

*** DRAFT - NOT YET FILED ***

TO BE RESCINDED

3745-42-11 **Holding tanks.**

(A) Applicability.

No person shall cause, permit or allow the installation of a holding tank or cause, permit or allow the modification of a holding tank without first obtaining a permit to install from the director as required by rule 3745-42-02 of the Administrative Code. In addition to finding that the installation or modification of a holding tank satisfies the criteria set forth in rule 3745-42-04 of the Administrative Code, and except as provided in paragraph (A)(3) or (A)(4) of this rule, the director shall not issue a permit to install for a holding tank unless the conditions in paragraphs (A)(1) and (A)(2) of this rule have been met.

- (1) For a holding tank that will contain sewage, one of the following shall be met:
 - (a) No sanitary sewers are currently available which can serve the proposed facility, but sanitary sewers which can serve the proposed facility are under construction or a contract for construction has been signed at the time the permit to install application is received by the director;
 - (b) The existing facility's on-lot system has resulted in a nuisance, a human health risk, or a risk to the environment, and centralized sewers are not available and there are no other conventional treatment alternatives feasible for the site;
 - (c) The existing facility's on-lot system currently has an un-permitted discharge to waters of the state, and centralized sewers are not available and there are no other conventional treatment alternatives feasible for the site; or
 - (d) The facility is requested in writing by the local sewer authority to use a holding tank prior to shipping or hauling the sewage off-site in order to meet sewer operational or maintenance requirements of the sewer authority.
- (2) For a holding tank that will contain industrial waste, the proposed holding tank will be used exclusively to collect, hold or store industrial waste.
- (3) The director may issue a permit to install for a holding tank that does not meet

the conditions contained in paragraph (A)(1) or (A)(2) of this rule if the applicant demonstrates that it is not financially or technically feasible to operate its facility without the use of a holding tank.

- (4) The requirements contained in paragraph (A)(1) of this rule do not apply to recreational vehicle parks, recreation camps, combined park-camps, and temporary park-camps for which Ohio EPA is mandated to adopt rules under section 6111.46 of the Revised Code.

(B) Exemptions.

This rule does not apply to the following:

- (1) Holding tanks that are regulated by rules 3745-55-90 to 3745-55-99 of the Administrative Code or rules 3745-66-90 to 3745-66-101 of the Administrative Code;
- (2) Underground storage tanks regulated by rule 1301:7-9-06 of the Administrative Code;
- (3) Portable toilets and vault privies that are not connected to a water supply;
- (4) Portable units for the storage of sewage that are dropped off and picked up for off-site recycling, treatment or disposal (e.g., "totes" or "roll-offs") that hold less than five hundred gallons;
- (5) Tanks used for one occurrence of less than twenty consecutive days in any calendar year; or
- (6) Tanks used to store less than twenty-five gallons per day.

(C) A permit to install is not required for the installation or modification of a holding tank when:

- (1) Like equipment or parts are being replaced; or
- (2) Minor repairs or minor modifications are made that do not change the overall capacity or operation of the system.

(D) Design of tanks holding sewage or industrial waste.

Applicants proposing to install a holding tank shall, at a minimum, incorporate the following into their applications and into their design and operation of the tank and related equipment.

(1) For in-ground holding tanks:

- (a) The inner surface or the lining of the holding tank shall be compatible with the sewage or industrial waste that the tank is proposed to hold;
- (b) The tank shall not leak from its sides, bottom, seams or top;
- (c) The tank shall meet or exceed H 20 loading if the tank is completely below ground;
- (d) The tank foundation shall be capable of supporting the holding tank when the tank is full of sewage or industrial waste and shall be capable of preventing uplift when the tank is empty;
- (e) The tank shall be designed and constructed without storm water connections and to prevent inflow and infiltration from entering the holding tank;
- (f) The tank shall be equipped with the following features:
 - (i) A liquid level device that is connected to an autodialer and a light alarm system located in a staffed location or an audio/visual alarm located in a visible location above ground at the tank's site. The alarm system shall be activated when the level of sewage or industrial waste reaches seventy-five per cent of the holding tank capacity and the alarm signal shall be transmitted to a staffed location or clearly visible to a staffed location; and
 - (ii) Odor control measures, if necessary, to prevent nuisance conditions;
- (g) The tank shall be labeled, or a legible sign shall be placed immediately adjacent to the holding tank, with the words "Non-Hazardous Sewage" or "Non-Hazardous Industrial Waste," whichever term applies to the tank in question;
- (h) Signs that direct persons to notify the Ohio environmental protection agency's spill hotline (1-800-283-9378) in an event of a release shall be

placed in clearly visible locations around the tank;

(i) The application shall include an operation and maintenance plan that, at a minimum, contains all of the following:

(i) A schedule for emptying the waste from the tank and hauling the waste for recycling, treatment or disposal;

(ii) Measures for spill control;

(iii) Standard operating procedures for filling, operating, and emptying the tank; and

(iv) A plan for the operation and maintenance of the equipment required in paragraph (D)(1)(f) of this rule; and

(j) In addition, in-ground holding tanks that are designed to hold sewage shall meet the following limitations:

(i) The maximum allowable design flow into the tank shall not exceed six hundred gallons per day;

(ii) The design of the tank shall provide for a minimum storage capacity of ten times the daily design flow; and

(iii) The tank volume shall be greater than or equal to one thousand gallons and less than or equal to seven thousand five hundred gallons.

(2) For above-ground holding tanks:

(a) The inner surface or the lining of the holding tank shall be compatible with the sewage or industrial waste that it is holding;

(b) The holding tank shall be equipped with the following features:

(i) For a remotely or automatically filled holding tank, a liquid level device connected to an autodialer and a light alarm system located in a staffed location, or a liquid level device connected to an audio/visual alarm located in a visible location above ground at the tank's location. The alarm system shall be activated when the

level of sewage or industrial waste reaches seventy-five per cent of the holding tank capacity and the alarm signal shall be transmitted to a staffed location or clearly visible to a staffed location;

- (ii) For a manually filled holding tank, a visual or sight glass type of level measurement; and
 - (iii) Odor control measures, if necessary, to prevent nuisance conditions;
- (c) The tank shall be labeled, or a legible sign shall be placed immediately adjacent to the holding tank, with the words "Non-Hazardous Sewage" or "Non-Hazardous Industrial Waste," whichever term applies to the tank in question;
- (d) Signs that direct persons to notify the Ohio environmental protection agency's spill hotline (1-800-283-9378) in an event of a release shall be placed in clearly visible locations around the tank;
- (e) The application shall include an operation and maintenance plan that, at a minimum, contains all of the following:
- (i) A schedule for emptying the waste from the tank and hauling the waste to off-site recycling, treatment or disposal;
 - (ii) Measures for spill control;
 - (iii) Standard operating procedures for filling, operating, and emptying the tank; and
 - (iv) A plan for the operation and maintenance of the equipment required in paragraph (D)(2)(b) of this rule; and
- (f) In addition, above-ground holding tanks that are designed to hold sewage shall meet the following limitations:
- (i) The maximum allowable design flow into the tank shall not exceed six hundred gallons per day;
 - (ii) The design of the tank shall provide for a minimum storage capacity

of ten times the daily design flow; and

- (iii) The tank volume shall be greater than or equal to one thousand gallons and less than or equal to seven thousand five hundred gallons.
- (3) Except as provided in paragraph (D)(3)(d) of this rule, secondary containment, as described in this rule, shall be provided for above-ground or below-ground holding tanks that hold industrial waste. Secondary containment is not required for above-ground or below-ground tanks that only hold sewage unless the director determines that secondary containment for such tanks is needed to protect human health or the environment.
- (a) The secondary containment system shall be designed, installed, and operated to prevent any migration of waste from the tank to the soil, ground water, or surface water. The secondary containment system shall be capable of detecting the release of any waste or liquid from the tank, and collecting such released waste or liquid until the collected waste or liquid is removed.
 - (b) Secondary containment system shall be, at a minimum:
 - (i) Constructed of or lined with materials that are compatible with the wastes to be placed in the tank system and have sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which they may be exposed, climatic conditions, the stress of installation, and the stress of daily operation (including stresses from nearby vehicular traffic);
 - (ii) Placed on a foundation or base capable of supporting the secondary containment system and resisting pressure gradients above and below the system and capable of preventing failure due to settlement, compression, or uplift;
 - (iii) Equipped with leak detection systems that are designed and operated to detect the failure of either the primary and secondary containment structures or any release of industrial waste or accumulated liquid in the secondary containment system within twenty-four hours, or at the earliest practicable time if the existing detection technology or site conditions will not allow detection of a release within twenty-four hours; and

(iv) Sloped or otherwise designed to drain and facilitate removal of liquids resulting from leaks, spills, or precipitation. Spilled or leaked waste and accumulated precipitation shall be removed from the secondary containment system within twenty-four hours, or as soon as possible to prevent harm to human health or the environment, if removal of the released waste or accumulated precipitation cannot be accomplished within twenty-four hours.

(c) Secondary containment for holding tanks shall include one or more of the following devices:

(i) A liner (external to the tank);

(ii) A vault;

(iii) A double-walled tank; or

(iv) An equivalent device as approved by the director.

(d) Secondary containment for holding tanks as specified in this rule is not required if the following criteria are met:

(i) The industrial waste only contains a contaminant listed in table 1 of rule 3745-51-24 of the Administrative Code in concentrations fifty per cent or less of the regulatory level listed for that contaminant in table 1 of rule 3745-51-24 of the Administrative Code; and

(ii) The pH of the industrial waste will be greater than 5.0 standard units and less than 12.0 standard units.

(E) Record keeping for any newly constructed holding tank.

All persons who own or operate a holding tank shall keep the following records at the facility for the time specified and make these records available to the director upon request:

(1) Holding tank construction and installation records, including a copy of the approved permit to install, until the holding tank is decommissioned pursuant to this rule;

- (2) Operating records for holding tanks for a period of three years. The records shall include, at a minimum:
 - (a) The following information about the hauling of sewage or industrial waste:
 - (i) The name of holding tank operator;
 - (ii) The date of the sewage or industrial waste was hauled;
 - (iii) The volume and description of each source of sewage or industrial waste;
 - (iv) The name and address of the receiving facility; and
 - (v) The name of the hauler and confirmation that the hauler is licensed through a local health department to haul wastes; and
 - (b) Documentation from the receiving facility that it has received the sewage or industrial waste from each hauling event.
- (F) Holding tank decommissioning requirements.
- (1) For above-ground holding tanks, the owner or operator of the tank shall:
 - (a) Pump and haul the entire contents of the tank for recycling, treatment or disposal at a facility that has been permitted by the applicable regulatory authority; and
 - (b) Clean the holding tank and related areas as necessary.
 - (2) For in-ground holding tanks, the owner or operator of the tank shall:
 - (a) Pump and haul the entire contents of the tank for recycling, treatment or disposal at a facility that has been permitted by the applicable regulatory authority;
 - (b) Clean the holding tank and related areas as necessary; and

- (c) Decommission the in-ground holding tank with one of the following options:
 - (i) Remove the holding tank from the ground; or
 - (ii) Fill the holding tank with clean sand, soil, or other inert material; or
 - (iii) Permanently change the function of the holding tank pursuant to the permit to install application requirements of this rule;
- (3) The owner or operator of the holding tank shall notify the director of the following within thirty days of the holding tank decommissioning:
 - (a) The name and address of the facility where the holding tank is located, the name of the owner and the name of the operator;
 - (b) The date the holding tank was decommissioned;
 - (c) The most recent date the sewage or industrial waste was pumped and hauled, as specified in paragraph (E)(2) of this rule; and
 - (d) A brief description of how the holding tank was decommissioned.

Replaces: 3745-42-11

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Certification

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