

3745-54-01

**Purpose, scope, and applicability of Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code.**

- (A) The purpose of Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code is to establish minimum standards which define the acceptable management of hazardous waste.
- (B) Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code apply to owners and operators of all facilities which treat, store, or dispose of hazardous waste, except as specifically provided otherwise in Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code or in Chapter 3745-51 of the Administrative Code.
- (C) [Reserved.]
- (D) Underground injection. Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code apply to a person disposing of hazardous waste by means of underground injection subject to a permit issued under an underground injection control program approved or promulgated under the Safe Drinking Water Act, only to the extent specified in rule 3745-34-09 of the Administrative Code.
- [Comment: Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code apply to the above-ground treatment or storage of hazardous waste before it is injected underground.]
- (E) Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code apply to the owner or operator of a POTW which treats, stores, or disposes of hazardous waste only to the extent such activities are included in a permit by rule granted to such a person under rule 3745-50-46 of the Administrative Code.
- (F) [Reserved.]
- (G) Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code do not apply to the following:
- (1) [Reserved.]
  - (2) The owner or operator of a facility managing recyclable materials described in paragraphs (A)(2), (A)(3), and (A)(4) of rule 3745-51-06 of the Administrative Code, except to the extent Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code are referred to in Chapter 3745-279 or rules 3745-266-20 to 3745-266-23, 3745-266-70, 3745-266-80 or 3745-266-100 to 3745-266-112 of the Administrative Code.

- (3) A generator accumulating or conducting treatment of hazardous waste that is generated on-site in compliance with rule 3745-52-34 of the Administrative Code.
- (4) A farmer disposing of waste pesticides from ~~his~~the farmer's own use in compliance with rule 3745-52-70 of the Administrative Code.
- (5) The owner or operator of a "totally enclosed treatment facility," as defined in rule 3745-50-10 of the Administrative Code.
- (6) The owner or operator of an "elementary neutralization unit" or a "wastewater treatment unit" as defined in rule 3745-50-10 of the Administrative Code, provided that if the owner or operator is diluting hazardous ignitable waste (D001) [other than the D001 high total organic carbon (TOC) subcategory described in rule 3745-270-40 of the Administrative Code in the table of treatment standards for hazardous waste], or reactive waste (D003), to remove the characteristic before land disposal, the owner or operator shall comply with paragraph (B) of rule 3745-54-17 of the Administrative Code.
- (7) [Reserved.]
- (8) Regarding response situations.
  - (a) Except as provided in paragraph (G)(8)(b) of this rule, a person engaged in treatment or containment activities during immediate response to any of the following situations:
    - (i) A discharge of a hazardous waste
    - (ii) An imminent and substantial threat of a discharge of hazardous waste.
    - (iii) A discharge of a material which, when discharged, becomes a hazardous waste.
    - (iv) An immediate threat to human health, public safety, property, or the environment, from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an "explosives or munitions emergency response specialist" as defined in rule 3745-50-10 of the Administrative Code.
  - (b) An owner or operator of a facility otherwise regulated by Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code shall comply

with all applicable requirements of rules 3745-54-30 to 3745-54-37 and 3745-54-50 to 3745-54-56 of the Administrative Code.

- (c) Any person who is covered by paragraph (G)(8)(a) of this rule and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code and 40 CFR Parts 122 and 124 for those activities.
  - (d) In the case of an explosives or munitions emergency response, if a federal, state, or local official acting within the scope of his official responsibilities, or an explosives or munitions emergency response specialist, determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters who do not have U.S. EPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for three years identifying the dates of the response, the names of the responsible persons responding, the type and description of material addressed, and its disposition.
- (9) A transporter storing manifested shipments of hazardous waste in containers that meet the requirements of rule 3745-52-30 of the Administrative Code at a transfer facility for a period of ten days or less.
- (10) The addition of sorbent material to waste in a "container" (as defined in rule 3745-50-10 of the Administrative Code) or the addition of waste to sorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and rules 3745-55-71 and 3745-55-72 and paragraph (B) of rule 3745-54-17 of the Administrative Code are complied with.
- (11) "Universal waste handlers" and "universal waste transporters" (as defined in rule 3745-50-10 of the Administrative Code) handling the wastes listed in paragraphs (G)(11)(a) to ~~(G)(11)(e)~~ (G)(11)(d) and (G)(11)(e) of this rule, except to the extent Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code are referred to in Chapter 3745-273. These handlers are subject to regulation under Chapter 3745-273 of the Administrative Code when handling the following universal wastes:
- (a) Batteries as described in rule 3745-273-02 of the Administrative Code.

- (b) Pesticides as described in rule 3745-273-03 of the Administrative Code.
- (c) Mercury-containing equipment as described in rule 3745-273-04 of the Administrative Code.
- (d) Lamps as described in rule 3745-273-05 of the Administrative Code.
- (e) Ohio-specific universal wastes, which include the following.
  - (i) Aerosol containers as described in paragraph (A) of rule 3745-273-89 of the Administrative Code.
  - (ii) Antifreeze as described in paragraph (B) of rule 3745-273-89 of the Administrative Code.
  - (iii) Paint and paint-related waste as described in paragraph (C) of rule 3745-273-89 of the Administrative Code.

(12) [Reserved.]

- (H) Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code apply to owners or operators of all facilities which treat, store, or dispose of hazardous wastes referred to in Chapter 3745-270 of the Administrative Code.
- (I) Rule 3745-266-205 of the Administrative Code identifies when Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code apply to the storage of military munitions classified as waste under rule 3745-266-202 of the Administrative Code. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in Chapters 3745-50, 3745-51, 3745-52, 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code.
- (J) Rules 3745-54-10 to 3745-54-19, 3745-54-30 to 3745-54-37, 3745-54-50 to 3745-54-56, and 3745-54-101 of the Administrative Code do not apply to remediation waste management sites. (However, some remediation waste management sites may be a part of a facility that is subject to an Ohio hazardous waste permit because the facility is also treating, storing, or disposing of hazardous wastes that are not remediation wastes. In these cases, rules 3745-54-10 to 3745-54-19, 3745-54-30 to 3745-54-37, 3745-54-50 to 3745-54-56, and 3745-54-101 of the Administrative Code do apply to the facility subject to the Ohio hazardous waste permit.) Instead of rules 3745-54-10 to 3745-54-19, 3745-54-30 to 3745-54-37, and 3745-54-50 to 3745-54-56 of the Administrative Code, owners or operators of remediation waste management sites shall do the following:

- (1) Obtain a U.S. EPA identification number by applying to Ohio EPA using Ohio EPA form EPA 9029.
- (2) Obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the analysis shall contain all of the information which is required to be known to treat, store, or dispose of the waste according to Chapters 3745-54 to 3745-57, 3745-205, and 3745-270 of the Administrative Code, and shall be kept accurate and up to date.
- (3) Prevent people who are unaware of the danger from entering, and minimize the possibility for livestock or unauthorized people to enter onto the active portion of the remediation waste management site, unless the owner or operator can demonstrate to the director that both:
  - (a) Physical contact with the waste, structures, or equipment within the active portion of the remediation waste management site will not injure livestock or people who may enter the active portion of the remediation waste management site.
  - (b) Disturbance of the waste or equipment by livestock or people who enter onto the active portion of the remediation waste management site will not cause a violation of Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code.
- (4) Inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing, or may lead to, a release of hazardous waste constituents to the environment, or a threat to human health. The owner or operator shall conduct these inspections often enough to identify problems in time to correct ~~them~~the problems before ~~they~~the problems harm human health or the environment, and shall remedy the problem before ~~it~~the problem leads to a human health or environmental hazard. Where a hazard is imminent or has already occurred, the owner or operator shall take remedial action immediately.
- (5) Provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code, and on how to respond effectively to emergencies.
- (6) Take precautions to prevent accidental ignition or reaction of ignitable waste or reactive waste, and prevent threats to human health and the environment from ignitable waste, reactive waste, and incompatible waste.

- (7) For remediation waste management sites subject to regulation under rules 3745-55-70 to 3745-55-78, 3745-55-90 to 3745-55-99, 3745-57-02 to 3745-57-17, 3745-57-40 to 3745-57-51, 3745-57-90 to 3745-57-93, and Chapter 3745-56 of the Administrative Code, the owner or operator shall design, construct, operate, and maintain a unit within a one-hundred-year floodplain to prevent washout of any hazardous waste by a one-hundred-year flood, unless the owner or operator can meet the demonstration of paragraph (B) of rule 3745-54-18 of the Administrative Code.
- (8) Not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine, or cave.
- (9) Develop and maintain a construction quality assurance program for all surface impoundments, waste piles, and landfill units that are required to comply with paragraphs (C) and (D) of rule 3745-56-21, paragraphs (C) and (D) of rule 3745-56-51, and paragraphs (C) and (D) of rule 3745-57-03 of the Administrative Code at the remediation waste management site, according to rule 3745-54-19 of the Administrative Code.
- (10) Develop and maintain procedures to prevent accidents and a contingency and emergency plan to control accidents that occur. These procedures shall address proper design, construction, maintenance, and operation of remediation waste management units at the site. The goal of the plan shall be to minimize the possibility of, and the hazards from, a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment. The plan shall explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and shall be implemented immediately whenever a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.
- (11) Designate at least one employee, either on the facility premises or on call (that is available to respond to an emergency by reaching the facility quickly), to coordinate all emergency response measures. This emergency coordinator shall be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person shall have the authority to commit the resources needed to carry out the contingency plan.
- (12) Develop, maintain, and implement a plan to meet the requirements in paragraphs (J)(2) to (J)(6) and (J)(9) to (J)(10) of this rule.

- (13) Maintain records documenting compliance with paragraphs (J)(1) to (J)(12) of this rule.

[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."]

Effective: 12/21/2017  
Five Year Review (FYR) Dates: 9/11/2017 and 12/21/2022

CERTIFIED ELECTRONICALLY

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Certification

12/08/2017

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.12  
Rule Amplifies: 3734.12  
Prior Effective Dates: 04/15/1981, 01/07/1983, 11/29/1983,  
01/30/1986,12/30/1989, 04/01/1990, 09/02/1997,  
10/20/1998, 12/07/2000, 03/13/2002, 12/07/2004,  
09/05/2010, 10/31/2015