

3745-52-16**Conditions for exemption for small quantity generators that accumulate hazardous waste.**

A small quantity generator may accumulate or treat hazardous waste on-site without a hazardous waste permit, and without complying with Chapters 3745-50, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, and 3745-266 of the Administrative Code or the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, provided that all the conditions for exemption listed in this rule are met:

(A) Generation. The generator generates in a calendar month no more than the amounts specified in the definition of "small quantity generator" in rule 3745-50-10 of the Administrative Code.

(B) Accumulation or treatment. The generator accumulates or treats hazardous waste on-site for no more than one hundred eighty days, unless in compliance with the conditions for exemption for longer accumulation in paragraphs (D) and (E) of this rule. The following accumulation conditions also apply:

(1) Accumulation limit. The quantity of hazardous waste accumulated or treated on-site never exceeds 6,000.0 kilograms (13,200.0 pounds).

(2) Accumulation or treatment of hazardous waste in containers:

(a) Condition of containers. If a container holding hazardous waste is not in good condition, or if the container begins to leak, the small quantity generator shall immediately transfer the hazardous waste from this container to a container that is in good condition, or immediately manage the waste in some other way that complies with the conditions for exemption of this rule.

(b) Compatibility of waste with container. The small quantity generator shall use a container made of or lined with materials that shall not react with, and are otherwise compatible with, the hazardous waste to be accumulated or treated, so that the ability of the container to contain the waste is not impaired.

(c) Management of containers.

(i) A container holding hazardous waste shall always be closed during accumulation, except when necessary to add or remove waste.

(ii) A container holding hazardous waste shall not be opened, handled, accumulated, or treated in a manner that may rupture the container or cause the container to leak.

(d) Inspections. At least weekly, the small quantity generator shall inspect central accumulation areas. The small quantity generator shall look for leaking containers and for deterioration of containers caused by corrosion or other factors. See paragraph (B)(2)(a) of this rule for remedial action required if deterioration or leaks are detected.

(e) Special conditions for accumulation or treatment of incompatible wastes.

(i) Incompatible wastes, or incompatible wastes and materials, (see appendix to rule 3745-66-99 of the Administrative Code for examples) shall not be placed in the same container, unless paragraph (B) of rule 3745-65-17 of the Administrative Code is complied with.

(ii) Hazardous waste shall not be placed in an unwashed container that previously held an incompatible waste or material (see appendix of rule 3745-66-99 of the Administrative Code for examples), unless paragraph (B) of rule 3745-65-17 of the Administrative Code is complied with.

(iii) A container accumulating hazardous waste that is incompatible with any waste or other materials accumulated, treated, or stored nearby in other containers, piles, open tanks, or surface impoundments shall be separated from the other materials or protected from waste or materials by means of a dike, berm, wall, or other device.

(3) Accumulation or treatment of hazardous waste in tanks.

(a) [Reserved.]

(b) A small quantity generator of hazardous waste shall comply with the following general operating conditions:

(i) Treatment or accumulation of hazardous waste in tanks shall comply with paragraph (B) of rule 3745-65-17 of the Administrative Code.

(ii) Hazardous wastes or treatment reagents shall not be placed in a tank if the hazardous wastes or treatment reagents could cause the tank or the tank's inner liner to rupture, leak, corrode, or otherwise fail before the end of the tank's intended life.

(iii) Uncovered tanks shall be operated to ensure at least sixty centimeters (two feet) of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control

system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top sixty centimeters (two feet) of the tank.

(iv) Where hazardous waste is continuously fed into a tank, the tank shall be equipped with a means to stop this inflow (e.g., waste feed cutoff system or by-pass system to a stand-by tank).

(c) Except as noted in paragraph (B)(3)(d) of this rule, a small quantity generator that accumulates or treats hazardous waste in tanks shall inspect, where present, all of the following:

(i) Discharge control equipment (e.g., waste feed cutoff systems, by-pass systems, and drainage systems) at least once each operating day, to ensure that the discharge control equipment is in good working order.

(ii) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day, to ensure that the tank is being operated according to the tank's design.

(iii) The level of waste in the tank at least once each operating day, to ensure compliance with paragraph (B)(3)(b)(iii) of this rule.

(iv) The construction materials of the tank at least weekly, to detect corrosion or leaking of fixtures or seams.

(v) The construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes) at least weekly, to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation). The generator shall remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action shall be taken immediately.

(d) A small quantity generator accumulating or treating hazardous waste in tanks or tank systems that have full secondary containment and that either use leak detection equipment, to alert personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified, shall inspect at least weekly, where applicable, the areas identified in paragraph (B)(3)(c) of this rule. Use of the alternate inspection

schedule shall be documented in the generator's operating record. This documentation shall include a description of the established workplace practices at the generator.

(e) [Reserved.]

(f) A small quantity generator accumulating or treating hazardous waste in tanks, upon closure of the facility, shall remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures. At closure, as throughout the operating period, unless the small quantity generator can demonstrate, in accordance with paragraph (C) or (D) of rule 3745-51-03 of the Administrative Code, that any waste removed from the small quantity generator's tank is not a hazardous waste, then the small quantity generator shall manage such waste in accordance with all applicable provisions of Chapters 3745-52, 3745-53, 3745-65 to 3745-69, 3745-256, and 3745-270 of the Administrative Code.

(g) A small quantity generator shall comply with the following special conditions for accumulation or treatment of ignitable or reactive waste:

(i) Ignitable or reactive waste shall not be placed in a tank, unless any of the following are met:

(a) The waste is treated, rendered, or mixed before or immediately after placement in a tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable waste or reactive waste under rule 3745-51-21 or 3745-51-23 of the Administrative Code, and paragraph (B) of rule 3745-65-17 of the Administrative Code is complied with.

(b) The waste is accumulated or treated in such a way that the waste is protected from any material or conditions that may cause the waste to ignite or react.

(c) The tank is used solely for emergencies.

(ii) A small quantity generator which treats or accumulates ignitable or reactive waste in covered tanks shall comply with the buffer zone requirements for tanks contained in tables 2-1 through 2-6 of the national fire protection association's "Flammable and Combustible Liquids Code."

(iii) A small quantity generator shall comply with the following special conditions for incompatible wastes:

(a) Incompatible wastes, or incompatible wastes and materials (see appendix to rule 3745-66-99 of the Administrative Code for examples), shall not be placed in the same tank unless paragraph (B) of rule 3745-65-17 of the Administrative Code is complied with.

(b) Hazardous waste shall not be placed in an unwashed tank that previously held an incompatible waste or material unless paragraph (B) of rule 3745-65-17 of the Administrative Code is complied with.

(4) Accumulation or treatment of hazardous waste on drip pads. If the waste is placed on drip pads, the small quantity generator shall comply with all of the following:

(a) Rules 3745-69-40 to 3745-69-45 of the Administrative Code, except paragraph (C) of rule 3745-69-45 of the Administrative Code.

(b) The small quantity generator shall remove all wastes from the drip pad at least once every ninety days. Any hazardous wastes that are removed from the drip pad at least once every ninety days are then subject to the one hundred eighty day accumulation or treatment limit in paragraph (B) of this rule and rule 3745-52-15 of the Administrative Code if hazardous wastes are being managed in satellite accumulation areas prior to being moved to the central accumulation area.

(c) The small quantity generator shall maintain on-site at the facility all of the following records readily available for inspection:

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

(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.

(5) Accumulation or treatment of hazardous waste in containment buildings. If the waste is placed in containment buildings, the small quantity generator shall comply with rules 3745-256-100 to 3745-256-102 of the Administrative Code. The generator shall label the generator's containment buildings with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors.

emergency responders, waste handlers, or other persons on-site, and also in a conspicuous place to provide an indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the department of transportation requirements at 49 C.F.R. Part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at 29 C.F.R. 1910.1200; or a chemical hazard label consistent with the national fire protection association code 704]. The generator shall also maintain all of the following:

(a) The professional engineer certification that the building complies with the design standards specified in rule 3745-256-101 of the Administrative Code. This certification shall be in the generator's files prior to operation of the unit.

(b) The following records by use of inventory logs, monitoring equipment, or any other effective means:

(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 the generator is consistent with maintaining the ninety day limit, and documentation that the procedures are complied with.

(ii) Documentation that the unit is emptied at least once every ninety days.

(iii) Inventory logs or records with the information required in paragraph (B)(5)(b)(i) of this rule shall be maintained on-site and readily available for inspection.

(6) Labeling and marking of containers and tanks.

(a) Containers. A small quantity generator shall mark or label the small quantity generator's containers with all of the following:

(i) The words "Hazardous Waste."

(ii) An indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the department of transportation requirements at 49 C.F.R. Part 172 subpart E (labeling) or subpart F (placarding);

a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at 29 C.F.R. 1910.1200; or a chemical hazard label consistent with the national fire protection association code 704].

(iii) The date upon which each period of accumulation begins, clearly visible for inspection on each container.

(b) Tanks. A small quantity generator accumulating or treating hazardous waste in tanks shall do all of the following:

(i) Mark or label the small quantity generator's tanks with the words "Hazardous Waste."

(ii) Mark or label the small quantity generator's tanks with an indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the department of transportation requirements at 49 C.F.R. Part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at 29 C.F.R. 1910.1200; or a chemical hazard label consistent with the national fire protection association code 704].

(iii) Use inventory logs, monitoring equipment, or other records to demonstrate that hazardous waste has been emptied within one hundred eighty days after first entering the tank if using a batch process, or in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within one hundred eighty days after first entering.

(iv) Keep inventory logs or records with the above information on-site and readily available for inspection.

(7) Land disposal restrictions. A small quantity generator shall comply with all the applicable requirements in Chapter 3745-270 of the Administrative Code.

(8) Preparedness and prevention.

(a) Maintenance and operation of facility. A small quantity generator shall maintain and operate the small quantity generator's facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-

sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water, which could threaten human health or the environment.

(b) Required equipment. All areas where hazardous waste is either generated or accumulated or treated shall be equipped with the items in paragraph (B) (8)(b) of this rule (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified in this paragraph or the actual waste generation area or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified in this paragraph). A small quantity generator may determine the most appropriate locations to locate equipment necessary to prepare for and respond to emergencies.

(i) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel.

(ii) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams.

(iii) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment.

(iv) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

(c) Testing and maintenance of equipment. All communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, shall be tested and maintained as necessary to assure proper operation in time of emergency.

(d) Access to communications or alarm system.

(i) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation shall have immediate access (e.g., direct or unimpeded access) to an internal alarm or emergency communication device, either directly

or through visual or voice contact with another employee, unless such a device is not required under paragraph (B)(8)(b) of this rule.

(ii) In the event there is just one employee on the premises while the facility is operating, the employee shall have immediate access (e.g., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under paragraph (B)(8)(b) of this rule.

(e) Required aisle space. The small quantity generator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

(f) Arrangements with local authorities.

(i) The small quantity generator shall attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the local emergency planning committee, if the local emergency planning committee is determined to be the appropriate organization with which to make arrangements.

(a) A small quantity generator attempting to make arrangements with the local fire department shall determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals.

(b) As part of this coordination, the small quantity generator shall attempt to make arrangements, as necessary, to familiarize the organizations listed in paragraph (B)(8)(f)(i) of this rule with the layout of the facility, the properties of hazardous waste handled at the facility, and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes, as well as the types of injuries or illnesses

that could result from fires, explosions, or releases at the facility.

(c) Where more than one police or fire department might respond to an emergency, the small quantity generator shall attempt to make arrangements designating primary emergency authority to a specific fire department or police department, and arrangements with any others to provide support to the primary emergency authority.

(ii) A small quantity generator shall maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation shall include documentation in the operating record that either confirms such arrangements actively exist or, in cases where no arrangements exist, confirms that attempts to make such arrangements were made.

(iii) A facility possessing twenty-four-hour response capabilities may seek a waiver from the authority having jurisdiction over the fire code within the facility's state or locality as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided that the waiver is documented in the operating record.

(9) Emergency procedures. The small quantity generator complies with all of the following conditions for those areas of the generator facility where hazardous waste is generated and accumulated:

(a) At all times, there shall 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 to coordinate all emergency response measures specified in paragraph (B)(9)(d) of this rule. This employee is the emergency coordinator.

(b) The small quantity generator shall post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste:

(i) The name and emergency telephone number of the emergency coordinator.

- (C) Transporting over two hundred miles. A small quantity generator who must transport the small quantity generator's waste, or offers the small quantity generator's waste for transportation, over a distance of two hundred miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on-site for two hundred seventy days or less without a permit or without having permit by rule provided that the generator complies with the conditions of paragraph (B) of this rule.
- (D) Accumulation time limit extension. A small quantity generator who accumulates hazardous waste for more than one hundred eighty days (or for more than two hundred seventy days if the small quantity generator must transport the small quantity generator's waste, or offer the small quantity generator's waste for transportation, over a distance of two hundred miles or more) is subject to rules 3745-50-40 to 3745-50-235 and Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, and 3745-270 of the Administrative Code unless the small quantity generator has been granted an extension to the one hundred eighty-day (or two hundred seventy-day if applicable) period. Such extension may be granted by Ohio EPA if hazardous wastes shall remain on-site for longer than one hundred eighty days (or two hundred seventy days if applicable) 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.
- (E) Rejected load. A small quantity 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 returned waste on-site in accordance with paragraphs (A) to (D) of this rule. Upon receipt of the returned shipment, the generator shall perform either of the following:
- (1) Sign item 18c of the manifest, if the transporter returned the shipment using the original manifest.
 - (2) Sign item 20 of the manifest, if the transporter returned the shipment using a new manifest.
- (F) A small quantity generator experiencing an episodic event may accumulate hazardous waste in accordance with rules 3745-52-230 to 3745-52-233 of the Administrative Code in lieu of rule 3745-52-17 of the Administrative Code.

[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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