

TO BE RESCINDED

3745-52-34 **Accumulation time of hazardous waste.**

(A) Except as provided in paragraphs (D), (E), and (F) of this rule, a generator may, for ninety days or less, accumulate or conduct treatment of hazardous waste that is generated on-site without an Ohio hazardous waste permit, provided that:

(1) The waste is placed in or using a combination of:

(a) Containers and the generator complies with the applicable requirements in rules 3745-66-70 to 3745-66-77 of the Administrative Code.

[Comment: Pursuant to federal law, generators also shall comply with the applicable requirements of 40 CFR Part 265 subparts AA, BB, and CC.]

(b) Tanks and the generator complies with the applicable requirements of rules 3745-66-90 to 3745-66-101 of the Administrative Code, except paragraph (C) of rule 3745-66-97 and rule 3745-66-100 of the Administrative Code.

[Comment: Pursuant to federal law, generators also shall comply with the applicable requirements of 40 CFR Part 265 subparts AA, BB, and CC.]

(c) Drip pads and the generator complies with rules 3745-69-40 to 3745-69-45 of the Administrative Code and maintains the following records at the facility:

(i) A description of procedures that will be 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.

- (d) Containment buildings and the generator complies with rules 3745-256-100 to 3745-256-102 of the Administrative Code, has placed its professional engineer certification that the building complies with the design standards specified in rule 3745-256-101 of the Administrative Code in the operating record no later than sixty days after the date of initial operation of the unit. Professional engineer certification is required prior to operation of the unit. The owner or operator shall maintain the following records at the facility:
- (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 they are consistent with respecting the ninety-day limit, and documentation that the procedures are complied with; or
 - (ii) Documentation that the unit is emptied at least once every ninety days.
- (e) In addition, a generator who, for ninety days or less, accumulates or conducts treatment of hazardous waste that is generated on site without an Ohio hazardous waste permit is exempt from rules 3745-66-10 to 3745-66-21 and 3745-66-40 to 3745-66-48 of the Administrative Code except for paragraphs (A) and (B) of rule 3745-66-11 and rule 3745-66-14 of the Administrative Code.
- (2) The date upon which each period of accumulation or treatment begins is clearly marked and visible for inspection on each container.
 - (3) While being accumulated or treated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste."
 - (4) The generator complies with the requirements for owners or operators in rules 3745-65-16, 3745-65-30 to 3745-65-37, 3745-65-50 to 3745-65-56 and all applicable requirements of Chapter 3745-270 of the Administrative Code.
- (B) A generator of one thousand kilograms or greater of hazardous waste in a calendar month, or greater than one kilogram of acute hazardous waste listed in rule 3745-51-31 or paragraph (E) of rule 3745-51-33 of the Administrative Code in a calendar month, who accumulates hazardous waste for more than ninety days, is an operator of a storage facility and is subject to Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, and 3745-256 of the Administrative Code and the permit requirements of rules 3745-50-40 to 3745-50-235 of the Administrative Code

unless the owner or operator has been granted an extension to the ninety-day period. Such extension may be granted by the director if hazardous wastes shall remain on-site for longer than ninety days 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.

(C) A generator:

(1) May accumulate as much as fifty-five gallons of hazardous waste or one quart of acutely hazardous waste listed in rule 3745-51-31 or paragraph (E) of rule 3745-51-33 of the Administrative Code in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit and without complying with paragraph (A) or (D) of this rule provided the generator:

(a) Complies with rules 3745-66-71, 3745-66-72, and paragraph (A) of rule 3745-66-73 of the Administrative Code; and

(b) Marks the containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

(2) Who accumulates either hazardous waste or acutely hazardous waste listed in rule 3745-51-31 or paragraph (E) of rule 3745-51-33 of the Administrative Code in excess of the amounts listed in paragraph (C)(1) of this rule at or near any point of generation shall, with respect to that amount of excess waste, comply within three days with paragraph (A) of this rule or other applicable provisions of Chapter 3745-52 of the Administrative Code. During the three-day period, the generator shall continue to comply with paragraphs (C)(1)(a) and (C)(1)(b) of this rule. The generator shall mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

(D) A generator who generates greater than one hundred kilograms but less than one thousand kilograms of hazardous waste in a calendar month may, for one hundred eighty days or less, accumulate or conduct treatment of hazardous waste that is generated on-site without an Ohio hazardous waste permit, provided that:

(1) The quantity of waste accumulated on-site never exceeds six thousand kilograms;

(2) The generator complies with rules 3745-66-70 to 3745-66-74 and rule 3745-66-77 of the Administrative Code;

(3) The generator complies with rule 3745-66-101 of the Administrative Code;

- (4) The generator complies with paragraphs (A)(2) and (A)(3) of this rule, rules 3745-65-30 to 3745-65-37 of the Administrative Code, and all applicable requirements of Chapter 3745-270 of the Administrative Code; and
- (5) The generator complies with the following requirements:
- (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 for coordinating all emergency response measures specified in paragraph (D)(5)(d) of this rule. This employee is the emergency coordinator.
 - (b) The generator shall post the following information next to the telephone:
 - (i) The name and telephone number of the emergency coordinator;
 - (ii) Location of fire extinguishers and spill control material, and, if present, fire alarms; and
 - (iii) The telephone number of the fire department, unless the facility has a direct alarm.
 - (c) The generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;
 - (d) The emergency coordinator or the emergency coordinator's designee shall respond to any emergencies that arise. The applicable responses are as follows:

- (i) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;
 - (ii) In the event of a spill, contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil;
 - (iii) In the event of a fire, explosion, or other release which could threaten human health outside the facility, or when the generator has knowledge that a spill has reached surface water, the generator shall immediately notify the "National Response Center using their twenty-four hour toll free number: 800/424-8802." The report shall include the following information:
 - (a) The name, address, and U.S. EPA identification number of the generator;
 - (b) Date, time, and type of incident (e.g., spill or fire);
 - (c) Quantity and type of hazardous waste involved in the incident;
 - (d) Extent of injuries, if any; and
 - (e) Estimated quantity and disposition of recovered materials, if any.
- (E) A generator who generates greater than one hundred kilograms but less than one thousand kilograms of hazardous waste in a calendar month and who shall transport the waste, or offer the waste for transportation, over a distance of two hundred miles or more for off-site treatment, storage, or disposal, may, for two hundred seventy days or less, accumulate or conduct treatment of hazardous waste that is generated on-site without an Ohio hazardous waste permit provided that the generator complies with paragraph (D) of this rule.
- (F) A generator who:
- (1) Generates greater than one hundred kilograms but less than one thousand kilograms of hazardous waste in a calendar month is an operator of a storage or treatment facility if:
 - (a) The generator accumulates or treats hazardous waste in quantities exceeding six thousand kilograms; or

- (b) The generator, for more than one hundred eighty days (or for more than two hundred seventy days if the generator transports the waste, or offers the waste for transportation, over a distance of two hundred miles or more), accumulates or conducts treatment of hazardous waste that is generated on-site.
 - (2) Is an operator of a storage or treatment facility as described in paragraph (F)(1) of this rule is subject to Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, and 3745-256 and rules 3745-50-40 to 3745-50-235 of the Administrative Code unless the generator has been granted an extension to the one hundred eighty-day (or two hundred seventy-day if applicable) period. Such extension, of up to thirty days, may be granted at the discretion of the director on a case-by-case basis if hazardous waste 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.
- (G) A generator who generates one thousand kilograms or greater of hazardous waste per calendar month who also generates wastewater treatment sludges from electroplating operations that meet the listing description for EPA hazardous waste number F006, may accumulate F006 waste on-site for more than ninety days, but not more than one hundred eighty days without having an Ohio hazardous waste permit, provided that:
- (1) The generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants or contaminants entering F006 or otherwise released to the environment prior to its recycling;
 - (2) The F006 waste is legitimately recycled through metals recovery;
 - (3) No more than twenty thousand kilograms of F006 waste is accumulated on-site at any one time; and
 - (4) The F006 waste is managed in accordance with the following:
 - (a) The F006 waste is placed in any combination of the following:

- (i) Containers and the generator complies with the applicable requirements of rules 3745-66-70 to 3745-66-77 of the Administrative Code.

[Comment: Pursuant to federal law, generators also shall comply with the applicable requirements of 40 CFR Part 265 subparts AA, BB, and CC.]

- (ii) Tanks and the generator complies with the applicable requirements of rules 3745-66-90 to 3745-66-101 of the Administrative Code except paragraph (C) of rule 3745-66-97 and rule 3745-66-100 of the Administrative Code.

[Comment: Pursuant to federal law, generators also shall comply with the applicable requirements of 40 CFR Part 265 subparts AA, BB, and CC.]

- (iii) Containment buildings and the generator complies with rules 3745-256-100 to 3745-256-102 of the Administrative Code, and has placed the professional engineer certification that the building complies with the design standards specified in rule 3745-256-102 of the Administrative Code in the facility's operating record prior to operation of the unit. The owner or operator shall maintain the following records at the facility:

- (a) A written description of procedures to ensure that the F006 waste remains in the unit for no more than one hundred eighty days, a written description of the waste generation and management practices for the facility showing that they are consistent with the one hundred eighty-day limit, and documentation that the generator is complying with the procedures; or

- (b) Documentation that the unit is emptied at least once every one hundred eighty days.

- (b) In addition, such a generator is exempt from rules 3745-66-10 to 3745-66-21 and 3745-66-40 to 3745-66-48 of the Administrative Code, except for rules 3745-66-11 and 3745-66-14 of the Administrative Code;

- (c) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
 - (d) While being accumulated on-site, each container and tank is labeled or marked clearly with the words "hazardous waste"; and
 - (e) The generator complies with the requirements for owners or operators in paragraph (A)(5) of rule 3745-270-07 and rules 3745-65-16, 3745-65-30 to 3745-65-37, and 3745-65-50 to 3745-65-56 of the Administrative Code.
- (H) A generator who generates one thousand kilograms or greater of hazardous waste per calendar month who also generates wastewater treatment sludges from electroplating operations that meet the listing description for EPA hazardous waste number F006, and who shall transport this waste, or offer this waste for transportation, over a distance of two hundred miles or more for off-site metals recovery, may accumulate F006 waste on-site for more than ninety days, but not more than two hundred seventy days without an Ohio hazardous waste permit if the generator complies with paragraphs (G)(1) to (G)(4)(e) of this rule.
- (I) A generator accumulating F006 in accordance with paragraphs (G) to (G)(4)(e) and (H) of this rule who accumulates F006 waste on-site for more than one hundred eighty days (or for more than two hundred seventy days if the generator shall transport this waste, or offer this waste for transportation, over a distance of two hundred miles or more), or who accumulates more than twenty thousand kilograms of F006 waste on-site is an operator of a storage facility and is subject to Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, and 3745-256 of the Administrative Code, and the permit requirements of rules 3745-50-40 to 3745-50-235 of the Administrative Code unless the generator has been granted either an extension to the one hundred eighty-day (or two hundred seventy-day if applicable) period or an exception to the twenty thousand kilogram accumulation limit. Such extension, of up to thirty days, or exception to the accumulation limit, may be granted at the discretion of the director on a case-by-case basis if hazardous waste shall remain on-site for longer than one hundred eighty days (or two hundred seventy days if applicable) or if more than twenty thousand kilograms of F006 waste shall remain on-site due to unforeseen, temporary, and uncontrollable circumstances.
- (J) Reserved.
- (K) Reserved.
- (L) Reserved.

(M) A 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 waste on-site in accordance with paragraphs (A) and (B) or (D), (E), and (F) of this rule, depending on the amount of hazardous waste on-site in that calendar month. Upon receipt of the return shipment, the generator shall either:

- (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.

[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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Certification

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