the source is an aboveground component that can be inspected visually, the component must be repaired and may be returned to service without secondary containment as long as the requirements of paragraph (F) of this rule are satisfied. If a component is replaced to comply with the requirements of this ~~rule~~paragraph, that component must satisfy the requirements for new tank systems or components in rules 3745-66-92 and 3745-66-93 of the Administrative Code. Additionally, if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an inground or onground tank), the entire component must be provided with secondary containment in accordance with rule 3745-66-93 of the Administrative Code prior to being returned to use.

- (F) Certification of major repairs. If the owner or operator has repaired a tank system in accordance with paragraph (E) of this rule, and the repair has been extensive (e.g., installation of an internal liner, repair of a ruptured primary containment or secondary containment vessel), the tank system must not be returned to service unless the owner/operator has obtained a certification by an independent, qualified, ~~registered~~ professional engineer in accordance with paragraph (D) of rule 3745-50-42 of the Administrative Code that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. This certification must be submitted to the director within seven days after returning the tank system to use.

~~[Note: The director may, on the basis of any information received that there is or has been a release of hazardous waste or hazardous constituents into the environment, issue an order under section 3734.20 of the Ohio Revised Code requiring corrective action or such other response as deemed necessary to protect human health or the environment.]~~

~~[Note: See paragraph (C) of rule 3745-65-15 of the Administrative Code for the requirements necessary to remedy a failure. Also, 40 CFR Part 302 requires the owner or operator to notify the national response center of a release of any "reportable quantity."]~~

~~[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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[Comment 2: See paragraph (C) of rule 3745-65-15 of the Administrative Code for the requirements necessary to remedy a failure. Also, 40 CFR Part 302 requires the owner or operator to notify the national response center of a release of any "reportable quantity."]

[Comment 3: 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

07/23/2010

Date

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