

3745-57-74

Staging piles.

This rule is written in a special format to make it easier to understand the regulatory requirements. Like other Ohio EPA rules, this establishes enforceable legal requirements. For this rule, "I" and "you" refer to the ~~owner/operator~~owner or operator.

(A) What is a staging pile? A staging pile is an accumulation of solid, non-flowing "remediation waste" (as defined in rule 3745-50-10 of the Administrative Code) that is not a containment building and is used only during remedial operations for temporary storage at a facility. A staging pile ~~must~~shall be located within the contiguous property under the control of the ~~owner/operator~~owner or operator where the wastes to be managed in the staging pile originated. Staging piles ~~must~~shall be designated by the director according to ~~the requirements of this rule~~.

(1) For the purposes of this rule, storage includes mixing, sizing, blending, or other similar physical operations as long as they are intended to prepare the wastes for subsequent management or treatment.

(2) [Reserved.]

(B) When may I use a staging pile? You may use a staging pile to store hazardous remediation waste (or remediation waste otherwise subject to land disposal restrictions) only if you follow the standards and design criteria the director has designated for that staging pile. The director will designate the staging pile in a permit or, at a facility without a permit, in a closure plan or order. The director will establish conditions in the permit, closure plan, or order that comply with paragraphs (D) to (K) of this rule.

(C) What information ~~must~~shall I provide to get a staging pile designated? When seeking a staging pile designation, you ~~must~~shall provide the following:

(1) Sufficient and accurate information to enable the director to impose standards and design criteria for your staging pile according to paragraphs (D) to (K) of this rule;

(2) Certification by a qualified professional engineer for technical data, such as design drawings and specifications, and engineering studies, unless the director determines, based on information that you provide, that this certification is not necessary to ensure that a staging pile will protect human health and the environment;~~and~~.

(3) Any additional information the director determines is necessary to protect human health and the environment.

(D) What performance criteria ~~must~~shall a staging pile satisfy? The director will establish the standards and design criteria for the staging pile in the permit, closure plan, or order.

(1) The standards and design criteria ~~must~~shall comply with the following:

- (a) The staging pile ~~must~~shall facilitate a reliable, effective, and protective remedy~~;~~.
- (b) The staging pile ~~must~~shall be designed ~~so as~~ to prevent or minimize releases of hazardous wastes and hazardous constituents into the environment, and to minimize or adequately control cross-media transfer, as necessary to protect human health and the environment (for example, through the use of liners, covers, ~~run-off/run-on~~run-off or run-on controls, as appropriate)~~; and~~.
- (c) The staging pile ~~must~~shall not operate for more than two years, except when the director grants an operating term extension under paragraph (I) of this rule. You ~~must~~shall measure the two-year limit, or other operating term specified by the director in the permit, closure plan, or order, from the first time you place remediation waste into a staging pile. You ~~must~~shall maintain a record of the date when you first placed remediation waste into the staging pile for the life of the permit, closure plan, or order, or for three years, whichever is longer.

(2) In setting the standards and design criteria, the director ~~will~~shall consider the following factors:

- (a) Length of time the pile will be in operation~~;~~.
- (b) Volumes of wastes you intend to store in the pile~~;~~.
- (c) Physical and chemical characteristics of the wastes to be stored in the unit~~;~~.
- (d) Potential for releases from the unit~~;~~.
- (e) Hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential releases~~; and~~.

- (f) Potential for human and environmental exposure to potential releases from the unit;
- (E) May a staging pile receive ignitable remediation waste or reactive remediation waste? You ~~must~~shall not place ignitable remediation waste or reactive remediation waste in a staging pile unless:
- (1) You have treated, rendered, or mixed the remediation waste before you placed ~~it~~the remediation waste in the staging pile so that:
 - (a) The remediation waste no longer meets the ~~definition~~description of ignitable waste or reactive waste under rule 3745-51-21 or 3745-51-23 of the Administrative Code; and
 - (b) You have complied with paragraph (B) of rule 3745-54-17 of the Administrative Code; or
 - (2) You manage the remediation waste to protect ~~it~~the remediation waste from exposure to any material or condition that may cause ~~it~~the remediation waste to ignite or react.
- (F) How do I handle incompatible remediation wastes in a staging pile? The term "incompatible waste" is defined in rule 3745-50-10 of the Administrative Code. You ~~must~~shall comply with the following requirements for incompatible wastes in staging piles:
- (1) You ~~must~~shall not place incompatible remediation wastes in the same staging pile unless you have complied with paragraph (B) of rule 3745-54-17 of the Administrative Code;
 - (2) If remediation waste in a staging pile is incompatible with any waste or material stored nearby in containers, other piles, open tanks, or land disposal units (for example, surface impoundments), you ~~must~~shall separate the incompatible materials, or protect them from one another by using a dike, berm, wall, or other device; ~~and~~.
 - (3) You ~~must~~shall not pile remediation waste on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to comply with paragraph (B) of rule 3745-54-17 of the Administrative Code.

(G) Are staging piles subject to land disposal restrictions and minimum technological requirements? No. Placing hazardous remediation wastes into a staging pile does not constitute land disposal of hazardous wastes or create a unit that is subject to the minimum technological requirements of Section 3004(o) of RCRA.

(H) How long may I operate a staging pile? The director may allow a staging pile to operate for up to two years after hazardous remediation waste is first placed into the pile. You ~~must~~shall use a staging pile no longer than the length of time designated by the director in the permit, closure plan, or order (the "operating term"), except as provided in paragraph (I) of this rule.

(I) May I receive an operating extension for a staging pile?

(1) The director may grant one operating term extension of up to one hundred eighty days beyond the operating term limit contained in the permit, closure plan, or order [see paragraph (L) of this rule for modification procedures]. To justify to the director the need for an extension, you ~~must~~shall provide sufficient and accurate information to enable the director to determine that continued operation of the staging pile both:

(a) Will not pose a threat to human health and the environment;~~and,~~

(b) Is necessary to ensure timely and efficient implementation of remedial actions at the facility.

(2) The director may, as a condition of the extension, specify further standards and design criteria in the permit, closure plan, or order, as necessary, to ensure protection of human health and the environment.

(J) What is the closure requirement for a staging pile located in a previously contaminated area?

(1) Within one hundred eighty days after the operating term of the staging pile expires, you ~~must~~shall close a staging pile located in a previously contaminated area of the site by removing or decontaminating all:

(a) Remediation waste~~;~~

(b) Contaminated containment system components;~~and,~~

(c) Structures and equipment contaminated with waste and leachate.

- (2) You ~~must~~shall also decontaminate contaminated subsoils in a manner and according to a schedule that the director determines will protect human health and the environment.
- (3) The director will include the ~~above~~ requirements in paragraphs (J)(1) to (J)(2) of this rule in the permit, closure plan, or order in which the staging pile is designated.

(K) What is the closure requirement for a staging pile located in an uncontaminated area?

- (1) Within one hundred eighty days after the operating term of the staging pile expires, you ~~must~~shall close a staging pile located in an uncontaminated area of the site according to paragraph (A) of rule 3745-56-58 and rule 3745-55-11 of the Administrative Code, or according to paragraph (A) of rule 3745-67-58 and rule 3745-66-11 of the Administrative Code.
- (2) The director ~~will~~shall include the requirement in paragraph (K)(1) of this rule in the permit, closure plan, or order in which the staging pile is designated.

(L) How may my existing permit, closure plan, or order be modified to allow me to use a staging pile?

- (1) To modify a permit, to incorporate a staging pile or staging pile operating term extension, either:
 - (a) The director ~~will~~shall approve the modification under the procedures for ~~agency-initiated~~Ohio EPA-initiated permit modifications in rule 3745-50-51 of the Administrative Code; ~~or,~~
 - (b) You ~~must~~shall request a "Class 2" modification under rule 3745-50-51 of the Administrative Code.

(2) [Reserved.]

- (3) To modify a closure plan to incorporate a staging pile or staging pile operating term extension, you ~~must~~shall follow the applicable requirements under paragraph (C) of rule 3745-55-12 or paragraph (C) of rule 3745-66-12 of the Administrative Code.

(4) To modify an order to incorporate a staging pile or staging pile operating term extension, you ~~must~~shall follow the terms of the order.

(M) Is information about the staging pile available to the public? The director ~~will~~shall document the rationale for designating a staging pile or staging pile operating term extension, and shall make this documentation available to the public.

[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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