3745-57-75 **Disposal of CAMU-eligible wastes in permitted hazardous waste landfills.**

(A) The director may approve placement of corrective action management unit (CAMU)-eligible wastes in hazardous waste landfills not located at the site from which the waste originated, without the wastes meeting the requirements of Chapter 3745-270 of the Administrative Code, if the conditions in paragraphs (A)(1) to (A)(3) of this rule are met:

(1) The waste meets the definition of CAMU-eligible waste in paragraphs (A)(1) and (A)(2) of rule 3745-57-72 of the Administrative Code.

(2) The director identifies principal hazardous constitutes in such waste, in accordance with paragraphs (E)(4)(a) and (E)(4)(b) of rule 3745-57-72 of the Administrative Code, and requires that such principal hazardous constituents are treated to any of the following standards specified for CAMU-eligible wastes:

(a) The treatment standards under paragraph (E)(4)(d) of rule 3745-57-72 of the Administrative Code; or

(b) Treatment standards adjusted in accordance with paragraph (E)(4)(e)(i), (E)(4)(e)(iii), (E)(4)(e)(iv), or (E)(4)(e)(v)(a) of rule 3745-57-72 of the Administrative Code; or

(c) Treatment standards adjusted in accordance with paragraph (E)(4)(e)(v)(b) of rule 3745-57-72 of the Administrative Code, where treatment has been used and that treatment significantly reduces the toxicity or mobility of the principal hazardous constituents in the waste, minimizing the short-term and long-term threat posed by the waste, including the threat at the remediation site.

(3) The landfill receiving the CAMU-eligible waste must have a hazardous waste permit, meet the requirements for new landfills in rules 3745-57-02 to 3745-57-17 of the Administrative Code, and be authorized to accept CAMU-eligible wastes; for the purposes of this requirement, "permit" does not include permit by rule.

(B) The person seeking approval ~~shall~~must provide sufficient information to enable the director to approve placement of CAMU-eligible waste in accordance with paragraph (A) of this rule. Information required by paragraphs (D)(1) to (D)(3) of rule 3745-57-72 of the Administrative Code for CAMU applications must be provided, unless not reasonably available.

(C) The director will provide public notice and a reasonable opportunity for public comment before approving CAMU eligible waste for placement in an off-site permitted hazardous waste landfill, consistent with the requirements for CAMU approval at paragraph (H) of rule 3745-57-72 of the Administrative Code. The approval must be specific to a single remediation.

(D) Applicable hazardous waste management requirements in Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code, including recordkeeping requirements to demonstrate compliance with treatment standards approved under this rule, for CAMU-eligible waste must be incorporated into the receiving facility permit through permit issuance or a permit modification, providing notice and an opportunity for comment and a hearing. A landfill may not receive hazardous CAMU-eligible waste under this rule unless its permit specifically authorizes receipt of such waste.

(E) For each remediation, CAMU-eligible waste may not be placed in an off-site landfill authorized to receive CAMU-eligible waste in accordance with paragraph (D) of this rule until the following additional conditions have been met:

(1) The landfill owner/operator notifies the director and persons on the facility mailing list, maintained in accordance with 40 CFR 124.10(c)(1)(ix), of his intent to receive CAMU-eligible waste in accordance with this rule; the notice must identify the source of the remediation waste, the principal hazardous constituents in the waste, and treatment requirements.

(2) Persons on the facility mailing list may provide comments, including objections to the receipt of the CAMU-eligible waste, to the director within fifteen days ~~of~~after notification.

(3) The director may object to the placement of the CAMU-eligible waste in the landfill within thirty days ~~of~~after notification; the director may extend the review period an additional thirty days because of public concerns or insufficient information.

(4) CAMU-eligible wastes may not be placed in the landfill until the director has notified the facility owner/operator that he does not object to its placement.

(5) If the director objects to the placement or does not notify the facility owner/operator that he has chosen not to object, the facility may not receive the waste until the objection has been resolved, or the owner/operator obtains a permit modification in accordance with the procedures of rule 3745-50-51 of the Administrative Code specifically authorizing receipt of the waste.

(6) As part of the permit issuance or permit modification process of paragraph (D) of this rule, the director may modify, reduce, or eliminate the notification requirements of paragraphs (E) to (E)(6) of this rule as they apply to specific categories of CAMU-eligible waste, based on ~~miminal~~minimal risk.

(F) Generators of CAMU-eligible wastes sent off-site to a hazardous waste landfill under this rule must comply with the requirements of paragraph (A)(4) of rule 3745-270-07 of the Administrative Code; off-site facilities treating CAMU-eligible wastes to comply with this rule must comply with the requirements of paragraph (B)(4) of rule 3745-270-07 of the Administrative Code, except that the certification must be with respect to the treatment requirements of paragraph (A)(2) of this rule.

(G) For the purposes of this rule only, the "design of the CAMU" in paragraph (E)(4)(e)(v) of rule 3745-57-72 of the Administrative Code means design of the permitted hazardous waste landfill.

~~[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."]~~

[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."]

Effective:	09/05/2010
R.C. 119.032 review dates:	Exempt

CERTIFIED ELECTRONICALLY

Certification

07/23/2010

Date

Promulgated Under:	119.03
Statutory Authority:	3734.12
Rule Amplifies:	3734.12
Prior Effective Dates:	12/07/2004