



State of Ohio Environmental Protection Agency

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TO: Chris Hartford, CDO, DHWM

FROM: Ed Lim, Manager, through Dave Sholtis, Assistant Chief,
DHWM

SUBJECT: Regulation of Loading and Unloading Areas

DATE: June 26, 1992

This memo is a response to your May 11, 1992 inquiry concerning the regulation of areas where hazardous wastes are loaded into and/or unloaded from transport vehicles, i.e. is there an acceptable time limit for staging beyond which it would constitute regulated storage?

In my initial response to you on this issue in April, I indicated that loading and unloading areas constituted storage and all relevant hazardous waste rules would be applicable. I have since that time reviewed your May memo, and I have discussed this matter with Pam Allen, Ed Kitchen, Jennifer Hille and Tehmton Toorkey. While I continue to believe that a strict reading of the OAC Rule 3745-50-10(A)(102) definition of storage would include loading and unloading areas, I nonetheless recognize the validity of many of the points that you raise in your memo.

I agree with you that we can regulate and have regulated the loading and unloading areas through the permit. The loading and unloading areas must be identified and described in the Part B permit application as a part of the hazardous waste facility. As you have pointed out, there are both regulatory requirements that specify such areas be described in the Part B permit application, as well as specific operational requirements which must be carried out as a part of a facility's waste management practices. To the extent that the rules expressly or implicitly regulate loading and unloading areas and activities, those areas and activities must become a part of the facility's permit application and ultimately a part of the permit.

Two areas of concern are closure and secondary containment. The closure standards would not apply to loading and unloading areas so long as the contingency plan adequately covered necessary responses to and remediation of spill areas. Secondary

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containment is an important element in any facility's plan to ensure against releases to the environment. The other elements are quick detection and effective response to leaks or spills. Short of a facility that receives waste only infrequently (a research facility), I think every unloading area should meet secondary containment standards. Facilities with infrequent waste receipts must have enhanced leak detection and response methods in place.

In terms of permit application processing, if a facility is undergoing a review for technical adequacy, I think we can ask, in a notice of deficiency, for secondary containment or spill control for loading and unloading areas. Those facilities that are in the letter of warning or draft permit stage, or have been permitted previously, warrant a different approach. Those facilities that have warning letters can be notified and given time to address this issue. Conditions can be added to draft permits which are being prepared provided an adequate justification is provided. Those permitted or where a draft permit has been issued can be notified to submit a permit change request.

It is our opinion that no time limit needs to be imposed (by Ohio EPA) by which hazardous waste must pass through a loading or unloading area so long as the waste stored in those areas count toward the permitted storage capacity. An additional condition will need to be added to the permit to state that hazardous waste managed on loading and unloading areas will count towards the maximum storage inventory established by the permit.

LOAD.EYL/ljp

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