

3745-50-01

General information.

Chapter 3745-50 of the Administrative Code provides definitions, general standards, permit information, and overview information applicable to Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, 3745-270, 3745-273, and 3745-279 of the Administrative Code.

Five Year Review (FYR) Dates: 7/20/2022 and 07/20/2027

CERTIFIED ELECTRONICALLY

Certification

07/20/2022

Date

Promulgated Under: 119.03
Statutory Authority: 3734.12
Rule Amplifies: 3734.12
Prior Effective Dates: 04/15/1981, 05/22/1981 (Emer.), 08/26/1981 (Emer.),
12/02/1981, 12/07/2004, 03/24/2017

3745-50-02**Business confidentiality - hazardous waste management.**

(A) Any information provided to Ohio EPA under Chapters 3745-50, 3745-51, 3745-52, 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code may be made available to the public to the extent and in the manner authorized by rule 3745-49-03 of the Administrative Code.

(B) Except as provided under paragraphs (C) and (D) of this rule, any person who submits information to Ohio EPA in accordance with Chapters 3745-50, 3745-51, 3745-52, 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code may assert a claim of trade secret confidentiality covering all or part of that information by following the procedures provided in rule 3745-49-03 of the Administrative Code. Information covered by such a claim may be disclosed by Ohio EPA only to the extent, and by means of the procedures, provided in rule 3745-49-03 of the Administrative Code.

(C) Hazardous waste manifests.

(1) After August 6, 2014, no claim of business confidentiality may be asserted by any person with respect to information that may be prepared and used under 40 C.F.R. 262.20(a)(3) or paragraph (A)(3) of rule 3745-52-20 of the Administrative Code that is provided via any of the following means:

(a) A hazardous waste manifest (U.S. EPA form 8700-22).

(b) A hazardous waste manifest continuation sheet (U.S. EPA form 8700-22A).

(c) An electronic manifest format.

(2) When the electronic or paper manifest is a complete and final document as described in paragraph (C)(3) of this rule, U.S. EPA or Ohio EPA may make available to the public any of the following:

(a) Any electronic manifest that is prepared and used in accordance with 40 C.F.R. 262.20(a)(3) or paragraph (A)(3) of rule 3745-52-20 of the Administrative Code.

(b) Any paper manifest that is submitted to U.S. EPA's waste import-export tracking system under 40 C.F.R. 264.71 or 40 C.F.R. 265.71, or rule 3745-54-71 or 3745-65-71 of the Administrative Code.

(3) Submitted electronic manifests and paper manifests are considered to be complete and final documents and publicly available information ninety days after the delivery to the designated facility of the hazardous waste shipment that is identified in the manifest.

(D) Cathode ray tube import or export documents.

- (1) After June 26, 2018, whether the information is submitted electronically into U.S. EPA's waste import-export tracking system or in paper format, no claim of business confidentiality may be asserted by any person with respect to information in cathode ray tube export documents that are prepared, used, and submitted under 40 C.F.R. 261.39(a)(5) or 40 C.F.R. 261.41(a), and with respect to information in hazardous waste export, import, and transit documents that are prepared, used, and submitted under 40 C.F.R. 262.82, 262.83, 262.84, 263.20, 264.12, 264.71, 265.12, or 265.71 or rule 3745-53-20, 3745-54-12, 3745-54-71, 3745-65-12, or 3745-65-71 of the Administrative Code.
- (2) When the electronic or paper documents described in paragraph (D)(1) of this rule are considered to be final documents as described in paragraph (D)(3) of this rule, U.S. EPA or Ohio EPA may make available to the public any of the following:

 - (a) Any cathode ray tube export documents that are prepared, used, and submitted under 40 C.F.R. 261.39(a)(5) or 40 C.F.R. 261.41(a).
 - (b) Any hazardous waste export, import, and transit documents prepared, used and submitted under 40 C.F.R. 262.82, 262.83, 262.84, 263.20, 264.12, 264.71, 265.12, or 265.71 or rule 3745-53-20, 3745-54-12, 3745-54-71, 3745-65-12, or 3745-65-71 of the Administrative Code.
- (3) Submitted electronic and paper documents that are related to hazardous waste exports, imports, and transits and cathode ray tube exports are considered to be final documents on March first of the calendar year after the related cathode ray tube exports or hazardous waste exports, imports, or transits occur.

[Comment 1: For additional information regarding business confidentiality, see rule 3745-49-03 of the Administrative Code.]

[Comment 2: 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: 10/5/2020

Five Year Review (FYR) Dates: 10/05/2025

CERTIFIED ELECTRONICALLY

Certification

09/21/2020

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3745-50-03

Use of number and gender.

As used in the hazardous waste rules:

- (A) Words in the masculine gender also include the feminine and neuter genders; and
- (B) Words in the singular include the plural; and
- (C) Words in the plural include the singular.

Effective: 10/23/2022

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10/11/2022

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3745-50-04**Manifest copy submittal requirements for certain interstate waste shipments.**

In any case in which the state in which waste is generated, or the state in which waste will be transported to a designated facility, requires that the waste be regulated as a hazardous waste or otherwise be tracked through a hazardous waste manifest, the designated facility that receives the waste shall do all of the following, regardless of the state in which the facility is located:

- (A) Complete the facility portion of the applicable manifest.
- (B) Sign and date the facility certification.
- (C) Submit to the e-manifest system a final copy of the manifest for data processing purposes.
- (D) Pay the appropriate per manifest fee to U.S. EPA for each manifest submitted to the e-manifest system, subject to the fee determination methodology, payment methods, dispute procedures, sanctions, and other fee requirements specified in 40 C.F.R. Part 264 subpart FF.

[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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3745-50-05

Applicability- electronic manifest system and user fee requirements to facilities that receive state-only regulated waste shipments.

(A) For purposes of this rule, "state-only regulated waste" means either of the following:

- (1) A non-RCRA waste that a state regulates more broadly under the state's regulatory program.
- (2) A RCRA hazardous waste that is federally exempt from manifest requirements, but not exempt from manifest requirements under state law.

(B) In any case in which a state requires a RCRA manifest to be used under state law to track the shipment and transportation of a state-only regulated waste to a receiving facility, the facility receiving such a waste shipment for management shall do the following:

- (1) Comply with rules 3745-54-71 and 3745-54-72 of the Administrative Code.
- (2) Pay the appropriate per manifest fee to U.S. EPA for each manifest submitted to the e-manifest system, subject to the fee determination methodology, payment methods, dispute procedures, sanctions, and other fee requirements specified in 40 C.F.R. Part 264 subpart FF.

[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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3745-50-10

Definitions and computation of time.

As used in the hazardous waste rules the following terms have the meanings given:

(A)

- (1) "Aboveground tank" means a device that meets the definition of "tank" in this rule and that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.
- (2) "Active life of a facility" means the period from the initial receipt of hazardous waste at the facility until the director receives certification of final closure.
- (3) "Active portion" means that portion of a facility where treatment, storage, or disposal operations are being or have been conducted after April 15, 1981 and which is not a closed portion. (See also "closed portion" and "inactive portion.")
- (4) "Acute hazardous waste" mean hazardous wastes that meet the listing criteria in paragraph (A)(2) of rule 3745-51-11 of the Administrative Code and therefore are either listed in rule 3745-51-31 of the Administrative Code with the assigned hazard code of (H) or are listed in paragraph (E) of rule 3745-51-33 of the Administrative Code.
- (5) "Administrator" means the administrator of the U.S. EPA, or the administrator's authorized representative.
- (6) "AES filing compliance date" means the date that U.S. EPA announced in the Federal Register as December 31, 2017, on or after which exporters of hazardous waste and exporters of cathode ray tubes for recycling are required to file U.S. EPA information in the automated export system (AES) or the AES's successor system, under the international trade data system platform.
- ~~(7) "Aerosol container" means a non-opening, non-refillable container that holds a substance under pressure and that can release the substance as a spray, gel, or foam by means of a propellant gas, for example nitrogen.~~
- (7) "Aerosol can" means a non-refillable receptacle that contains a gas compressed, liquefied, or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder, and fitted with a self-closing release device that allows the contents to be ejected by the gas.
- (8) "Airbag waste" means any hazardous waste airbag modules or hazardous waste airbag inflators.

- (9) "Airbag waste collection facility" means any facility that receives airbag waste from airbag handlers subject to regulation under paragraph (J) of rule 3745-51-04 of the Administrative Code, and accumulates the waste for more than ten days.
- (10) "Airbag waste handler" means any person, by site, who generates airbag waste that is subject to regulation under ~~this chapter~~ Chapter 3745-51 of the Administrative Code.
- (11) "Ancillary equipment" means any device including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from the point of generation to a storage or treatment tank, between hazardous waste storage and treatment tanks to a point of disposal on-site, or to a point of shipment for disposal off-site.
- (12) "Antifreeze" means propylene glycol or ethylene glycol, including aggregated batches of propylene glycol or ethylene glycol, used as a heat transfer medium in an internal combustion engine; heating, ventilating, and air conditioning units; and electronics cooling applications; or used for winterizing equipment.
- (13) "Applicable law" means any applicable provisions of Chapters 3704., 3734., 3745., 6109., and 6111. of the Revised Code; the rules promulgated thereunder; orders of the director; the Resource Conservation and Recovery Act, 42 U.S.C. 6921; the Toxic Substances Control Act, 15 U.S.C. 2601; the Safe Drinking Water Act, 42 U.S.C. 300f; the Clean Water Act, and the Clean Air Act, 42 U.S.C. 7401; and the regulations of the administrator promulgated thereunder.
- (14) "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.
- (15) "Authorized representative of a facility" means an individual responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent, or person of equivalent responsibility.
- (B)
- (1) "Battery" means a device, consisting of one or more electrically connected electrochemical cells, which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery

also includes an intact, unbroken battery from which the electrolyte has been removed.

(2) "Boiler" means an enclosed device using controlled flame combustion and having ~~either of~~ the following characteristics:

(a) ~~The unit shall:~~

(i) ~~Have~~The unit shall have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases: ~~;~~ and

(ii) ~~Have a~~The unit's combustion chamber and primary energy recovery sections that are of integral design. To be of integral design the combustion chamber and the primary energy recovery section (such as waterwalls and superheaters) shall be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because the units are not of integral design: process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units: ~~;~~ and

(iii) While in operation, maintain a thermal energy recovery efficiency of at least sixty per cent, calculated in terms of the recovered energy compared with the thermal value of the fuel: ~~;~~ and

(iv) Export and utilize at least seventy-five per cent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit (examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feed-water pumps): ~~;~~ or

(b) The unit is one which the director, on a case-by-case basis, and after considering the standards in rule 3745-50-25 of the Administrative Code, has determined to be a boiler.

(C)

- (1) "Carbon dioxide stream" means carbon dioxide that has been captured from an emissions source (e.g., power plant), plus incidental associated substances derived from the source materials and the capture process, and any substances added to the stream to enable or improve the injection process.
- (2) "Carbon regeneration unit" means any enclosed thermal treatment device used to regenerate spent activated carbon.
- (3) "Central accumulation area" means any on-site hazardous waste accumulation area with hazardous waste accumulating in units subject to either rule 3745-52-16 of the Administrative Code (for small quantity generators) or rule 3745-52-17 of the Administrative Code (for large quantity generators). A central accumulation area at an eligible academic entity that chooses to operate under rules 3745-52-200 to 3745-52-216 of the Administrative Code is also subject to rule 3745-52-211 of the Administrative Code when accumulating unwanted material or hazardous waste.
- (4) "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601 ~~as amended through the date specified in rule 3745-50-11 of the Administrative Code.~~
- (5) "Certification" means a statement of professional opinion based upon knowledge and belief.
- (6) "Clean Water Act" or "Clean Water Act of 1977" means the Federal Water Pollution Control Act Amendments of 1972, 86 Stat. 886, 33 U.S.C. 1251, as amended through the date specified in rule 3745-50-11 of the Administrative Code by the Clean Water Act of 1977, 91 Stat. 1566, 33 U.S.C. 1251, ~~as amended through the date specified in rule 3745-50-11 of the Administrative Code.~~
- (7) "Closed portion" means that portion of a facility which an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements in the hazardous waste rules. (See also "active portion" and "inactive portion.")
- (8) "Component" means either the tank or ancillary equipment of a tank system.
- (9) "Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer; an aquifer containing confined ground water.
- (10) "Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

- (11) "Containment building" means a hazardous waste management unit that is used to store or treat hazardous waste under rules 3745-205-100 to 3745-205-102 or 3745-256-100 to 3745-256-102 of the Administrative Code.
- (12) "Contingency plan" means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.
- (13) "Corrosion expert" means a person who, by reason of that person's knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person shall be certified as being qualified by the "National Association of Corrosion Engineers (NACE)" or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.
- (14) "CRT" or "cathode ray tube" means a vacuum tube, composed primarily of glass, which is the visual or video display component of an electronic device. A "used, intact CRT" means a CRT for which the vacuum has not been released. A "used, broken CRT" means glass removed from the housing or casing for which the vacuum has been released. ~~Used CRTs are "spent materials" as defined in rule 3745-51-01 of the Administrative Code.~~
- (15) "CRT collector" means a person who receives used, intact CRTs for recycling, repair, resale, or donation.
- (16) "CRT exporter" means any person in the United States who initiates a transaction to send used CRTs outside the United States or the territories of the United States for recycling or reuse, or any intermediary in the United States arranging for such export.
- (17) "CRT glass manufacturer" means an operation or part of an operation that uses a furnace to manufacture CRT glass.
- (18) "CRT processing" means conducting all of the following activities:
- (a) Receiving broken or intact CRTs; and
 - (b) Intentionally breaking intact CRTs or further breaking or separating broken CRTs; and

(c) Sorting or otherwise managing glass removed from CRT monitors.

(D)

(1) "Designated facility" means:

(a) A hazardous waste treatment, storage, or disposal facility which:

(i) Has received an Ohio hazardous waste permit or is deemed to have a permit by rule; or

(ii) In another state, has attained interim status or is operating under a permit or license issued in accordance with the Resource Conservation and Recovery Act; or

(iii) Is regulated under paragraph (C)(2) of rule 3745-51-06 or rule 3745-266-70 of the Administrative Code; and

(iv) Has been designated on the manifest by the generator pursuant to rule 3745-52-20 of the Administrative Code.

(b) A generator site designated on the manifest to receive the waste as a return shipment from a facility that has rejected the waste in accordance with paragraph (F) of rule 3745-54-72 or paragraph (F) of rule 3745-65-72 of the Administrative Code.

(c) If a waste is destined to a facility in an authorized state which has not yet obtained authorization to regulate that particular waste as hazardous, then the designated facility ~~is required to~~ shall be a facility allowed by the receiving state to accept such waste.

(2) "Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in paragraphs (A) and (C) and (E), (F), and (G) of rule 3745-273-13 and paragraphs (A) and (C) and (E), (F), and (G) of rule 3745-273-33 of the Administrative Code. A facility at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.

(3) "Dike" means an embankment or ridge of either natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other materials.

(4) "Dioxins and furans" or "(D/F)" means tetra-, penta-, hexa-, hepta-, and octa-chlorinated dibenzo dioxins and furans.

- (5) "Director" means the director of Ohio EPA, or the director's authorized representative.
 - (6) "Discharge" or "hazardous waste discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.
 - (7) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste into or on any land or water ~~or air~~ so that such hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, ~~including ground waters, except where such activity constitutes "storage" as defined in this rule or "treatment" as defined in this rule.~~
 - (8) "Disposal facility" or "hazardous waste disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water ~~or air~~, and at which waste will remain after closure. The term "disposal facility" does not include a corrective action management unit into which remediation wastes are placed.
 - (9) "Drip pad" is an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials, and designed to convey preservative kick-back or drippage from treated wood, precipitation, and surface water run-on to an associated collection system at wood preserving plants.
- (E)
- (1) "Electronic import-export reporting compliance date" means the date that U.S. EPA announced in the Federal Register as December 31, 2017, on or after which exporters, importers, and receiving facilities are required to submit certain export and import related documents to U.S. EPA using U.S. EPA's waste import export tracking system (WIETS), or the WIETS's successor system.
 - (2) "Electronic manifest" or "e-manifest" means the electronic format of the hazardous waste manifest that is obtained from U.S. EPA's national e-manifest system and transmitted electronically to the system, and that is the legal equivalent of U.S. EPA forms 8700-22 (manifest) and 8700-22A (continuation sheet).
 - (3) "Electronic manifest system" or "e-manifest system" means U.S. EPA's national information technology system through which the electronic manifest may be obtained, completed, transmitted, and distributed to users of the electronic manifest and to regulatory agencies.

- (4) "Elementary neutralization unit" means a device which ~~both~~:
- (a) Is used for neutralizing wastes that are hazardous only because the wastes exhibit the characteristic of corrosivity identified in rule 3745-51-22 of the Administrative Code, or the wastes are listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code only for this reason: and
 - (b) Meets the definition of "tank," "tank system," "container," "transport vehicle," or "vessel" in this rule.
- (5) "EPA hazardous waste number" means the number assigned by U.S. EPA to each hazardous waste listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code and to each characteristic identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code.
- (6) "Equivalent method" means any testing or analytical method approved by the administrator under 40 CFR 260.20 and 40 CFR 260.21.
- (7) "Existing hazardous waste management facility" or "existing facility" or "in existence" means a facility which was in operation or for which construction commenced on or before the effective date of statutory or regulatory changes under Chapter 3734. of the Revised Code which make the owner or operator of the facility subject to hazardous waste permitting requirements. The owner or operator has commenced construction of the facility if the owner or operator has obtained the federal, state, and local approvals or permits necessary to begin physical construction, and either ~~of the following has occurred~~:
- (a) A continuous, on-site, physical construction program has begun: or
 - (b) The owner or operator has entered into contractual obligations- which cannot be cancelled or modified without substantial loss- for physical construction of the facility to be completed within a reasonable time.
- (8) "Existing portion" means that land surface area of an existing waste management unit included in the original "Part A" permit application into which wastes have been placed prior to final administrative disposition of the permit pursuant to the "Part B" permit requirements.
- (9) "Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and that is in operation, or for which installation has commenced on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary

to begin physical construction of the site or installation of the tank system and if either of the following has occurred:

- (a) A continuous on-site physical construction or installation program has begun; or
 - (b) The owner or operator has entered into contractual obligations; which cannot be cancelled or modified without substantial loss; for physical construction of the site or installation of the tank system to be completed within a reasonable time.
- (10) "Explosives or munitions emergency" means a situation involving the suspected or detected presence of unexploded ordnance, damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially explosive material or device, or other potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. Such situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.
- (11) "Explosives or munitions emergency response" means all immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place render-safe procedures, treatment, or destruction of the explosives or munitions, or transporting those items to another location to be rendered safe, treated, or destroyed. Any reasonable delay in the completion of an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at hazardous waste facilities.
- (12) "Explosives or munitions emergency response specialist" means an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. "Explosives or munitions emergency response specialists" include department of defense (DOD) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and DOD-certified civilian or contractor personnel; and other federal, state, or local government, or civilian personnel similarly trained in explosives or munitions emergency responses.

(F)

- (1) "Facility" or "hazardous waste facility" means:
 - (a) All contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of these).
 - (b) For the purpose of implementing corrective action under rule 3745-54-101 of the Administrative Code, all contiguous property under the control of the owner or operator seeking a permit under the hazardous waste rules. This definition also applies to facilities implementing corrective action under Section 3008(h) of RCRA or section 3734.20 of the Revised Code.
 - (c) Notwithstanding paragraph (F)(1)(b) of this rule, a remediation waste management site is not a facility that is subject to rule 3745-54-101 of the Administrative Code, but is subject to corrective action requirements if the site is located within such a facility.
- (2) "Federal agency" means any department, agency, or other instrumentality of the federal government, any independent agency or establishment of the federal government including any government corporation, and the government printing office. "Federal, state, or local approvals or permits necessary to begin construction" means permits and approvals required under federal, state, or local hazardous waste control statutes, regulations, or ordinances.
- (3) "Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements in the hazardous waste rules so that hazardous waste management activities under Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, and 3745-256 of the Administrative Code are no longer conducted at the facility unless subject to rule ~~3745-52-34~~3745-52-17 of the Administrative Code.
- (4) "Food-chain crops" means tobacco, crops grown for human consumption, and crops grown for feed for animals that produce products that are consumed by humans.
- (5) "Freeboard" means the vertical distance between the top of a tank or surface impoundment dike, and the surface of the waste contained therein.
- (6) "Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

(G)

- (1) "Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in Chapter 3745-51 of the Administrative Code or whose act first causes a hazardous waste to become subject to the hazardous waste rules.
- (2) "Ground water" means water below the land surface in a zone of saturation.

(H)

- (1) "Hazardous constituents" means those constituents listed in the appendix to rule 3745-51-11 of the Administrative Code.
- (2) "Hazardous waste" means a "hazardous waste" as defined in rule 3745-51-03 of the Administrative Code.
- (3) "Hazardous waste constituent" means a constituent that caused the director or the administrator to list the hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code, or a constituent listed in the table in rule 3745-51-24 of the Administrative Code.
- (4) "Hazardous waste management unit" means a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and the associated piping and underlying containment system and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which the containers are placed.
- (5) "Hazardous waste rules" means the rules in Chapters 3745-50, 3745-51, 3745-52, 3745-53, 3745-54, 3745-55, 3745-56, 3745-57, 3745-65, 3745-66, 3745-67, 3745-68, 3745-69, 3745-205, 3745-256, 3745-266, 3745-270, 3745-273, and 3745-279 of the Administrative Code.

(I)

- (1) "Inactive portion" means that portion of a facility which is not operated after April 15, 1981. (See also "active portion" and "closed portion.")
- (2) "Incinerator" means any enclosed device that ~~either~~:

- (a) Uses controlled flame combustion and neither meets the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor is listed as an industrial furnace; or
 - (b) Meets the definition of "infrared incinerator" or "plasma arc incinerator" in this rule.
- (3) "Incompatible waste" means a hazardous waste which is unsuitable for ~~either~~:
- (a) Placement in a particular device or facility because the waste may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or
 - (b) Commingling with another waste or material under uncontrolled conditions because the commingling ~~may~~might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes, or gases, or flammable fumes or gases. (See the appendix to rule 3745-55-99 and the appendix to rule 3745-66-99 of the Administrative Code for examples.)
- (4) "Individual generation site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.
- (5) "Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy:
- (a) Cement kilns.
 - (b) Lime kilns.
 - (c) Aggregate kilns.
 - (d) Phosphate kilns.
 - (e) Coke ovens.
 - (f) Blast furnaces.
 - (g) Smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machine, roasters, and foundry furnaces).

- (h) Titanium dioxide chloride process oxidation reactors.
- (i) Methane reforming furnaces.
- (j) Pulping liquor recovery furnaces.
- (k) Combustion devices used in the recovery of sulfur values from spent sulfuric acid.
- (l) Halogen acid furnaces (HAFs) for the production of acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least three per cent, the acid product is used in a manufacturing process, and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of twenty per cent as-generated.
- (m) Such other devices as the administrator ~~may~~, after notice and comment, may add to this list on the basis of one or more of the following factors:
 - (i) The design and use of the device primarily to accomplish recovery of material products;
 - (ii) The use of the device to burn or reduce raw materials to make a material product;
 - (iii) The use of the device to burn or reduce secondary materials as effective substitutes for raw materials in processes using raw materials as principal feedstocks;
 - (iv) The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;
 - (v) The use of the device in common industrial practice to produce a material product; and
 - (vi) Other factors as appropriate.
- (6) "Infrared incinerator" means any enclosed device that uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.
- (7) "Inground tank" means a device that meets the definition of "tank" in this rule, whereby a portion of a tank wall is situated to any degree within the ground,

thereby preventing visual inspection of that external surface area of the tank that is in the ground.

- (8) "In operation" refers to a facility which is treating, storing, or disposing of hazardous waste.
- (9) "Injection well" means a well into which fluids are injected. (See also "underground injection.")
- (10) "Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.
- (11) "Installation inspector" means a person who, by reason of that person's knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.
- (12) "International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

(J) [Reserved.]

(K) [Reserved.]

(L)

- (1) "Lamp" or "universal waste lamp" means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps. ~~Lamps that have been used and are being discarded are "spent materials" as defined in rule 3745-51-01 of the Administrative Code.~~
- (2) "Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit.

- (3) "Landfill cell" means a discrete volume of a hazardous waste landfill which uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells include, but are not limited to, trenches and pits.
- (4) "Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.
- (5) "Large quantity generator" is a generator who generates any of the following amounts in a calendar month:
- (a) Greater than or equal to one thousand kilograms (two thousand two hundred pounds) of non-acute hazardous waste; or
 - (b) Greater than one kilogram (2.2 pounds) of acute hazardous waste listed in rules 3745-51-31 or paragraph (E) of rule 3745-51-33 of the Administrative Code; or
 - (c) Greater than one hundred kilograms (two hundred twenty pounds) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in rule 3745-51-31 or paragraph (E) of rule 3745-51-33 of the Administrative Code.
- (6) "Large quantity handler of universal waste" means a "universal waste handler" (as defined in this rule) who accumulates five thousand kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, aerosol containers, antifreeze, or paint or paint-related waste, calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which the five thousand kilogram limit is met or exceeded.
- (7) "Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.
- (8) "Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system shall employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or

the presence of a release of hazardous waste into the secondary containment structure.

- (9) "Liner" means a continuous layer of natural or man-made materials, beneath or on the sides of a surface impoundment, landfill, or landfill cell, which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents, or leachate.

(M)

- (1) "Management" or "hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.
- (2) "Manifest" means the shipping document U.S. EPA form 8700-22 ~~and~~ (including, if necessary, U.S. EPA form 8700-22A), or the electronic manifest, originated and signed by the generator or offeror which contains the information required by in accordance with the applicable requirements of Chapters 3745-52, 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, and 3745-256 of the Administrative Code.
- (3) "Manifest tracking number" means the alphanumeric identification number (i.e., a unique three letter suffix preceded by nine numerical digits), which is pre-printed in item 4 of the manifest by a registered source.
- (4) "Mercury-containing equipment" means a device or part of a device (including thermostats, but excluding batteries and lamps) that contains elemental mercury integral to the function of the equipment. ~~Used mercury-containing equipment that is taken out of service is a "spent material" as defined in rule 3745-51-01 of the Administrative Code.~~
- (5) "Military munitions" means all ammunition products and components produced or used by or for the United States department of defense (DOD) or the United States armed services for national defense and security, including military munitions under the control of the department of defense, the United States coast guard, the United States department of energy (DOE), and national guard personnel.
- (a) The term "military munitions" includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by DOD components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery

ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components thereof.

- (b) The term "military munitions" does not include: wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components thereof. However, the term does include non-nuclear components of nuclear devices, managed under DOE's nuclear weapons program after all required sanitization operations under the Atomic Energy Act of 1954 have been completed.
- (6) "Mining overburden returned to the mine site" means any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.
- (7) "Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under Chapter 3745-34 of the Administrative Code, corrective action management unit, containment building, or unit eligible for a research, development, and demonstration permit under 40 CFR 270.65, or staging pile.
- (8) "Movement" means that hazardous waste transported to a facility in an individual vehicle.

(N)

- (1) "New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation has commenced after July 14, 1986; except, however, for purposes of paragraph (G)(2) of rule 3745-55-93 and paragraph (G)(2) of rule 3745-66-93 of the Administrative Code, a new tank system is one for which construction commences after July 14, 1986. (See also "existing tank system.")
- (2) "No free liquids," as used in paragraphs (A)(26) and (B)(18) of rule 3745-51-04 of the Administrative Code, means that "solvent-contaminated wipes" as defined in this rule may not contain free liquids as determined by method 9095B ("Paint Filter Liquids Test"), included in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" U.S. EPA publication SW-846, and that there is no free liquid in the container holding the "wipes" as defined in this rule.

- (3) "Non-acute hazardous waste" means all hazardous wastes that are not acute hazardous waste, as defined in this rule.

(O)

- (1) "Ohio EPA" means the Ohio environmental protection agency.
- (2) "On ground tank" means a device that meets the definition of "tank" in this rule and that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surface so that the external tank bottom cannot be visually inspected.
- (3) "On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way which that person controls and to which the public does not have access are also considered on-site property.
- (4) "Open burning" means the combustion of any material without the following characteristics:
- (a) Control of combustion air to maintain adequate temperature for efficient combustion;
 - (b) Containment of the combustion-reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
 - (c) Control of emission of the gaseous combustion products. ~~(See also "incineration" and "thermal treatment.")~~
- (5) "Operator" means the person responsible for the overall operation of a facility.
- (6) "Owner" means the person who owns a facility or part of a facility.

(P)

- (1) "Paint" means a pigmented or unpigmented powder coating, or a pigmented or unpigmented mixture of binder and suitable liquid, resulting from commercial, industrial, mining, agricultural, and post-consumer activities, that upon fusing or drying forms an adhering coating on the surface to which the paint is applied. Powder coating is any surface coating which is applied as a dry powder and is fused into a continuous coating film through the use of heat.

- (2) "Paint-related waste" means any material contaminated with paint that results from paint packaging, wholesale and retail operations, paint manufacturing, and paint application or removal activities, or a material derived from the reclamation of paint-related wastes that is recycled in a manner other than burning for energy recovery or used in a manner constituting disposal according to rules 3745-51-02 and 3745-266-20 of the Administrative Code.
- (3) "Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of Chapters 3745-54 to 3745-57 and 3745-205 or 3745-65 to 3745-69 and 3745-256 of the Administrative Code at a facility that contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including the associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile, or other hazardous waste management unit, while other units of the same facility continue to operate.
- (4) "Permit (as concerns hazardous waste)," "Ohio hazardous waste permit," or "hazardous waste permit" means a hazardous waste facility installation and operation permit issued under Chapter 3734. of the Revised Code and the rules adopted thereunder, or a renewal permit issued pursuant to section 3734.05 of the Revised Code.
- (5) "Permitted facility" means a facility that has possession of a current Ohio hazardous waste permit.
- (6) "Person" means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, the state of Ohio or any state of the United States, municipality, commission, political subdivision of the state, or any interstate body.
- (7) "Personnel" or "facility personnel" means all persons who work at, or oversee the operations of, a hazardous waste facility, and whose actions or failure to act may result in noncompliance with Chapters 3745-54 to 3745-57; and 3745-205 or 3745-65 to 3745-69, 3745-205, and 3745-256 of the Administrative Code.
- (8) "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant, other than any article that ~~is one of the following~~:
- (a) Is a new animal drug under Section 201(v) of the Federal Food, Drug, and Cosmetic Act (FFDCA); or

- (b) ~~An~~Is an animal drug that has been determined by regulation of the secretary of health and human services not to be a new animal drug; or
- (c) ~~An~~Is an animal feed under Section 201(w) of the FFDCA that bears or contains any substances described by any portion of the definition of "pesticide" in this rule.
- (9) "Pile" means any non-containerized accumulation of solid, nonflowing hazardous waste that is used for treatment or storage and that is not a containment building.
- (10) "Plasma arc incinerator" means any enclosed device using a high intensity electrical discharge or arc as a source of heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.
- (11) "Point source" means any discernible, confined, and discrete conveyance, including, but is not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.
- (12) "Publicly owned treatment works" or "POTW" means any device or system used in the treatment (including, but not limited to, recycling and reclamation of hazardous wastes) of municipal sewage or industrial wastes of a liquid nature which is owned by the state or a "municipality" [as defined in Section 502(4) of the Clean Water Act]. This definition includes sewers, pipes, or other conveyances only if such sewers, pipes, or other conveyances convey wastewater to a POTW providing treatment.
- (Q) "Qualified ground water scientist" means a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering, and has sufficient training and experience in ground water hydrology and related fields as may be demonstrated by state registration, professional certifications, or completion of accredited university courses that enable that individual to make sound professional judgements regarding ground water monitoring and contaminant fate and transport.
- (R)
- (1) "Recognized trader" means a person domiciled in the United States, by site of business, who acts to arrange and facilitate transboundary movements of wastes destined for recovery or disposal operations, either by purchasing from and subsequently selling to United States and foreign facilities, or by acting under arrangements with a United States waste facility to arrange for the export or import of the wastes.

- (2) "Remediation waste" means all solid and hazardous wastes, and all media (including ground water, surface water, soils, and sediments) and debris, that are managed for implementing cleanup.
 - (3) "Remediation waste management site" means a facility where an owner or operator is or will be treating, storing, or disposing of hazardous remediation wastes. A remediation waste management site is not a facility that is subject to corrective action under rule 3745-54-101 of the Administrative Code, but is subject to corrective action requirements if the site is located in such a facility.
 - (4) "Replacement unit":
 - (a) Means a landfill, surface impoundment, or waste pile unit:
 - (i) From which all or substantially all of the waste is removed; and
 - (ii) That is subsequently reused to treat, store, or dispose of hazardous waste.
 - (b) Does not apply to a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with an approved closure plan or in accordance with a U.S. EPA or Ohio EPA approved corrective action.
 - (5) "Representative sample" means a sample of a universe or whole (e.g., waste pile, lagoon, ground water) which can be expected to exhibit the average properties of the universe or whole.
 - (6) "Resource Conservation and Recovery Act," or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, ~~as amended through the date specified in rule 3745-50-11 of the Administrative Code,~~ 42 U.S.C. 6901.
 - (7) "Run-off" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.
 - (8) "Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.
- (S)
- (1) "Saturated zone" or "zone of saturation" means that part of the earth's crust in which all voids are filled with water.

- (2) "Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.
- (3) "Sludge dryer" means any enclosed thermal treatment device that is used to dehydrate sludge and that has a maximum total thermal input, excluding the heating value of the sludge, of two thousand five hundred British thermal units (Btu) per pound of sludge treated on a wet-weight basis.
- (4) "Small quantity generator" means a generator who generates any of the following amounts in a calendar month:
- (a) Greater than one hundred kilograms (two hundred twenty pounds) but less than one thousand kilograms (two thousand two hundred pounds) of non-acute hazardous waste-: and
 - (b) Less than or equal to one kilogram (2.2 pounds) of acute hazardous waste listed in rule 3745-51-31 or paragraph (E) of rule 3745-51-33 of the Administrative Code-: and
 - (c) Less than or equal to one hundred kilograms (two hundred twenty pounds) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in rule 3745-51-31 or paragraph (E) of rule 3745-51-33 of the Administrative Code.
- (5) "Small quantity handler of universal waste" means a "universal waste handler" (as defined in this rule) who does not accumulate five thousand kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, aerosol containers, antifreeze, or paint or paint-related waste, calculated collectively) at any time.
- (6) "Solid wastes" has the same meaning as in rule 3745-27-01 of the Administrative Code.
- (7) "Solvent-contaminated wipe" means:
- (a) A "wipe" as defined in this rule that, after use or after cleaning up a spill, ~~has one or more of the following features~~ either:
 - (i) Contains one or more of the F001 to F005 solvents listed in rule 3745-51-31 of the Administrative Code or the corresponding

P-listed or U-listed solvents listed in rule 3745-51-33 of the Administrative Code: or

- (ii) Exhibits a hazardous characteristic in rules 3745-51-20 to 3745-51-24 of the Administrative Code when that characteristic results from a solvent listed in Chapter 3745-51 of the Administrative Code: or
 - (iii) Exhibits only the hazardous waste characteristic of ignitability in rule 3745-51-21 of the Administrative Code due to the presence of one or more solvents that are not listed in Chapter 3745-51 of the Administrative Code.
- (b) Solvent-contaminated wipes that contain listed hazardous waste other than solvents, or exhibit the characteristic of toxicity, characteristic of corrosivity, or characteristic of reactivity due to contaminants other than solvents, are not eligible for the exclusions in paragraphs (A)(26) and (B) (18) of rule 3745-51-04 of the Administrative Code.
- (8) "Sorbent" means a material that is used to soak up free liquids by either adsorption or absorption, or both. "Sorb" means to either adsorb or absorb, or both.
- (9) "Staging pile" means an accumulation of solid, non-flowing "remediation waste" (as defined in this rule) that is not a containment building and that is used only during remedial operations for temporary storage at a facility. Staging piles shall be designated by the director according to rule 3745-57-74 of the Administrative Code.
- (10) "State" means the state of Ohio.
- (11) "Storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.
- (12) "Sump" means any pit or reservoir that meets the definition of "tank" in this rule and those troughs or trenches connected to such pit or reservoir that serve to collect hazardous waste for transport to hazardous waste storage, treatment, or disposal facilities; except that as used in the landfill, surface impoundment, and waste pile rules, "sump" means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection and removal system for subsequent removal from the system.
- (13) "Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although the impoundment or surface impoundment may be lined with man-made materials), which is designed to

hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. ~~Surface~~Examples of surface impoundments include, but are not limited to, holding, storage, settling, and aeration pits, ponds, and lagoons.

(T)

- (1) "Tank" means a stationary device, designed to contain an accumulation of hazardous waste, which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) that provide structural support.
- (2) "Tank system" means a hazardous waste storage or treatment tank and the associated ancillary equipment and containment system.
- (3) "TEQ" means toxicity equivalence, the international method of relating the toxicity of various dioxin and furan congeners to the toxicity of 2,3,7,8-tetrachlorodibenzo-p-dioxin.
- (4) "Thermal treatment" means the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste. ~~Thermal~~Examples of thermal treatment processes include, but are not limited to, incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also "incinerator" and "open burning.")
- (5) "Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury-containing ampules that have been removed from these temperature control devices in compliance with paragraph (C)(2) of rule 3745-273-13 or paragraph (C)(2) of rule 3745-273-33 of the Administrative Code.
- (6) "Totally enclosed treatment facility" means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example of such facility is a pipe in which waste acid is neutralized.
- (7) "Trade secrets" means any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using such information to fabricate, produce, or compound an article, trade, or service having commercial value, and which gives the user an

opportunity to obtain a business advantage over competitors who do not know or use such information.

- (8) "Transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation.
- (9) "Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.
- (10) "Transportation" means the movement of hazardous waste by air, rail, highway, or water.
- (11) "Transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.
- (12) "Treatability study" means a study in which a hazardous waste is subjected to a treatment process to determine ~~any of the following:~~
- (a) Whether the waste is amenable to the treatment process;
 - (b) What pretreatment (if any) is required;
 - (c) The optimal process conditions needed to achieve the desired treatment;
 - (d) The efficiency of a treatment process for a specific waste or wastes; or
 - (e) The characteristics and volumes of residuals from a particular treatment process.

Also included in this definition for the purpose of the exemptions in paragraphs (E) and (F) of rule 3745-51-04 of the Administrative Code, are liner compatibility, corrosion, and other material compatibility studies and toxicological and health effects studies. A "treatability study" is not a means to commercially treat or dispose of hazardous waste.

- (13) "Treat" or "treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological ~~characteristics~~ character or composition of any hazardous waste; so as to neutralize the waste; ~~to~~ recover energy or material resources from the waste; ~~to~~ render the waste non-hazardous or less hazardous, safer to transport, store, or dispose of, or amenable for recovery; or storage, ~~further treatment, or disposal~~; or ~~to~~ reduce the volume of the waste.

- (14) "Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed, or immobilized.

(U)

- (1) "Underground injection" means the subsurface emplacement of fluids through a bored, drilled or driven well, or through a dug well, where the depth of the dug well is greater than the largest surface dimension. (See also "injection well.")
- (2) "Underground source of drinking water" means any aquifer or a portion of the aquifer:
- (a) ~~An aquifer or portion of the aquifer which either:~~
- (i) ~~Supplies~~Which supplies any "public water system" as defined in Chapter 3745-81 of the Administrative Code; or
- (ii) ~~Contains~~Which contains a sufficient quantity of ground water to supply a "public water system" as defined in Chapter 3745-81 of the Administrative Code; and one of the following:
- (a) ~~Currently supplies drinking water for human consumption;~~ or
- (b) ~~Contains fewer than ten thousand milligrams per liter total dissolved solids;~~ and
- (b) ~~Is~~Which is not an exempted aquifer.
- (3) "Underground tank" means a device that meets the definition of "tank" in this rule in which the entire surface area is totally below the surface of and covered by the ground.
- (4) ~~Unfit for use~~Unfit-for-use tank system" means a tank system that has been determined through an integrity assessment or other inspection to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.
- (5) "Universal waste" means any of the following hazardous wastes that are managed under the universal waste requirements of Chapter 3745-273 of the Administrative Code:
- (a) Batteries as described in rule 3745-273-02 of the Administrative Code;

- (b) Pesticides as described in rule 3745-273-03 of the Administrative Code;
- (c) Mercury-containing equipment as described in rule 3745-273-04 of the Administrative Code;
- (d) Lamps as described in rule 3745-273-05 of the Administrative Code;
- (e) Aerosol cans as described in rule 3745-273-06 of the Administrative Code;
and
- ~~(e)~~(f) Ohio-specific universal wastes as described in rule 3745-273-89 of the Administrative Code, which include:
 - ~~(i) Aerosol container as described in paragraph (A) of rule 3745-273-89 of the Administrative Code.~~
 - ~~(ii)~~(i) Antifreeze as described in paragraph (B) of rule 3745-273-89 of the Administrative Code; and
 - ~~(iii)~~(ii) Paint and paint-related waste as described in paragraph (C) of rule 3745-273-89 of the Administrative Code.

(6) "Universal waste handler":

- (a) Means ~~either~~:
 - (i) A "generator" (as defined in this rule) of universal waste; or
 - (ii) The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.
- (b) Does not mean ~~either of the following~~:
 - (i) A person who treats [except under the provisions of paragraph (A) or (C) or (E), (F), or (G) of rule 3745-273-13 of the Administrative Code, or paragraph (A) or (C) or (E), (F), or (G) of rule 3745-273-33 of the Administrative Code], disposes of, or recycles universal waste; or

- (ii) A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.
- (7) "Universal waste satellite accumulation area" means a container, cabinet, hopper, or other unit where universal waste aerosol containers are initially collected in the work area prior to being moved to the specified accumulation area for storage, puncturing, or preparation of the universal waste aerosol containers for shipment to another universal waste handler or destination facility.
- (8) "Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.
- (9) "Unsaturated zone" or "zone of aeration" means the zone between the land surface and the water table.
- (10) "United States" means the fifty states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands.
- (11) "Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.
- (12) "U.S. EPA" means United States environmental protection agency.
- (13) "U.S. EPA identification number" means the number assigned by U.S. EPA or by Ohio EPA to each hazardous waste generator; hazardous waste transporter; hazardous waste treatment, storage, or disposal facility; large quantity universal waste handler; universal waste destination facility; used oil transporter; used oil processor; used oil marketer; and off- specification used oil burner.
- (14) "Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and, as a result of that use, is contaminated by physical or chemical impurities.
- (15) "User of the electronic manifest system" means a hazardous waste generator; a hazardous waste transporter; an owner or operator of a hazardous waste treatment, storage, recycling, or disposal facility; or any other person that conforms to the following:
- (a) Is required to use a manifest to comply with ~~any of the following:~~

- (i) Any federal or state requirement to track the shipment, transportation, and receipt of hazardous waste or other waste material that is shipped from the site of generation to an off-site facility for treatment, storage, recycling, or disposal; or
- (ii) Any federal or state requirement to track the shipment, transportation, and receipt of rejected wastes or regulated container residues that are shipped from a designated facility to an alternative facility, or returned to the generator; and
- (b) Elects to use the system to obtain, complete and transmit an electronic manifest format supplied by the U.S. EPA electronic manifest system; or
- (c) Elects to use the paper manifest form and submits to the system for data processing purposes a paper copy of the manifest (or data from such a paper copy), in accordance with paragraph (A)(2)(e) of rule 3745-54-71 or paragraph (A)(2)(e) of rule 3745-65-71 of the Administrative Code. These paper copies are submitted for data exchange purposes only and are not the official copies of record for legal purposes.

(V)

- (1) "Very small quantity generator" means a generator who generates less than or equal to all of the following amounts in a calendar month:
 - (a) One hundred kilograms (two hundred twenty pounds) of non-acute hazardous waste; and
 - (b) One kilogram (2.2 pounds) of acute hazardous waste listed in rules 3745-51-31 or paragraph (E) of rule 3745-51-33 of the Administrative Code; and
 - (c) One hundred kilograms (two hundred twenty pounds) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in rule 3745-51-31 or paragraph (E) of rule 3745-51-33 of the Administrative Code.
- (2) "Vessel" includes every description of watercraft, used or capable of being used as a means of transportation on the water.

(W)

- (1) "Waste" has the same meaning as in rule 3745-51-02 of the Administrative Code.

- (2) "Waste management unit" means any discernible unit at which "solid wastes," "hazardous waste," "infectious wastes," (as those terms are defined in Chapter 3734. of the Revised Code), "construction and demolition debris" (as defined in Chapter 3714. of the Revised Code), "industrial waste," or "other wastes" (as those terms are defined in Chapter 6111. of the Revised Code) have been placed at any time, irrespective of whether the unit was intended for the management of solid waste, hazardous waste, infectious waste, construction and demolition debris, industrial waste, or other waste. Such units include any area at a facility at which solid waste, hazardous waste, infectious waste, construction and demolition debris, industrial waste, or other waste has been routinely and systematically released.
- (3) "Wastewater treatment unit" means a device which ~~does all of the following~~:
- (a) Is part of a wastewater treatment facility that is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act; and
 - (b) Receives and treats or stores an influent wastewater that is a "hazardous waste" as defined in rule 3745-51-03 of the Administrative Code, or that generates and accumulates a wastewater treatment sludge that is a "hazardous waste" as defined in rule 3745-51-03 of the Administrative Code, or treats or stores a wastewater treatment sludge which is a "hazardous waste" as defined in rule 3745-51-03 of the Administrative Code; and
 - (c) Meets the definition of "tank" or "tank system" in this rule.
- (4) "Water (bulk shipment)" means the bulk transportation of hazardous waste which is loaded or carried on board a vessel without containers or labels.
- (5) "Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.
- (6) "Well injection" ÷ see "underground injection."
- (7) "Wipe" means a woven or non-woven shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material.
- (X) [Reserved.]
- (Y) [Reserved.]
- (Z) "Zone of engineering control" means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned up prior to

the release of hazardous waste or hazardous constituents to ground water or surface water.

(AA) As used in the hazardous waste rules, unless the context otherwise requires, the time within which an act is required to be performed shall be computed pursuant to section 1.14 of the Revised 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."]

Effective: 10/23/2022
Five Year Review (FYR) Dates: 7/20/2022 and 07/20/2027

CERTIFIED ELECTRONICALLY

Certification

10/11/2022

Date

Promulgated Under: 119.03
Statutory Authority: 3734.12
Rule Amplifies: 3734.12
Prior Effective Dates: 04/15/1981, 08/26/1981 (Emer.), 12/02/1981,
01/07/1983, 08/30/1984, 03/04/1985, 02/28/1986,
09/22/1986, 12/28/1987, 12/08/1988, 12/30/1989,
04/01/1990, 08/03/1990, 02/11/1992, 09/02/1997,
10/20/1998, 12/07/2000, 03/13/2002, 12/07/2004,
02/16/2009, 09/05/2010, 10/31/2015, 02/12/2018,
10/05/2020

3745-50-11

Incorporated by reference.

When used in the hazardous waste rules, the following text or other materials are incorporated by reference. All references cited in this rule are those that existed and were available on July 1, ~~2019~~2021 unless a different edition or version date is specified in this rule.

(A) Code of Federal Regulations (~~C.F.R.~~CFR) references. These regulations can generally be found in public libraries, electronically at <http://www.ecfr.gov>, or can be purchased from "U.S. Government Printing, Superintendent of Documents, Mail Stop SSOP, Washington DC" 20402-9328. The regulations listed in this rule are those published in the July 1, ~~2019~~2021 ~~C.F.R.~~CFR.

~~(1) 10 C.F.R. Part 1.~~

~~(2) 10 C.F.R. Part 20.~~

~~(3) 10 C.F.R. Part 61.~~

~~(4) 10 C.F.R. Part 71.~~

(1) 10 CFR Parts 1, 20, 61, and 71.

~~(5)(2) 16 C.F.R.~~CFR Part 1115.

~~(6)(3) 21 C.F.R.~~CFR Parts 7, 203, 312, and 1308.

~~(7)(4) 29 C.F.R.~~CFR Part 1910.

~~(8) 33 C.F.R. Part 153.~~

~~(9)(5) 33 C.F.R.~~CFR Parts 153, 336, and 337.

~~(10) 40 C.F.R. Part 3.~~

~~(11)(6) 40 C.F.R.~~CFR Parts 3, 51, and 52.

~~(12)(7) 40 C.F.R.~~CFR Parts 60, 61, 62, and 63, except as otherwise specifically described in the hazardous waste rules.

~~(13) 40 C.F.R. Part 112.~~

~~(14) 40 C.F.R. Parts 122 and 124.~~

~~(15)(8) 40 C.F.R.~~CFR Parts 112, 122, 124, 144, 146, and 148.

~~(16) 40 C.F.R. Part 232.~~

~~(17)(9) 40 C.F.R. CFR Parts 232, 257, and 258.~~

~~(18)(10) 40 C.F.R. CFR Parts 260 to 279.~~

~~(19) 40 C.F.R. Part 302.~~

~~(20) 40 C.F.R. Part 403.~~

~~(21) 40 C.F.R. Part 761.~~

(11) 40 CFR Parts 302, 403, and 761.

~~(22)(12) 49 C.F.R. CFR Parts 100 to 185.~~

(B) Federal statute references. These laws can generally be found in public libraries, or electronically at the "Library of Congress" at <https://www.loc.gov/> using the "Library Catalog" search selection. The federal laws listed in this rule are those versions of the laws amended through July 1, ~~2019~~2021.

(1) The Act of August 18, 1970, 84 Stat. 825, 16 U.S.C.A. 1a-5.

(2) Atomic Energy Act of 1954, 42 U.S.C. 2011.

(3) "Chemical and Biological Warfare Program, Destruction of Existing Stockpile of Lethal Chemical Agents and Munitions," 50 U.S.C. 1521.

(4) Clean Air Act, 42 U.S.C. 7401.

(5) Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. 9601.

(6) Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301.

(7) Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136.

(8) Federal Tax Code, 26 U.S.C. 501(c)(3).

(9) Federal Water Pollution Control Act, Clean Water Act of 1977, or Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251.

(10) Investment Company Act of 1940, 15 U.S.C. 80a-1.

(11) Marine Protection, Research, and Sanctuaries Act of 1972, 33 U.S.C. 1401.

- (12) ~~Occupational~~Occupational Safety and Health Act of 1970, 29 U.S.C. 661.
 - (13) Resource Conservation and Recovery Act of 1976 (RCRA), or Solid Waste Disposal Act, 42 U.S.C. 6901.
 - (14) Safe Drinking Water Act, 42 U.S.C. 300f.
 - (15) Toxic Substances Control Act, 15 U.S.C. 2601.
 - (16) U.S.C. Title 11 (bankruptcy).
 - (17) U.S. Constitution.
- (C) Government literature. The availability of these documents is provided with each paragraph.
- (1) U.S. department of defense documents, available at www.dtic.mil.
 - (a) DD form 1348- requisition tracking form.
 - (b) DD form 1907- signature and tally record.
 - (c) DD form 626- motor vehicle inspection report.
 - (d) DD form 836- special instructions for motor vehicle drivers.
 - (e) DOD 6055.9-STD- ammunition and explosive safety standards.
 - (2) U.S. department of transportation (DOT) shipping requirements are available at www.phmsa.dot.gov/phmsa-regulations.
 - (3) U.S. department of the treasury document: "Circular 570" is published in the Federal Register annually on July first; interim changes in the circular are also published in the Federal Register. "Circular 570" is available on the treasury department's website at www.fiscal.treasury.gov/surety-bonds/circular-570.html.
 - (4) U.S. EPA technical documents. These documents are generally available in libraries. Documents listed in this paragraph without an address can be ordered by calling ~~800/490-9198~~202/512-1800. These documents may also be obtained by writing to "~~U.S. EPA/NSCEP, P.O. Box 42419, Cincinnati, OH 45242-0419~~National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161". Documents listed in this paragraph with an address may also be obtained at that address. Many of these documents can also be obtained via online ordering at U.S. EPA's "National Service Center for

Environmental Publications" at www.epa.gov/nscep. Some documents listed in this paragraph may be available for purchase, not free of charge.

- (a) "APTI Course 415: Control of Gaseous Emissions," EPA-450/2-81-005, December 1981.
- (b) "Field Evaluation of Carbon Monoxide and Hydrogen Sulfide Continuous Emission Monitors at an Oil Refinery," Ferguson, B.B., R.E. Lester, and W.J. Mitchell, August 1982, EPA-600/4-82-054, available at www.epa.gov/nscip.
- (c) U.S. EPA form 8700-22, part of the "Uniform Hazardous Waste Manifest" and instructions, are available in the appendix to 40 ~~C.F.R.~~CFR Part 262 at www.epa.gov at the approved registered printers selection.
- (d) U.S. EPA form 8700-22A, part of the "Uniform Hazardous Waste Manifest" and instructions, are available in the appendix to 40 ~~C.F.R.~~CFR Part 262 at www.epa.gov at the approved registered printers selection.
- (e) U.S. EPA form 8700-23, the "Part A" permit application form, is available at www.epa.gov/osw/inforesources/data/form8700/forms.htm.
- (f) "Gaseous Continuous Emissions Monitoring Systems-Performance Specification Guidelines for SO₂, NO_x, CO₂, O₂, and TRS," October 1982, EPA-450/3-82-026, available from www.epa.gov/nscep.
- (g) "Gasoline Vapor Emission Laboratory Evaluation-Part 2," August 1975, EMB report No. 76-GAS-6, available from "U.S. EPA OAQPS, Research Triangle Park, NC" 27711.
- (h) "Guidance on Metals and Hydrogen Chloride Controls for Hazardous Waste Incinerators, Volume IV of the Hazardous Waste Incineration Guidance Series," August 1989, available from www.epa.gov/nscep.
- (i) "Guideline on Air Quality Models (revised)," July 1986, EPA-450/2-78-027R, available from www.epa.gov/nscep.
- (j) "Handbook: Continuous Air Pollution Source Monitoring Systems," Jahnke, James A. and G.J. Aldina, June 1979, EPA-625/6-79-005, available from www.epa.gov/nscep.
- (k) "Interim Procedures for Estimating Risks Associated with Exposures to Mixtures of Chlorinated Dibenzo-p-dioxins and Dibenzofurans (CDDs

and CDFs)," March; 1989 update, EPA-625/3-89/016, available from www.epa.gov/nscep.

- (l) "U.S. EPA Manual for SEA (Special Environmental Area) Requirements."
- (m) "Measurement of Volatile Organic Compounds-Guideline Series," June 1978, EPA-450/2-78-041, available from www.epa.gov/nscep.
- (n) "Method 1664, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; ~~Non-polar~~Nonpolar Material) by Extraction and Gravimetry," available from ~~www.epa.gov~~www.epa.gov/nscep.
 - (i) Revision A, EPA-821-R-98-002, February 1999.
 - (ii) Revision B, EPA-821-R-10-001, February 2010.
- (o) "Performance Test Results and Comparative Data for Designated Reference Methods for Carbon Monoxide," Michie, Raymond, M. Jr., et. al., September 1982, EPA-600/S4-83-013, available from www.epa.gov/nscep.
- (p) "Quality Assurance Handbook for Air Pollution Measurement Systems: Volume I. Principles," December 1984, EPA-600/9-76-006, available from www.epa.gov/nscep.
- ~~(q) "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised," October 1992, EPA-450/R-92-019, available from www.epa.gov.~~
- ~~(r)~~(q) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, U.S. EPA publication SW-846 [third edition (November 1986), as amended by "Update I" through "Update IV" is available from the "National Technical Information Service, U.S. Department of Commerce, 5301 Shawnee Road, Alexandria, VA," 22312 or at <https://www.epa.gov/hw-sw846/sw-846-compendium>. available from U.S. EPA's "National Technical Information Service, 5285 Port Royal Road, Springfield, VA" 22161. The following methods also may be available at www.epa.gov/hwsw846:

~~The following methods as published in the test methods compendium known as "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," U.S. EPA publication SW-846, and are available for purchase from the "National Technical Information Service, 5285 Port Royal Road,~~

Springfield, VA" 22161. A suffix of "A" in the method number indicates revision one (the method has been revised once). A suffix of "B" in the method number indicates revision two (the method has been revised twice). A suffix of "C" in the method number indicates revision three (the method has been revised three times). A suffix of "D" in the method number indicates revision four (the method has been revised four times):

- (i) Method 0010, "Modified Method 5 Sampling Train, Revision 1," dated ~~September 1986 and in the basic manual~~August 2018.
- (ii) Method 0011, "Sampling for Selected Aldehyde and Ketone Emissions from Stationary Sources, Revision 1," dated August 2018.
- ~~(ii)~~(iii) Method 0020, "Source Assessment Sampling System (SASS), Revision 1," dated ~~September 1986 and in the basic manual~~August 2018.
- (iv) Method 0023A, "Sampling Method for Polychlorinated Dibenzo-p-dioxins and Polychlorinated Dibenzofuran Emissions from Stationary Sources, Revision 2," dated August 2018.
- ~~(iii)~~(v) Method 0030, "Volatile Organic Sampling Train," dated ~~September 1986 and in the basic manual.~~
- ~~(iv)~~ Method 1320, dated ~~September 1986 and in the basic manual.~~
- ~~(v)~~ Method 1311, dated ~~September 1992 and in "Update I."~~
- ~~(vi)~~ Method 1330A, dated ~~July 1992 and in "Update I."~~
- ~~(vii)~~ Method 1312 dated ~~September 1994 and in "Update II."~~
- ~~(viii)~~ Method 0011, dated ~~December 1996 and in "Update III."~~
- ~~(ix)~~ Method 0023A, dated ~~December 1996 and in "Update III."~~
- ~~(x)~~(vi) Method 0031, "Sampling Method for Volatile Organic Compounds (SMVOC)," dated December 1996 and in "Update III."
- ~~(xi)~~(vii) Method 0040, "Sampling of Principal Organic Hazardous Constituents from Combustion Sources Using Tedlar® Bags," dated December 1996 and in "Update III."

- ~~(xii)~~(viii) Method 0050, "Isokinetic HCl/Cl₂ Emission Sampling Train," dated December 1996 and in "Update III."
- ~~(xiii)~~(ix) Method 0051, "Midget Impinger HCl/Cl₂ Emission Sampling Train, Revision 1," dated ~~December 1996~~ and in "Update III."August 2018.
- ~~(xiv)~~(x) Method 0060, "Determination of Metals in Stack Emissions," dated December 1996 and in "Update III."
- ~~(xv)~~(xi) Method 0061, "Determination of Hexavalent Chromium Emissions from Stationary Sources," dated December 1996 and in "Update III."
- ~~(xvi)~~ Method 9071B, dated April 1998 and in "Update IIIA."
- ~~(xvii)~~ Method 1010A, dated November 2004 and in "Update IIIB."
- (xii) Method 1010B, "Test Methods for Flash Point by Pensky-Martens Closed Cup Tester," dated December 2018.
- ~~(xviii)~~ Method 1020B, dated November 2004 and in "Update IIIB."
- (xiii) Method 1020C, "Standard Test Methods for Flash Point by Setaflash (Small Scale) Closed Cup Apparatus," dated December 2018.
- ~~(xix)~~(xiv) Method 1110A, "Corrosivity Toward Steel," dated November 2004 and in "Update IIIB."
- ~~(xx)~~(xv) Method 1310B, "Extraction Procedure (EP) Toxicity Test Method and Structural Integrity Test," dated November 2004 and in "Update IIIB."
- (xvi) Method 1311, "Toxicity Characteristic Leaching Procedure," dated July 1992 and in "Update I."
- (xvii) Method 1312, "Synthetic Precipitation Leaching Procedure," dated September 1994 and in "Update III."
- (xviii) Method 1320, "Multiple Extraction Procedure," dated September 1986 and in the basic manual.

~~(xix)~~ Method 1330A, "Extraction Procedure for Oily Wastes," dated July 1992 and in "Update I."

~~(xxi)~~~~(xx)~~ Method 9010C, "Total and Amenable Cyanide: Distillation," dated November 2004 and in "Update IIIB."

~~(xxii)~~~~(xxi)~~ Method 9012B, "Total and Amenable Cyanide (Automated Colorimetric, with Off-Line Distillation)," dated November 2004 and in "Update IIIB."

~~(xxiii)~~~~(xxii)~~ Method 9040C, "pH Electrometric Measurement," dated November 2004 and in "Update IIIB."

~~(xxiv)~~~~(xxiii)~~ Method 9045D, "Soil and Water pH," dated November 2004 and in "Update IIIB."

~~(xxv)~~~~(xxiv)~~ Method 9060A, "Total Organic Carbon," dated November 2004 and in "Update IIIB."

~~(xxvi)~~~~(xxv)~~ Method 9070A, "n-Hexane Extractable Material (HEM) for Aqueous Samples," dated November 2004 and in "Update IIIB."

~~(xxvi)~~ Method 9071B, "n-Hexane Extractable Material (HEM) for Sludge, Sediment, and Solid Samples," dated April 1998 and in "Update IIIA."

~~(xxvii)~~ Method 9095B, "Paint Filter Liquids Test," dated November 2004 and in "Update IIIB."

~~(s)~~~~(r)~~ "Traceability Protocol for Establishing True Concentrations of Gases Used for Calibration and Audits of Continuous Source Emission Monitors (Protocol No. 1)," June 1978, available from www.epa.gov/nscep.

(5) U.S. natural resources conservation service information regarding soils and soil particle size is available at <https://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/survey/class/>.

(6) Occupational safety and health (OSHA) exposure levels to mercury are available at www.osha.gov/SLTC/mercury/standards.html.

(7) Ohio EPA documents.

- (a) These forms are portions of the hazardous waste biennial report, and are in the "Hazardous Waste Biennial Report Instructions" available at ~~http://www.epa.ohio.gov/Portals/32/annualreport/HWAR_Instructions.pdf~~ http://www.epa.ohio.gov/static/Portals/32/annualreport/HWAR_Instructions.pdf:
- (i) Ohio EPA form EPA 9027.
 - (ii) Ohio EPA form EPA 9028.
 - (iii) Ohio EPA form EPA 9029.
- (b) This document is available at ~~<http://www.epa.ohio.gov/ddagw>~~ https://www.rvaap.org/docs/pub/F_OEPA_TGM_HIG_WM_1995_30_00VB.pdf: "Technical Guidance Manual for Hydrogeologic Investigations and Ground Water Monitoring."
- (8) U.S. postal service (USPS) shipping requirements are available at <http://www.usps.com>.
- (9) GSA standard form 1103- government bill of lading. Federal employees can order this form at www.gsa.gov/forms-library/u-s-government-bill-lading.
- (D) Private publications. These publications are generally available at libraries.
- (1) "An Analysis of Variance Test for Normality (complete samples)," Shapiro, S.S. and Wilk, M.B. (1965), "Biometrika," 52, 591-611.
 - (2) "Correlation of Land Use and Cover with Meteorological Anomalies," "Journal of Applied Meteorology," pp. 636-643, 1978.
 - (3) "Fate of Metals in Waste Combustion Systems," Barton, R.G., W.D. Clark, and W.R. Seeker. (1990). "Combustion Science and Technology," 74, 1-6, p. 327.
 - (4) "Statistical Concepts and Methods," Bhattacharyya, G.K. and R.A. Johnson (1977), John Wiley and sons, New York.
 - (5) "The Partitioning of Metals in Rotary Kiln Incineration," Carroll, G.J., R.C. Thurnau, R.E. Maurnighan, L.R. Waterland, J.W. Lee, and D.J. Fournier. "Proceedings of the Third International Conference on New Frontiers for Hazardous Waste Management." NTIS document number EPA-600/9-89/072, p. 555 (1989).

- (6) Available from the "American National Standards Institute (ANSI), 25 West 43rd Street, New York, NY" 10036 or 212/642-4900, or www.ansi.org:
- (a) "Petroleum Refining System," ANSI standard B31.3.
 - (b) "Liquid Petroleum Transportation Piping System," ANSI standard B31.4.
- (7) Available for purchase from the "American Petroleum Institute (API), 1220 L Street, Northwest, Washington, DC" 20005 or <https://global.ihs.com/individual-standards.cfm?&rid=Z56&mid=5280>api.org:
- (a) "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," API publication 1632.
 - (b) "Evaporative Loss from External Floating-Roof Tanks," API publication 2517, third edition, February 1989.
 - (c) "Guide for Inspection of Refinery Equipment," 4th edition, 1981.
 - (d) "Installation of Underground Petroleum Storage Systems," API publication 1615, November 1979.
- (8) "American Society for Testing and Materials" (ASTM) methods referenced in the hazardous waste rules are generally available in public libraries or are available from "ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA" 19428-2959, at 610/832-9555, or at ASTM.org.
- (a) The following methods may be available for purchase at the ASTM web site. Some of the methods may be no longer available on the web site and may be found in libraries:
 - (i) "ASTM Standard Method for Analysis of Reformed Gas by Gas Chromatography," ASTM standard D1946-90(2011), approved in 1990 and reapproved in 2011.
 - (ii) "ASTM Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi," ASTM method G21-70(1984a).
 - (iii) "ASTM Standard Practice for Determining Resistance of Plastics to Bacteria," ASTM method G22-76(1996).
 - (iv) "ASTM Standard Practice for Packed Column Gas Chromatography," ASTM standard E260-96(2011, approved in 1996 and reapproved in 2011.)

- (v) "ASTM Standard Practices for General Techniques of Infrared Quantitative Analysis," ASTM standard E-168-06, amended in 2006.
- (vi) "ASTM Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis," ASTM standard E169-04(2104), approved in 2004 and reapproved in 2014.
- (vii) "ASTM Standard Test Method for Vapor Pressure- Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope," ASTM standard D2879-10, amended in 2010.
- (viii) "ASTM Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester," ASTM standard ~~D-93-79~~D93-79 or ~~D-93-80~~D93-80.
- (ix) "ASTM Standard Test Methods for Flash Point of Liquids by Setaflash Closed Cup Tester," ASTM standard D-3278-78.
- (x) "ASTM Standard Test Methods for Preparing Refuse-Derived Fuel (RDF) Samples for Analyses of Metals," ASTM standard D926-08(2013), approved in 2008 and reapproved in 2013, test method C-bomb, acid digestion method.
- (xi) ASTM D-8174-18, "Standard Test Method for Finite Flash Point Determination of Liquid Wastes by Small Scale Closed Cup Tester," approved March 15, 2018.
- (xii) ASTM D-8175-18, "Standard Test Method for Finite Flash Point Determination of Liquid Wastes by Pensky-Martens Closed Cup Tester," approved March 15, 2018.
- (xiii) ASTM E681-85, "Standard Test Method for Concentration Limits of Flammability of Chemicals (Vapors and Gases)," approved November 14, 1985.
- (xiv) ASTM D2267-88, "Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography."
- (xv) ASTM D2382-83, "Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method)".

(xvi) ASTM D323-20a, "Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)," approved in 2020.

~~(xi)~~(xvii) Representative sampling methods for:

(a) "Standard Guide for Representative Sampling for Management of Waste and Media," ASTM standard D6044-96(2009), approved in 1996 and reapproved in 2009.

(b) "Practice for Sampling Soils and Contaminated Media with Hand Operated Bucket Auger," D6907-2005(2010), approved in 2005 and reapproved in 2010.

(c) Extremely viscous liquid- ASTM standard D140/D140M-14, approved in 2014.

(d) Crushed or powdered material- ASTM standard D346/D346M-11, approved in 2011.

(b) The following older approved equivalent methods are not available from the ASTM web site, but are available in libraries:

(i) "ASTM Standard Test Method for Vapor Pressure of Petroleum Products," ASTM standard D-323.

(ii) Representative sampling methods for:

(a) Soil or rock-like material- ASTM standard D420-69.

(b) Fly ash-like material- ASTM standard D2234-76, approved in 1976.

(c) Extremely viscous liquid- ASTM standard D140-70, approved in 1970.

(d) Crushed or powdered material- ASTM Standard D346-75, approved in 1975.

(e) Soil like material- ASTM Standard D1452-65, approved in 1965.

(9) Available from the "National Association of Corrosion Engineers" (NACE) at www.nace.org:

- (a) "Recommended Practice (RP-02-85)- Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems."
 - (b) [Reserved.]
- (10) Available for purchase from the "International Chamber of Commerce," "Uniform Customs and Practices for Documentary Credits" (also known as the "Uniform Commercial Code") at <https://2go.iccwbo.org/>.
- (11) Available for purchase from the "National Fire Protection Association (NFPA), 1 Batterymarch Park, P.O. Box 9101, Quincy, MA" 02269-9101 or www.nfpa.org:
- (a) "Flammable and Combustible Liquids Code" NFPA 30 (2018).
 - (b) "Flammable and Combustible Liquids Code" NFPA 704 (2017).
- (12) Available for purchase from the "Organisation for Economic ~~Co-operation~~Cooperation and Development, Environment (OECD) Directorate, 2 rue Andre Pascal, ~~75775F-75775~~ Paris Cedex 16, France," or at ~~http://www.OECD.org~~www.oecdlibrary.org/.
- (a) ~~"OECD Green List of Wastes" (revised May 1994) as found in appendix 3 to the "OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations)."~~
 - (b) ~~"OECD Amber List of Wastes" (revised May 1993) as found in appendix 4 to the "OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations)."~~
- (a) "Guidance Manual for the Control of Transboundary Movements of Recoverable Wastes, copyright 2009, Annex B: OECD Consolidated List of Wastes Subject to the Green Control Procedures, and Annex C: OECD Consolidated List of Wastes Subject to the Amber Control Procedure."
 - (b) [Reserved.]
- (13) Available from libraries: "STI Standard for Dual-Wall Underground Steel Storage Tanks."

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10/05/2020

3745-50-19

Petitions to amend rules 3745-51-30 to 3745-51-35 of the Administrative Code to exclude a waste generated at a particular facility.

(A) Any person seeking to exclude a waste at a particular generating facility from the lists in rules 3745-51-30 to 3745-51-35 of the Administrative Code may petition U.S. EPA for a regulatory amendment pursuant to 40 CFR 260.22.

(B) Ohio EPA will recognize U.S. EPA's decision pursuant to 40 CFR 260.22 to grant or deny a petition for an exclusion of a waste at a particular generating facility.

[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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3745-50-20

Petitions to amend Chapter 3745-273 of the Administrative Code to include additional hazardous wastes.

- (A) Any person seeking to add a hazardous waste or a category of hazardous waste to the universal waste rules of Chapter 3745-273 of the Administrative Code may petition for an amendment under this rule and rules 3745-273-80 to 3745-273-81 of the Administrative Code.
- (B) To be successful, the petitioner shall demonstrate all of the following to the satisfaction of the director that regulation under Chapter 3745-273 of the Administrative Code:
- (1) Is appropriate for the waste or category of waste.
 - (2) Will improve management practices for the waste or category of waste.
 - (3) Will improve implementation of the hazardous waste program.
 - (4) The petition shall include all of the following ~~information~~:
 - (a) The petitioner's name and address.
 - (b) A statement of the petitioner's interest in the ~~subject of the~~ petition.
 - (c) A description of the ~~subject of the~~ petition, including suggested regulatory language.
 - (d) A statement of the need and justification for the ~~subject of the~~ petition, including any supporting tests, studies, or other information.
 - (5) The petition should also address as many of the factors listed in rule 3745-273-81 of the Administrative Code as are appropriate for the waste or category of waste addressed in the petition.
- (C) The director will evaluate petitions using the factors listed in rule 3745-273-81 of the Administrative Code, and will grant or deny a petition using the factors listed in that rule. The decision will be based on the weight of evidence showing that regulation under Chapter 3745-273 of the Administrative Code is appropriate for the waste or category of waste, will improve management practices for the waste or category of waste, and will improve implementation of the hazardous waste program. If a petition for a regulatory amendment is granted, the director will propose rules pursuant to Chapter 119. of the Revised Code to address the petition.
- (D) The director may request additional information needed to evaluate the merits of the petition.

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3745-50-21

Draft permits.

- (A) Upon receipt of a complete application, the director shall decide whether to prepare a draft permit or issue a notice of intent to deny the permit application for "Class 3" modifications, new facility permits, or renewal permits.
- (B) [Reserved.]
- (C) If the director tentatively decides to deny a new facility permit application, "Class 3" modification application, or renewal application, the director shall issue a notice of intent to deny. A notice of intent to deny the new facility or renewal permit application or the "Class 3" modification application is a type of draft permit which follows the same procedures as any draft permit prepared under this rule. If the director subsequently decides that the tentative decision to deny the new facility or renewal permit application or the "Class 3" modification application was incorrect, the director shall withdraw the notice of intent to deny and prepare a draft permit under paragraph (D) of this rule.
- (D) If the director decides to prepare a draft permit, the director shall prepare a draft permit that contains the following information to the extent applicable:
- (1) All conditions under rule 3745-50-58 of the Administrative Code.
 - (2) All compliance schedules under rule 3745-50-50 of the Administrative Code.
 - (3) All monitoring requirements under rule 3745-50-48 of the Administrative Code.
 - (4) Standards for treatment, storage, or disposal and other permit conditions under rule 3745-50-58 of the Administrative Code.
- (E) Draft permits shall be accompanied by a fact sheet (see rule 3745-50-22 of the Administrative Code).

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03/09/2001, 12/07/2004, 09/05/2010, 10/31/2015

3745-50-22 Fact sheet.

- (A) A fact sheet must be prepared for every draft permit for a major facility and for every draft permit which the director finds is the subject of widespread public interest or raises major issues. The fact sheet must briefly set forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permit. The director must send this fact sheet to the applicant and, on request, to any other person.
- (B) The fact sheet must include when applicable:
 - (1) A brief description of the type of facility or activity which is the subject of the draft permit;
 - (2) The type and quantity of wastes which are proposed to be or are being treated, stored, disposed of or injected;
 - (3) A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions;
 - (4) Reasons why any requested variances or alternatives to required standards do or do not appear justified;
 - (5) A description of the procedures for reaching a final decision on the draft permit including:
 - (a) The beginning and ending dates of the comment period and the address where comments will be received or if appropriate the address where such information can be obtained;
 - (b) Procedures for requesting a hearing and the nature of that hearing or if appropriate the address where such information can be obtained; and
 - (c) Any other procedures by which the public may participate in the final decision.
 - (6) Name and telephone number of a person to contact for additional information.

Effective: 03/09/2001
119.032 review dates: 09/21/2000, Exempt
Promulgated under: 119.03
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Rule amplifies: 3734.12
Prior effective date: 03/04/1985

3745-50-23

Variations from classification as a waste.

In accordance with rules 3745-50-24 and 3745-50-26 of the Administrative Code, the director may determine on a case-by-case basis that any of the following recycled materials are not wastes:

- (A) Materials that are "accumulated speculatively" without sufficient amounts being "recycled."
- (B) Materials that are "reclaimed" and then "reused" within the original production process in which ~~they~~the materials were generated.
- (C) Materials that have been reclaimed but require further reclamation before the materials are completely recovered.

[Comment: The terms "accumulated speculatively," "recycled," "reclaimed," and "reused" are defined in rule 3745-51-01 of the Administrative Code.]

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10/31/2015

3745-50-24

Standards and criteria for variances from classification as a waste.

(A) The director may grant requests for a variance from classifying as a waste those materials that are accumulated speculatively without sufficient amounts being recycled if the applicant demonstrates that sufficient amounts of the material will be recycled or transferred for recycling in the following year. If a variance is granted, it is valid only for the following year, but can be renewed, on an annual basis, by filing a new application. The director's decision will be based on the following criteria:

- (1) The manner in which the material is expected to be recycled, when the material is expected to be recycled, and whether this expected disposition is likely to occur (for example, because of past practice, market factors, the nature of the material, or contractual arrangements for recycling);
- (2) The reason that the applicant has accumulated the material for one or more years without recycling seventy-five per cent of the volume accumulated at the beginning of the year;
- (3) The quantity of material already accumulated and the quantity expected to be generated and accumulated before the material is recycled;
- (4) The extent to which the material is handled to minimize loss; and
- (5) Other relevant factors.

(B) The director may grant requests for a variance from classifying as a waste those materials that are reclaimed and then reused as feedstock within the original production process in which the materials were generated, if the reclamation operation is an essential part of the production process. This determination will be based on the following criteria:

- (1) How economically viable the production process would be if it were to use virgin materials, rather than reclaimed materials;
- ~~(2) The prevalence of the practice on an industry wide basis;~~
- ~~(3)~~(2) The extent to which the material is handled before reclamation to minimize loss;
- ~~(4)~~(3) The time periods between generating the material and its reclamation, and between reclamation and return to the original primary production process;

- ~~(5)~~(4) The location of the reclamation operation in relation to the production process;
 - ~~(6)~~(5) Whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;
 - ~~(7)~~(6) Whether the person who generates the material also reclaims it; and
 - ~~(8)~~(7) Other relevant factors.
- (C) The director may grant requests for a variance from classifying as a waste those materials that have been reclaimed but must be reclaimed further before recovery is completed if, after initial reclamation, the resulting material is commodity-like (even though it is not yet a commercial product, and has to be reclaimed further). This determination will be based on the following factors:
- (1) The degree of processing the material has undergone and the degree of further processing that is required;
 - (2) The value of the material after it has been reclaimed;
 - (3) The degree to which the reclaimed material is like an analogous raw material;
 - (4) The extent to which an end market of the reclaimed material is guaranteed;
 - (5) The extent to which the reclaimed material is handled to minimize loss; and
 - (6) Other relevant factors.

Effective: 09/05/2010

R.C. 119.032 review dates: Exempt

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3745-50-25 Variance to be classified as a boiler.

In accordance with the standards and criteria in rule 3745-50-10 of the Administrative Code (definition of "boiler"), and the procedures in rule 3745-50-26 of the Administrative Code, the director may determine on a case-by-case basis that certain enclosed devices using controlled flame combustion are boilers, even though they do not otherwise meet the definition of boiler contained in rule 3745-50-10 of the Administrative Code, after considering the following criteria:

- (A) The extent to which the unit has provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases;
- (B) The extent to which the combustion chamber and energy recovery equipment are of integral design;
- (C) The efficiency of energy recovery, calculated in terms of the recovered energy compared with the thermal value of the fuel;
- (D) The extent to which exported energy is utilized;
- (E) The extent to which the device is in common and customary use as a "boiler," functioning primarily to produce steam, heated fluids, or heated gases; and
- (F) Other factors, as appropriate.

Effective: 12/07/2004

119.032 review dates: Exempt

Promulgated under: 119.03

Statutory authority: 3734.12

Rule amplifies: 3734.12

Prior effective dates: 01/30/1986

3745-50-26 Procedures for variances from classification as a waste or to be classified as a boiler.

The director will use the following procedures in evaluating applications for variances from classification as a waste or applications to classify particular enclosed flame combustion devices as boilers:

- (A) The applicant must apply to the director for the variance. The application must address the relevant criteria contained in rule 3745-50-24 or 3745-50-25 of the Administrative Code.
- (B) The director will evaluate the application and issue a draft notice tentatively granting or denying the application. Notification of this tentative decision will be provided by newspaper advertisement or radio broadcast in the locality where the recycler is located. The director will accept comment on the tentative decision for thirty days, and may also hold a public hearing upon request or at his discretion. The director will issue a final decision after receipt and consideration of comments and after the hearing, (if any).

Effective: 12/07/2004

119.032 review dates: Exempt

Promulgated under: 119.03

Statutory authority: 3734.12

Rule amplifies: 3734.12

Prior effective dates: 01/30/1986

3745-50-27

Additional regulation of certain hazardous waste recycling activities on a case-by-case basis.

- (A) The director may decide on a case-by-case basis that persons accumulating or storing the recyclable materials described in paragraph ~~(A)(2)(d)~~(A)(2)(c) of rule 3745-51-06 of the Administrative Code should be regulated under paragraphs (B) and (C) of rule 3745-51-06 of the Administrative Code. The basis for this decision is that the materials are being accumulated or stored in a manner that does not protect human health and the environment because the materials or their toxic constituents have not been adequately contained, or because the materials being accumulated or stored together are incompatible. In making this decision, the director will consider the following factors:
- (1) The types of materials accumulated or stored and the amounts accumulated or stored;
 - (2) The method of accumulation or storage;
 - (3) The length of time the materials have been accumulated or stored before being reclaimed;
 - (4) Whether any contaminants are being released into the environment, or are likely to be so released; and
 - (5) Other relevant factors.
- (B) The procedures for this decision are set forth in rule 3745-50-28 of the Administrative Code.

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R.C. 119.032 review dates: Exempt

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3745-50-28

Procedures for case-by-case regulation of hazardous waste recycling activities.

The director will use the following procedures when determining whether to regulate hazardous waste recycling activities described in paragraph (A)(2)(c) of rule 3745-51-06 of the Administrative Code (precious metal recycling) under paragraphs (B) and (C) of rule 3745-51-06 of the Administrative Code, rather than under rule 3745-266-70 of the Administrative Code.

- (A) If a generator is accumulating the waste, the director will issue a notice setting forth the factual basis for the decision and stating that the person shall comply with the applicable requirements for generators of hazardous waste in rules ~~3745-52-10~~3745-52-01 to ~~3745-52-12~~3745-52-18, 3745-52-30 to ~~3745-52-34~~3745-52-35 and, 3745-52-40 to 3745-52-44, ~~and 3745-52-50~~ of the Administrative Code. The notice will become final within thirty days, unless the person served requests a public hearing to challenge the decision. Upon receiving such a request, the director will hold a public hearing. The director will provide notice of the hearing to the public and allow public comment at the hearing. The director will issue a final order after the hearing stating whether or not compliance with Chapter 3745-52 of the Administrative Code is required. The order becomes effective thirty days after the decision unless the director specifies a later date. The order may be appealed to the environmental review appeals commission by any person who participated in the public hearing.
- (B) If the person is accumulating the recyclable material as a storage facility, the notice will state that the person shall obtain a permit in accordance with all applicable provisions ~~in rules 3745-50-40 to 3745-50-235~~of Chapter 3745-50 of the Administrative Code and Chapter 3734. of the Revised Code. The owner or operator of the facility shall apply for a permit within no less than sixty days and no more than six months after notice, as specified in the notice. If the owner or operator of the facility wishes to challenge the director's decision, the owner or operator may do so in the owner's or operator's permit application, in a public hearing held on the draft permit, or in comments filed on the draft permit or on the notice of intent to deny the permit. The fact sheet accompanying the permit will specify the reason for Ohio EPA's determination. The question of whether the director's decision was proper will remain open for consideration during the public comment period for the draft permit.

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3745-50-30

Trade secrets- confidentiality of information.

(A) Any record, report, or other information obtained under Chapter 3734. of the Revised Code or the "hazardous waste rules" as defined in rule 3745-50-10 of the Administrative Code may be claimed as confidential by the submitter pursuant to a trade secrets claim under rule 3745-49-03 of the Administrative Code or section 149.43 of the Revised Code.

(B) Claims of confidentiality for the name and address of any permit applicant or permittee will be denied.

Replaces: 3745-50-30
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09/05/2010

3745-50-31

Exemptions.

- (A) The director, by order, may exempt any person generating, collecting, storing, treating, disposing of, or transporting hazardous wastes in such quantities or under such circumstances that, in the determination of the director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a hazardous waste facility installation and operation permit or comply with the manifest system or other requirements of Chapter 3734. of the Revised Code and rules adopted thereunder. Such an exemption shall be consistent with and equivalent to any regulations adopted by the administrator under the Resource Conservation and Recovery Act of 1976, ~~90 Stat. 2806, 42 U.S.C.A. 6921~~, except as otherwise provided in Chapter 3734. of the Revised Code.
- (B) Applications for exemptions shall contain such detail plans, specifications and information regarding objectives, procedures, controls, and other pertinent data as are necessary to satisfactorily demonstrate to the director that the issuance of the exemption will not adversely affect public health or safety or the environment. The director may require such additional information as the director deems necessary.
- (C) An incomplete application will not be considered. Within sixty days after the date of receipt of an incomplete application, the applicant will be notified in writing of the nature of any deficiency and of the director's refusal to consider the application until the application is complete.

[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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03/17/2012, 02/12/2018

3745-50-32

Definitions- fee rules.

When used in rules 3745-50-33 to 3745-50-36 of the Administrative Code, the following terms have the meanings given:

- (A) "On-site facility" means a facility that treats or disposes of hazardous waste that is generated on the premises of the facility.
- (B) "Off-site facility" means a facility that treats or disposes of hazardous waste that is generated off the premises of the facility.
- (C) "Satellite facility" means any of the following:
 - (1) An on-site facility that also receives hazardous waste from other premises owned by the same person who generates the waste on the facility premises.
 - (2) An off-site facility operated so that all of the hazardous waste the facility receives is generated on one or more premises owned by the person who owns the facility.
 - (3) An on-site facility that also receives hazardous waste that is transported uninterrupted and directly to the facility through a pipeline from a generator who is not the owner of the facility.

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02/12/2018

3745-50-33

Fees for the off-site disposal of hazardous waste.

- (A) Owners or operators of disposal facilities that are "off-site facilities," as defined in rule 3745-50-32 of the Administrative Code, and which hold a permit, shall collect fees in accordance with section 3734.18 of the Revised Code on the disposal of hazardous waste ~~as follows:~~
- ~~(1) Hazardous waste disposed of by deep well injection—four dollars and fifty cents per ton.~~
- ~~(2) Hazardous waste disposed of by land application or landfilling—nine dollars per ton.~~
- (B) The owner or operator of the hazardous waste facility shall prepare and file with the director monthly returns showing the total tonnage received for disposal at the gate of the facility, and the total amount of the fee to be submitted to the director. Each such return shall be filed by submitting the same to the director with payment of the amount of the fee shown to be due therein. Each such return shall be filed on or before the fortieth day after the end of the month to which the return applies.
- (C) The time within which the owner or operator is required to file the return in paragraph (B) of this rule may be extended not more than thirty days, provided an application requesting such extension, with an accompanying detailed description as to why such extension is requested, is filed in writing and has been received by the director to be filed, and such application has been approved by the director.
- (D) The owner or operator of the hazardous waste facility shall keep at the facility a daily log containing the information required to be in the return filed with the director pursuant to paragraph (B) of this rule. The daily log shall be available for viewing by the director or the director's authorized representative during normal operating hours. The daily log shall be preserved for a period of three years and such retention period is automatically extended during the course of any unresolved enforcement action regarding the facility or as ordered by the director.
- (E) Fees, returns, and extension of time applications required to be filed with the director under this rule may be mailed to the following address: "Ohio EPA, Hazardous Waste Management Program, P.O. Box 1049, Columbus, Ohio" 43216-1049, or may be submitted electronically.

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03/09/2001, 12/07/2004, 05/13/2007, 03/17/2012,
02/12/2018, 01/31/2022

3745-50-34

Fees for on-site or satellite disposal of hazardous waste.

(A) Owners or operators of disposal facilities that are an "on-site facility" or a "satellite facility," as defined in rule 3745-50-32 of the Administrative Code, and which hold a permit, shall pay fees ~~according to the following schedule:~~in accordance with section 3734.18 of the Revised Code on the disposal of hazardous waste.

~~(1) Disposal by deep well injection- two dollars per ton.~~

~~(2) Disposal by land application or landfilling- four dollars per ton.~~

~~(B) The maximum annual disposal fee for an on-site facility that disposes of one hundred thousand tons or less of hazardous waste in a year is twenty five thousand dollars. The maximum annual disposal fee for an on-site facility that disposes of more than one hundred thousand tons of hazardous waste in a year by land application or landfilling is fifty thousand dollars, and the maximum annual fee for an on-site facility that disposes of more than one hundred thousand tons of hazardous waste in a year by deep well injection is one hundred thousand dollars. The maximum annual disposal fee for a satellite facility that disposes of one hundred thousand tons or less of hazardous waste in a year is thirty seven thousand five hundred dollars. The maximum annual disposal fee for a satellite facility that disposes of more than one hundred thousand tons of hazardous waste in a year is seventy five thousand dollars, except that a "satellite facility" defined in paragraph (C)(2) of rule 3745-50-32 of the Administrative Code that receives waste from a single generation site is subject to the same maximum annual disposal fees as an on-site facility.~~

(B) Section 3734.18 of the Revised Code prescribes the maximum annual disposal fee for the following types of facilities:

(1) An on-site facility that disposes of one hundred thousand tons or less of hazardous waste in a year.

(2) An on-site facility that disposes of more than one hundred thousand tons of hazardous waste in a year by land application or landfilling.

(3) An on-site facility that disposes of more than one hundred thousand tons of hazardous waste in a year by deep well injection.

(4) A satellite facility that disposes of one hundred thousand tons or less of hazardous waste in a year.

(5) A satellite facility that disposes of more than one hundred thousand tons of hazardous waste in a year, except that "satellite facility" as defined in paragraph (C) of rule 3745-50-32 of the Administrative Code that receives waste from

a single generation site is subject to the same maximum annual disposal fees as an on-site facility.

- (C) An owner or operator shall pay the fee to the director each year either upon the anniversary of the date of issuance of the owner's or operator's installation and operation permit during the term of that permit and any renewal permit issued under division (H) of section 3734.05 of the Revised Code, or upon the anniversary date of the permit by rule. If payment is late, the owner or operator shall pay an additional ten per cent of the amount of the fee for each month that the payment is late.

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3745-50-35

Fees for the treatment of hazardous waste.

- (A) Owners or operators of treatment facilities that are not an "on-site facility" or a "satellite facility," as defined in rule 3745-50-32 of the Administrative Code, and which hold a hazardous waste facility installation and operation permit, or are not subject to the hazardous waste facility installation and operation permit requirements under rules adopted by the director, or are operating in accordance with a permit by rule under rules adopted by the director, shall collect a fee amount ~~of two dollars per ton~~ in accordance with section 3734.18 of the Revised Code on hazardous waste treated at the facility.
- (B) As used in this rule, "treatment" does not include any method, technique, or process designed to recover energy or material resources from the waste or to render the waste amenable for recovery. The fees to be collected under this rule do not apply to hazardous waste that is treated and disposed of on the same premises or by the same person.
- (C) The owner or operator of the hazardous waste facility subject to paragraph (A) of this rule shall prepare and file with the director monthly returns showing the total tonnage treated and the total amount of the fee to be submitted to the director. Each such return shall be filed by submitting the same to the director together with payment of the amount of the fee shown to be due therein. Each such return shall be filed on or before the fortieth day after the end of the month to which the return applies.

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3745-50-36

Annual hazardous waste permit fees.

(A) On each anniversary of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits, the owner or operator of that facility shall pay to the director an annual permit fee. Annual permit fees totaling forty thousand dollars or more for any one facility may be paid on a quarterly basis, with the first quarterly payment each year being due on the anniversary of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits.

(B) The annual permit fee shall be determined for each permit holder in accordance with ~~the following schedule:~~ sections 3734.02 and 3734.18 of the Revised Code.

Type of unit	Type of facility	Fee
Storage facility using:		
Containers	On-site, off-site, and satellite	\$500
Tanks	On-site, off-site, and satellite	500
Waste pile	On-site, off-site, and satellite	3,000
Surface impoundment	On-site and satellite	8,000
Surface impoundment	Off-site	10,000
Disposal facility using:		
Deep well injection	On-site and satellite	\$15,000
Deep well injection	Off-site	25,000
Landfill	On-site and satellite	25,000
Landfill	Off-site	40,000
Land application	On-site and satellite	2,500
Land application	Off-site	5,000
Surface impoundment	On-site and satellite	10,000
Surface impoundment	Off-site	20,000
Treatment facility using:		

Tanks	On-site, off-site, and satellite	\$700
Surface impoundment	On-site and satellite	8,000
Surface impoundment	Off-site	10,000
Incinerator	On-site and satellite	5,000
Incinerator	Off-site	10,000
Other forms of treatment	On-site, off-site, and satellite	1,000

- (C) For a hazardous waste facility subject to the payment of an annual permit fee under paragraph (A) of this rule, additional payments for multiple units of the same method of storage, treatment, or disposal, or for individual units that are used for both storage and treatment shall not be made. A facility using more than one method of storage, treatment, or disposal is subject to the permit fee ~~indicated by the schedule~~ for each such method.
- (D) Payment shall not be made for the portion of an annual permit fee that would apply to a hazardous waste management unit for which a permit has been issued but for which construction has not yet commenced. Once construction has commenced, payment shall be prorated on a daily basis, computed upon the number of days from the commencement of construction until the next anniversary date when the payment of the annual fee is due.

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12/07/2004, 10/31/2015

3745-50-37

Permit application fee.

Upon application for a hazardous waste facility installation and operation permit or upon application for a renewal permit issued under section 3734.05 of the Revised Code, an application fee ~~of one thousand five hundred dollars~~ shall be paid by the applicant to the director in accordance with section 3734.02 of the Revised Code.

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3745-50-38

Contents of the "Siting Criteria Document".

- (A) The "Siting Criteria Document" information requirements in this rule reflect the standards in division (D)(2) of section 3734.05 of the Revised Code that are applicable to modifications under division (I)(3) of section 3734.05 of the Revised Code. These information requirements are necessary in order to determine compliance with division (D)(2) of section 3734.05 of the Revised Code. The "Siting Criteria Document" shall include such information as may be necessary to enable the director to form a conclusion using the following criteria:
- (1) The nature and volume of the waste to be treated, stored, or disposed ~~of~~ at the facility;
 - (2) The facility complies with the hazardous waste rules;
 - (3) The facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of various alternatives, and other pertinent considerations;
 - (4) The facility represents the minimum risk of all of the following:
 - (a) Fires or explosions from treatment, storage, or disposal methods;
 - (b) Release of hazardous waste during transportation of hazardous waste to or from the facility;
 - (c) Adverse impact on the public health and safety;
 - (5) The facility complies with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted ~~under them;~~thereunder.
 - (6) The owner of the facility, the operator of the facility, or any other person in a position with the facility from which the person may influence the installation and operation of the facility has been involved in any prior activity ~~involving that~~ involves transportation, treatment, storage, or disposal of hazardous waste, that person has a history of compliance with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted ~~under them~~thereunder, RCRA, the hazardous waste rules, and similar laws and rules of other states if any such prior operation was located in another state, demonstrates sufficient reliability, expertise, and competency to operate a hazardous waste facility under the applicable provisions of Chapters 3704., 3734., and 6111. of the Revised Code, the applicable rules and standards adopted ~~under them~~thereunder, and terms and conditions of a hazardous waste facility installation and operation permit, given the potential for harm to

the public health and safety and the environment that could result from the irresponsible operation of the facility. For "off-site facilities," as defined in section 3734.41 of the Revised Code, the director may use the investigative reports of the attorney general prepared pursuant to section 3734.42 of the Revised Code as a basis for making a finding and determination under division (D)(2)(f) of section 3734.05 of the Revised Code; and

- (7) The facility will not be located within the boundaries of a state park established or dedicated under Chapter 1541. of the Revised Code, a state park purchase area established under section 1541.02 of the Revised Code, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not been acquired or is not administered by the secretary of the United States department of the interior, located in the state of Ohio, or any candidate area located in this state identified for potential inclusion in the national park system in the edition of the "National Park System Plan" submitted under paragraph (b) of Section 8 of The Act of August 18, 1970, 84 Stat. 825, 16 U.S.C.A. 1a-5, ~~as amended through the date specified in rule 3745-50-11 of the Administrative Code~~, current at the time of filing of the application for the permit, unless the facility will be used exclusively for the storage of hazardous waste generated within the park or recreation area in conjunction with the operation of the park or recreation area. This paragraph does not apply to the facility of any applicant for modification of a permit unless the modification application proposes to increase the land area included in the facility or to increase the quantity of hazardous waste that will be treated, stored, or disposed of at the facility.
- (B) The "Siting Criteria Document" information requirements in this rule reflect the standards in division (D)(2) of section 3734.05 of the Revised Code that are applicable to new hazardous waste facilities. These information requirements are necessary in order to determine compliance with division (D)(2) of section 3734.05 of the Revised Code. The "Siting Criteria Document" shall include such information as may be necessary to enable the director to form a conclusion using the following criteria:
- (1) ~~Paragraphs~~Paragraph (A) to (A)(7) of this rule;
 - (2) The active areas within a new hazardous waste facility where acute hazardous waste as listed in paragraph (E) of rule 3745-51-33 of the Administrative Code, or organic waste that is toxic and is listed in Chapter 3745-51 of the Administrative Code, is ~~being~~ stored, treated, or disposed of, and where the aggregate of the storage design capacity and the disposal design capacity of all hazardous waste in those areas is greater than two hundred fifty thousand gallons, are not located or operated within any of the following:

- (a) Two thousand feet of any residence, school, hospital, jail, or prison;
 - (b) Any naturally occurring wetland; or
 - (c) Any flood hazard area if the applicant cannot show that the facility will be designed, constructed, operated, and maintained to prevent washout by a one-hundred-year flood.
- (3) The criteria in paragraph (B)(2) of this rule does not apply to the facility of any applicant who demonstrates to the director that all of the following:
- (a) The limitations specified in paragraph (B)(2) of this rule are not necessary because of the nature or volume of the waste and the manner of management applied.
 - (b) The facility will impose no substantial danger to the health and safety of persons occupying the structures listed in paragraph (B)(2) of this rule.
 - (c) The facility is to be located or operated in an area where the proposed hazardous waste activities will not be incompatible with existing land uses in the area.
- (C) If owners and operators of hazardous waste facilities can demonstrate that the information prescribed in the "Siting Criteria Document" cannot be provided to the extent required, on a case-by-case basis, the director may make allowance for submittal of alternative information ~~on a case-by-case basis~~.
- (D) Information required in the "Siting Criteria Document" shall be submitted to the director and signed in accordance with rule 3745-50-42 of the Administrative Code. Certain technical data, such as design drawings and specifications, and engineering studies shall be certified by a professional engineer.

[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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3745-50-39

Specific public notice procedures applicable to hazardous waste management permits.

(A) Pre-application public meeting and notice.

- (1) Applicability. ~~Paragraphs~~Paragraph (A) to ~~(A)(4)(b)(v)~~ of this rule ~~apply~~applies to all applicants seeking initial permits for hazardous waste management units. ~~Paragraphs~~Paragraph (A) to ~~(A)(4)(b)(v)~~ of this rule ~~do~~does not apply to applicants seeking renewal of permits for such units, to permit modifications under rule 3745-50-51 of the Administrative Code, or to applications that are submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.
- (2) Prior to the submittal of a "Part B" permit application for a facility, the applicant shall hold at least one public meeting in order to solicit questions from the community and inform the community of proposed hazardous waste management activities. The applicant shall post a sign-in sheet or otherwise provide a voluntary opportunity for attendees to provide contact names and addresses.
- (3) The applicant shall submit a summary of the meeting, along with the list of attendees' names and addresses developed under paragraph (A)(2) of this rule, and copies of any written comments or materials submitted at the meeting, to Ohio EPA as a part of the "Part B" application, in accordance with ~~paragraphs~~paragraph (A) to ~~(A)(22)~~ of rule 3745-50-44 of the Administrative Code.
- (4) The applicant shall provide public notice of the pre-application public meeting at least thirty days prior to the public meeting. The applicant shall maintain, and provide to Ohio EPA upon request, documentation of the notice.
 - (a) The applicant shall provide public notice in all of the following forms:
 - (i) A newspaper advertisement. The applicant shall publish a notice, fulfilling the requirements in ~~paragraphs~~paragraph (A)(4)(b) to ~~(A)(4)(b)(v)~~ of this rule, in a newspaper of general circulation in the county or equivalent jurisdiction that hosts the proposed location of the facility. In addition, the director will instruct the applicant to publish the notice in newspapers of general circulation in adjacent counties or equivalent jurisdictions, where the director determines that such publication is necessary to inform the affected public. The notice shall be published as a display advertisement.

- (ii) A visible and accessible sign. The applicant shall post a notice on a clearly marked sign at or near the facility, fulfilling the requirements in ~~paragraphs~~paragraph (A)(4)(b) ~~to (A)(4)(b)(v)~~ of this rule. If the applicant places the sign on the facility property, then the sign shall be large enough to be readable from the nearest point where the public would pass by the site.
 - (iii) A broadcast media announcement. The applicant shall broadcast a notice, fulfilling the requirements in ~~paragraphs~~paragraph (A)(4)(b) ~~to (A)(4)(b)(v)~~ of this rule, at least once on at least one local radio station or television station. The applicant may employ another medium with prior approval of the director.
 - (iv) A notice to Ohio EPA. The applicant shall send a copy of the newspaper notice to Ohio EPA and to the appropriate units of state and local government, in accordance with 40 CFR 124.10(c)(1)(x).
- (b) The notices required under ~~paragraphs~~paragraph (A)(4)(a) ~~to (A)(4)(a)(iv)~~ of this rule shall include ~~the following~~:
- (i) The date, time, and location of the meeting~~;~~
 - (ii) A brief description of the purpose of the meeting~~;~~
 - (iii) A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location~~;~~
 - (iv) A statement encouraging people to contact the facility at least seventy-two hours before the meeting if people need special access to participate in the meeting~~;~~ and
 - (v) The name, address, and telephone number of a contact person for the applicant.

(B) Public notice requirements at the application stage.

- (1) Applicability. ~~Paragraphs~~Paragraph (B) ~~to (B)(3)~~ of this rule ~~apply~~applies to all applicants seeking initial permits for hazardous waste management units. ~~Paragraphs~~Paragraph (B) ~~to (B)(3)~~ of this rule also ~~apply~~applies to applicants seeking renewal of permits for such units under rule 3745-50-40 of the Administrative Code. ~~Paragraphs~~Paragraph (B) ~~to (B)(3)~~ of this rule ~~do~~does not apply to permit modifications under rule 3745-50-51 of the Administrative Code, or to permit applications submitted for the sole purpose of conducting

post-closure activities or post-closure activities and corrective action at a facility.

(2) Notification at application submittal.

(a) The director will provide public notice as provided in 40 CFR 124.10(c)(1)(ix), and notice to appropriate units of state and local government as provided in 40 CFR 124.10(c)(1)(x), that a "Part B" permit application has been submitted to Ohio EPA and is available for review.

(b) The notice shall be published within a reasonable period of time after the application is received by the director. The notice shall include ~~the~~ following:

(i) The name and telephone number of the applicant's contact person;

(ii) The name and telephone number of Ohio EPA's contact office, and a mailing address to which information, opinions, and inquiries may be directed throughout the permit review process;

(iii) An address to which people can write in order to be put on the facility mailing list;

(iv) The location where copies of the permit application and any supporting documents can be viewed and copied;

(v) A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location on the front page of the notice; and

(vi) The date that the application was submitted.

(3) Concurrent with the notice required under paragraph (B)(2) of this rule, the director shall place the permit application and any supporting documents in a location accessible to the public in the vicinity of the facility or at Ohio EPA's office.

(C) Information repository.

(1) [Reserved.]

(2) The director may assess the need, on a case-by-case basis, for an information repository. When assessing the need for an information repository, the director will consider a variety of factors, including the level of public interest, the

type of facility, the presence of an existing repository, and the proximity to the nearest copy of the administrative record. If the director determines, at any time after submittal of a permit application, that there is a need for a repository, then the director will notify the facility that the facility shall establish and maintain an information repository. [See paragraph (M) of rule 3745-50-58 of the Administrative Code for similar provisions relating to the information repository during the life of a permit.]

- (3) The information repository shall contain all documents, reports, data, and information deemed necessary by the director to fulfill the purposes for which the repository is established. The director will have the discretion to limit the contents of the repository.
- (4) The information repository shall be located and maintained at a site chosen by the facility. If the director finds the site unsuitable for the purposes and persons for which the site was established, due to problems with the location, hours of availability, access, or other relevant considerations, then the director will specify a more appropriate site.
- (5) The director will specify requirements for informing the public about the information repository. At a minimum, the director will require the facility to provide a written notice about the information repository to all individuals on the facility mailing list.
- (6) The facility owner or operator is responsible for maintaining and updating the repository with appropriate information throughout a time period specified by the director. The director may close the repository at the director's discretion, based on the factors in paragraph (C)(2) of this rule.

[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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3745-50-40

Submittal of hazardous waste permit applications.

(A) New hazardous waste facilities.

- (1) No person shall begin physical construction of a new hazardous waste facility without having submitted "Part A" and "Part B" of a permit application to the director and having received an effective Ohio hazardous waste facility installation and operation permit. An application shall be submitted to the director at least one hundred eighty days before physical construction is expected to commence.
- (2) Application submittal.
 - (a) Prior to the submittal of a complete application for a hazardous waste facility installation and operation permit, the applicant shall hold at least one meeting in the township or municipal corporation in which the facility is proposed to be located, whichever is geographically closer to the proposed location of the facility. The meeting shall be open to the public and shall be held to inform the community of the proposed hazardous waste management activities and to solicit questions from the community concerning the activities. The applicant shall provide to the director evidence of the meeting and document community questions concerning the proposed activities. The pre-application notice requirements are further specified in ~~paragraphs~~ paragraph (A) ~~to (A)(4)(b)(v)~~ of rule 3745-50-39 of the Administrative Code.
 - (b) If the application is for a proposed hazardous waste disposal or thermal treatment facility, at least ninety days before the permit application is submitted to the director, the applicant also shall give actual notice of the general design and purpose of the facility to the legislative authority of each municipal corporation, township, and county in which the facility is proposed to be located ~~at least ninety days before the permit application is submitted to the director.~~
- (3) Upon receipt of a complete application for a hazardous waste facility installation and operation permit, the director will consider the application and accompanying information to determine whether the application complies with division (D)(2) of section 3734.05 of the Revised Code and with the hazardous waste rules. The director will also consider such other information as is relevant to the installation and operation of the facility.
- (4) Upon completion of the review pursuant to paragraph (A)(3) of this rule, the director will:

- (a) Issue a draft permit or a notice of intent to deny the permit application; and
 - (b) Give public notice, in a newspaper having general circulation in the county in which the facility is located, and over a local radio station, of the following:
 - (i) The issuance of the draft permit or notice of intent to deny the permit application; and
 - (ii) An announcement of a ~~sixty days~~sixty-day comment period, and the name and address of an Ohio EPA contact person to whom comments shall be sent; and
 - (iii) The date for a public meeting which shall be held in the county in which the facility is located, not fewer than thirty days after the public notice. At the public meeting, any person may submit written or oral comments relevant to the permit application and draft permit or notice of intent to deny the permit application; and
 - (iv) The public notice in paragraph (A)(4)(b) of this rule also shall ~~also~~ contain:
 - (a) A summary of the application and the draft permit or notice of intent to deny the permit application;
 - (b) The location of the facility;
 - (c) A description of the hazardous waste activity;
 - (d) The location where a copy of the application and draft permit or notice of intent to deny the permit application are available; and
 - (e) The statement that any person may submit written comments relevant to the permit application and draft permit or notice of intent to deny the permit application.
- (5) Not later than one hundred eighty days after the end of the public comment period in paragraph (A)(4)(b)(ii) of this rule, the director, without prior hearing, will issue or deny the permit in accordance with Chapter 3734. of the Revised Code. If the director approves an application for a hazardous waste installation and operation permit, the permit issued will include such terms and conditions as the director finds are necessary to ensure the construction and operation of the

hazardous waste facility are in accordance with division (D) of section 3734.05 of the Revised Code.

(B) Permitted facilities subject to hazardous waste requirements due to additional statutory or regulatory changes.

(1) An owner or operator holding a hazardous waste permit who is treating, storing, or disposing of hazardous waste on the effective date of statutory or regulatory changes under Chapter 3734. of the Revised Code that render the owner or operator subject to additional hazardous waste permitting requirements for newly regulated hazardous waste or a hazardous waste management unit, shall be deemed to have a permit by rule for such newly regulated activity provided that the owner or operator complies with paragraph (H) of rule 3745-50-51 of the Administrative Code.

(2) The permit by rule established under paragraph (B)(1) of this rule terminates upon final administrative disposition of the "Class 2" or "Class 3" modification application submitted pursuant to paragraph (H)(1)(d) of rule 3745-50-51 of the Administrative Code.

(C) Owners or operators of facilities without a hazardous waste installation and operation permit who become subject to hazardous waste permitting requirements due to statutory or regulatory changes.

(1) Any owner or operator of a facility without a hazardous waste installation and operation permit who becomes subject to hazardous waste permitting requirements due to statutory or regulatory changes under Chapter 3734. of the Revised Code, who previously was not required to obtain a hazardous waste facility installation and operation permit, will be deemed to have a permit by rule for the newly regulated hazardous waste or hazardous waste management unit to the extent the owner or operator has:

(a) Complied with the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity; and

(b) Submitted a "Part A" permit application to the director no later than thirty days after the owner or operator first becomes subject to the hazardous waste permitting requirements. The "Part A" permit application shall comply with rule 3745-50-43 of the Administrative Code.

(2) Within ninety days after receipt of a "Part A" permit application submitted pursuant to paragraph (C)(1)(b) of this rule, the director will make a determination of whether the owner or operator has complied with paragraphs

(C)(1)(a) and (C)(1)(b) of this rule. If the director finds upon examination of a "Part A" application that ~~it~~the owner or operator fails to meet the requirements of rule 3745-50-43 of the Administrative Code, the director will notify the owner or operator in writing of the apparent deficiency or deficiencies. Such notice will specify the grounds for the director's determination that the application is deficient. The owner or operator has thirty days after receipt to respond to such a notification and to explain or cure the alleged deficiency or deficiencies in the "Part A" application. If, after such notification and opportunity for response, the director determines that the application remains deficient, the director will notify the owner or operator that the owner or operator has failed to qualify for permit by rule.

- (3) Within one hundred eighty days after the director's determination of compliance with paragraphs (C)(1)(a) and (C)(1)(b) of this rule, the director will give public notice that the owner or operator has qualified for permit by rule. The public notice shall appear in a newspaper having general circulation in the county in which the facility is located and over a local radio station. The notice will contain a summary of the permit by rule, the location of the facility, a description of the facility, and the location where a copy of the "Part A" permit application is available for inspection.
- (4) Paragraph (C)(1) of this rule does not apply to:
 - (a) The owner or operator of a hazardous waste facility when the facility has been previously denied a hazardous waste facility installation and operation permit under Chapter 3734. of the Revised Code or RCRA; or
 - (b) The owner or operator of a hazardous waste facility, if the authority of the owner or operator to operate the facility under Chapter 3734. of the Revised Code or RCRA has been previously terminated.
- (5) During the duration of the permit by rule provided for under paragraph (C)(1) of this rule, the owner or operator must conduct the newly regulated activity in accordance with the "Part A" permit application and in compliance with Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code. The owner or operator may make changes or alterations to the facility. Such changes or alterations will be considered modifications to the "Part A" permit application and must be submitted, classified, and approved or disapproved in accordance with rule 3745-50-51 of the Administrative Code in the same manner as an application for a modification to a hazardous waste facility installation and operation permit.

- (6) An owner or operator of a hazardous waste facility deemed to have a permit by rule under paragraph (C)(1) of this rule shall submit a "Part B" application in accordance with paragraph (A) of rule 3745-50-41 of the Administrative Code.
- (7) The permit by rule established in paragraph (C)(1) of this rule terminates:
 - (a) When the permittee by rule fails to furnish a requested "Part B" hazardous waste facility installation and operation permit application in accordance with paragraph (A) of rule 3745-50-41 of the Administrative Code, or to furnish in full the information required in the "Part B" application; or
 - (b) Upon final administrative disposition of the "Part B" permit application submitted in accordance with paragraph (C)(6) of this rule. "Final administrative disposition" means that the director shall approve or disapprove the "Part B" application in accordance with paragraphs (D)(5) and (D)(6) of this rule. In accordance with division (J) of section 3734.05 of the Revised Code, the director shall not disapprove the "Part B" permit application for the thermal treatment activity on the basis of the criteria in division (D)(2)(g) or (D)(2)(h) of section 3734.05 of the Revised Code.

(D) Permit renewal.

- (1) An application to renew a hazardous waste facility installation and operation permit, or renewal permit, shall be submitted at least one hundred eighty days before the expiration date of the effective permit unless permission for a later submittal date has been authorized by the director upon a showing of good cause. The director shall not authorize applications to be submitted later than the expiration date of the existing permit.
- (2) An owner or operator of a hazardous waste facility holding a hazardous waste facility installation and operation permit, or renewal permit, shall submit a renewal application in accordance with paragraph (D)(1) of this rule. The renewal application shall include the information required by rule 3745-50-41 of the Administrative Code.
- (3) An owner or operator of a hazardous waste facility holding a hazardous waste facility installation and operation permit, or renewal permit, shall comply with all terms and conditions of the existing permit until final administrative disposition of the renewal permit application.
- (4) Upon receipt of a completed renewal application, the director will consider such application, inspection reports of the facility, results of performance tests, records regarding the compliance or noncompliance of the owner or operator

with the terms and conditions of the permit and with the rules adopted by the director pursuant to Chapter 3734. of the Revised Code, and such other information as is relevant to the operation of the facility.

- (5) Upon completion of the review pursuant to paragraph (D)(4) of this rule, the director will:
- (a) Issue a draft renewal permit or a notice of intent to deny the permit application.
 - (b) Give public notice of the issuance of the draft renewal permit or notice of intent to deny the permit application in a newspaper having general circulation in the county in which the facility is located and over a local radio station. The notice shall contain a summary of the application and the draft renewal permit or notice of intent to deny the permit application, the location of the facility, a description of the hazardous waste activity, the location where a copy of the application and draft renewal permit or notice of intent to deny the permit application are available, and the statement that any person may submit written comments relevant to the permit application and draft renewal permit or notice of intent to deny the permit application.
 - (c) ~~The director will schedule~~ Schedule a public meeting in the county in which the facility is located if significant interest is shown. If a public meeting is to be held, the director will promptly give public notice, in a newspaper having general circulation in the county in which the facility is located and over a local radio station, of a date for a public meeting which shall be held in the county in which the facility is located, not fewer than thirty days after the public notice of the public meeting. At the public meeting, any person may submit written or oral comments relevant to the permit application and draft renewal permit or notice of intent to deny the permit application.
 - (d) ~~Within~~ Issue or deny the permit within sixty days after the public meeting or close of the public comment period, ~~the director will issue or deny the permit.~~
 - (e) The director will not issue a renewal permit unless the director determines that during the term of the existing permit, the owner or operator of the facility has maintained a history of compliance with Chapter 3734. of the Revised Code, rules adopted thereunder, the existing permit, and orders entered to enforce such requirements that demonstrates sufficient reliability, expertise, and competency to operate the facility

in compliance with Chapter 3734. of the Revised Code, rules adopted thereunder, and the renewal permit.

- (6) If the director approves an application for a renewal permit, the director will issue the permit upon such terms and conditions as the director finds are reasonable to ensure that continued operation, maintenance, closure, and post-closure care of the hazardous waste facility are conducted in accordance with Chapter 3734. of the Revised Code and the hazardous waste rules, and such additional terms and conditions the director determines are necessary to protect human health and the environment.
 - (7) Those portions of a renewal application which contain proposed facility modifications shall be processed in accordance with paragraph (D) of rule 3745-50-51 of the Administrative Code.
- (E) Exposure information. A "Part B" permit application submitted by an owner or operator of a facility that stores, treats, or disposes of hazardous waste in a surface impoundment or a landfill shall be accompanied by information, reasonably ascertainable by the owner or operator, on the potential for the public to be exposed to hazardous wastes or hazardous constituents resulting from a release from the unit. At a minimum, such information shall address:
- (1) Reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;
 - (2) The potential pathways of human exposure to hazardous wastes or hazardous constituents resulting from releases described in paragraph (E)(1) of this rule; and
 - (3) The potential nature and magnitude of the human exposure resulting from such releases.
- (F) If an owner or operator fails or refuses to submit a permit application to the director as required by paragraph (A) or (D) of this rule, or fails or refuses to correct application deficiencies identified by Ohio EPA, the director will notify the applicant and:
- (1) Deny the requested permit; or
 - (2) Return the application to the applicant as incomplete; or
 - (3) Revoke the existing permit; and
 - (4) Take appropriate enforcement action.

- (G) Recordkeeping. Applicants shall keep records of all data used to complete a permit application and any supplemental information required by the director in accordance with rules 3745-50-43 and 3745-50-44 of the Administrative Code for a period of at least three years after the effective date of the permit.
- (H) The director may require a permittee or an applicant to submit information necessary to enable the director to evaluate the application or to establish permit conditions under this rule and rule 3745-50-51 of the Administrative Code.
- (I) If the director concludes, based on one or more of the factors in ~~paragraphs~~paragraph (I)(1) ~~to (I)(1)(i)~~ of this rule that compliance with 40 CFR Part 63 subpart EEE alone may not be protective of human health or the environment, the director will require the additional information or assessments necessary to determine whether additional controls are necessary to ensure protection of human health and the environment. This includes information necessary to evaluate the potential risk to human health or the environment resulting from both direct and indirect exposure pathways. The director also may ~~also~~ require a permittee or applicant to provide information necessary to determine whether such an assessments should be required.
- (1) The director will base the evaluation of whether compliance with 40 CFR Part 63 subpart EEE alone is protective of human health or the environment on factors relevant to the potential risk from a hazardous waste combustion unit, including, as appropriate, any of the following factors:
- (a) Particular site-specific considerations such as proximity to receptors (such as schools, hospitals, nursing homes, day care centers, parks, community activity centers, or other potentially sensitive receptors), unique dispersion patterns, etc.;
 - (b) Identities and quantities of emissions of persistent, bioaccumulative, or toxic pollutants considering enforceable controls in place to limit those pollutants;
 - (c) Identities and quantities of nondioxin products of incomplete combustion most likely to be emitted and to pose significant risk based on known toxicities;
 - (d) Identities and quantities of other off-site sources of pollutants in proximity to the facility that significantly influence interpretation of a facility-specific risk assessment;
 - (e) Presence of significant ecological considerations, such as the proximity of a particularly sensitive ecological area;

- (f) Volume and types of wastes, for example wastes containing highly toxic constituents;
- (g) Other on-site sources of hazardous air pollutants that significantly influence interpretation of the risk posed by the operation of the source in question;
- (h) Adequacy of any previously conducted risk assessment, given any subsequent changes in conditions likely to affect risk; and
- (i) Such other factors as may be appropriate.

(2) [Reserved.]

[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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3745-50-41

Application for a permit.

- (A) Permit application. Any person who is required to have a permit (including new applicants and permittees with expiring permits) shall complete, sign, and submit an application to the director as described in Chapter 3745-50 of the Administrative Code. Persons currently authorized with a permit by rule under paragraph (C) of rule 3745-50-40 of the Administrative Code shall submit to the director a "Part B" application for a hazardous waste facility installation and operation permit for the facility within one hundred eighty days after the director requests the application or upon a later date if the owner or operator of the facility demonstrates to the director good cause for the late submittal. Persons covered by paragraph (A) of rule 3745-50-46 of the Administrative Code need not apply. Procedures for applications, issuance, and administration of emergency permits are in rule 3745-50-57 of the Administrative Code.
- (B) ~~Who applies?~~ When a facility or activity is owned by one person but is operated by another person, the operator and owner shall sign the permit application.
- (C) Completeness.
- (1) The director shall not issue a permit before receiving a complete application for a permit except for permits by rule, or emergency permits. An application for a permit (form 8700-23, and Ohio EPA form 9027, Ohio EPA form 9028, and Ohio EPA form 9029, and any other forms required by the director, the "Part A" permit application) is complete when the director receives an application form and any supplemental information which are completed to the director's satisfaction. An application for a permit is complete notwithstanding the failure of the owner or operator to submit the exposure information described in paragraph (E) of rule 3745-50-40 of the Administrative Code. The director may deny a permit for the active life of a hazardous waste management facility or unit before receiving a complete application for the permit.
 - (2) ~~The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility.~~
[Reserved.]
- (D) Information requirements. All applicants for permits shall provide the following information to the director:
- (1) The activities conducted by the applicant which require the ~~obtaining of applicant~~ to obtain a permit.
 - (2) Name, mailing address, and location, including latitude and longitude, of the facility for which the application is submitted.

- (3) Up to four standard industrial codes which best reflect the principal products or services provided by the facility.
- (4) The operator's name, address, telephone number, ownership status, and status as federal, state, private, public, or other entity.
- (5) A listing of all permits or approvals, state or federal, received or applied for, under any of the following programs:
 - (a) Hazardous waste management program under state or federal law.
 - (b) Underground injection control (UIC) program under the Solid Waste Disposal Act.
 - (c) National pollutant discharge elimination system (NPDES) program under the Clean Water Act (CWA).
 - (d) Prevention of significant deterioration (PSD) program under the Clean Air Act (CAA).
 - (e) Nonattainment program under the CAA.
 - (f) National emission standards for hazardous air pollutants (NESHAP) preconstruction approval under the CAA.
 - (g) Ocean dumping permits under the Marine Protection, Research, and Sanctuaries Act.
 - (h) Dredge or fill permits under Section 404 of the CWA.
 - (i) Other relevant environmental permits, including state permits.
- (6) A topographic map (or other map if a topographic map is unavailable) extending one mile beyond the property boundaries of the facility or activity, depicting ~~the following~~:
 - (a) The facility and each of its intake and discharge structures;
 - (b) Each of its hazardous waste treatment, storage, or disposal facilities;
 - (c) Each well where fluids from the facility are injected underground; and
 - (d) Those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant within one-quarter mile of the facility property boundary.

(7) A brief description of the nature of the business.

~~(8) The information requested in "Part A" and "Part B" of the permit application, and if applicable, in rule 3745-50-38 of the Administrative Code.~~

(8) For hazardous debris, a description of the debris categories and containment categories to be treated, stored, or disposed of at the facility.

(E) Recordkeeping. Applicants shall keep records of all data used to complete permit applications and any supplemental information submitted in accordance thereto, for a period of three years after the date the application is signed.

[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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03/24/2017

3745-50-43

Contents of "Part A" of the permit application.

"Part A" of the hazardous waste permit application shall include the following information:

- (A) The activities conducted by the applicant which require the applicant to obtain an Ohio hazardous waste permit under Ohio law.
- (B) Name, mailing address, and location, including latitude and longitude, of the facility for which the application is submitted.
- (C) Up to four "North American Industry Classification Systems" (NAICS) codes which best reflect the principal products or services provided by the facility.
- (D) The operator's name, address, telephone number, ownership status, and status as federal, state, private, public, or other entity.
- (E) The name, address, and telephone number of the owner of the facility.
- (F) [Reserved.]
- (G) An indication of whether the facility is new or existing, and whether the application is a first or a revised application.
- (H) For existing facilities, ~~both~~:
 - (1) A scale drawing of the facility showing the location of all past, present, and future treatment, storage, and disposal areas; and
 - (2) Photographs of the facility clearly delineating ~~the following~~:
 - (a) All existing structures;
 - (b) Existing treatment, storage, and disposal areas; and
 - (c) Sites of future treatment, storage, and disposal areas.
- (I) A description of the processes to be used for treating, storing, and disposing of hazardous waste, and the design capacity of these items.
- (J) ~~The following information regarding the hazardous wastes~~:
 - (1) A specification of the hazardous wastes listed or designated under Chapter 3745-51 of the Administrative Code to be treated, stored, or disposed of at the facility; and

- (2) An estimate of the quantity of such wastes to be treated, stored, or disposed annually; and
 - (3) A general description of the processes to be used for such wastes.
- (K) A listing of all permits or construction approvals received or applied for under any of the following programs:
- (1) Hazardous waste management program under state or federal law.
 - (2) Underground injection control (UIC) program under the Solid Waste Disposal Act.
 - (3) National pollution discharge elimination system (NPDES) program under the Clean Water Act (CWA).
 - (4) Prevention of significant deterioration (PSD) program under the Clean Air Act (CAA).
 - (5) Nonattainment program under the CAA.
 - (6) National emission standards for hazardous pollutants (NESHAP) preconstruction approval under the CAA.
 - (7) Ocean dumping permits under the Marine Protection, Research, and Sanctuaries Act.
 - (8) Dredge or fill permits under Section 404 of the CWA.
 - (9) Other relevant environmental permits, including state permits.
- (L) A topographic map (or other map if a topographic map is unavailable) extending one mile beyond the property boundaries of the source, depicting ~~the following~~:
- (1) The facility and each of the facility's intake and discharge structures;:
 - (2) Each of the facility's hazardous waste treatment, storage, or disposal facilities;:
 - (3) Each well where fluids from the facility are injected underground; and
 - (4) Those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant within one quarter mile of the facility property boundary.
- (M) A brief description of the nature of the business.

(N) For hazardous debris, a description of the debris categories and contaminant categories to be treated, stored, or disposed of at the facility.

(O) All other information required by U.S. EPA form 8700-23 and Ohio EPA form 9027, Ohio EPA form 9028, and Ohio EPA form 9029, and any other forms required by the director.

[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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03/24/2017

3745-50-43

Contents of "Part A" of the permit application.

"Part A" of the hazardous waste permit application shall include the following information:

- (A) The activities conducted by the applicant which require the applicant to obtain an Ohio hazardous waste permit under Ohio law.
- (B) Name, mailing address, and location, including latitude and longitude, of the facility for which the application is submitted.
- (C) Up to four "North American Industry Classification Systems" (NAICS) codes which best reflect the principal products or services provided by the facility.
- (D) The operator's name, address, telephone number, ownership status, and status as federal, state, private, public, or other entity.
- (E) The name, address, and telephone number of the owner of the facility.
- (F) [Reserved.]
- (G) An indication of whether the facility is new or existing, and whether the application is a first or a revised application.
- (H) For existing facilities, ~~both~~:
 - (1) A scale drawing of the facility showing the location of all past, present, and future treatment, storage, and disposal areas; and
 - (2) Photographs of the facility clearly delineating ~~the following~~:
 - (a) All existing structures;
 - (b) Existing treatment, storage, and disposal areas; and
 - (c) Sites of future treatment, storage, and disposal areas.
- (I) A description of the processes to be used for treating, storing, and disposing of hazardous waste, and the design capacity of these items.
- (J) ~~The following information regarding the hazardous wastes~~:
 - (1) A specification of the hazardous wastes listed or designated under Chapter 3745-51 of the Administrative Code to be treated, stored, or disposed of at the facility; and

- (2) An estimate of the quantity of such wastes to be treated, stored, or disposed annually; and
 - (3) A general description of the processes to be used for such wastes.
- (K) A listing of all permits or construction approvals received or applied for under any of the following programs:
- (1) Hazardous waste management program under state or federal law.
 - (2) Underground injection control (UIC) program under the Solid Waste Disposal Act.
 - (3) National pollution discharge elimination system (NPDES) program under the Clean Water Act (CWA).
 - (4) Prevention of significant deterioration (PSD) program under the Clean Air Act (CAA).
 - (5) Nonattainment program under the CAA.
 - (6) National emission standards for hazardous pollutants (NESHAP) preconstruction approval under the CAA.
 - (7) Ocean dumping permits under the Marine Protection, Research, and Sanctuaries Act.
 - (8) Dredge or fill permits under Section 404 of the CWA.
 - (9) Other relevant environmental permits, including state permits.
- (L) A topographic map (or other map if a topographic map is unavailable) extending one mile beyond the property boundaries of the source, depicting ~~the following~~:
- (1) The facility and each of the facility's intake and discharge structures; and
 - (2) Each of the facility's hazardous waste treatment, storage, or disposal facilities; and
 - (3) Each well where fluids from the facility are injected underground; and
 - (4) Those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant within one quarter mile of the facility property boundary.
- (M) A brief description of the nature of the business.

(N) For hazardous debris, a description of the debris categories and contaminant categories to be treated, stored, or disposed of at the facility.

(O) All other information required by U.S. EPA form 8700-23 and Ohio EPA form 9027, Ohio EPA form 9028, and Ohio EPA form 9029, and any other forms required by the director.

[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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3745-50-44

Contents of "Part B" of the permit application.

"Part B" information requirements in this rule reflect the standards established in Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code. These information requirements are necessary in order to determine compliance with Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code. If owners and operators of hazardous waste management facilities can demonstrate that the information prescribed in "Part B" cannot be provided to the extent required, the director may make allowance for submittal of such information on a case-by-case basis. Information required in "Part B" shall be submitted to the director and signed in accordance with rule 3745-50-42 of the Administrative Code. Certain technical data, such as design drawings and specifications, and engineering studies shall be certified by a qualified professional engineer. For post-closure permits, only the information specified in paragraph (C)(14) of this rule is required in "Part B" of the permit application. As used in this rule, "in operation" has the same meaning as in ~~paragraph (A) of~~ rule 3745-50-10 of the Administrative Code. "Part B" of the permit application includes the following:

- (A) The following information is required for all hazardous waste facilities, except as rule 3745-54-01 of the Administrative Code provides otherwise:
- (1) A general description of the facility.
 - (2) Chemical and physical analyses of the hazardous waste and hazardous debris to be handled at the facility. At a minimum, these analyses shall contain all the information which is required to treat, store, or dispose of the wastes properly in accordance with Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code.
 - (3) A copy of the waste analysis plan required by paragraph (B) of rule 3745-54-13 of the Administrative Code and, if applicable, paragraph (C) of rule 3745-54-13 of the Administrative Code.
 - (4) A description of the security procedures and equipment required by rule 3745-54-14 of the Administrative Code, or a justification demonstrating the reasons for requesting a waiver of this requirement.
 - (5) A copy of the general inspection schedule required by paragraph (B) of rule 3745-54-15 of the Administrative Code. Include, where applicable, as part of the inspection schedule, specific requirements in paragraph (I) of rule 3745-55-93 and rules 3745-55-74, 3745-55-95, 3745-56-26, 3745-56-54, 3745-56-73, 3745-57-05, 3745-57-47, 3745-57-84, and 3745-57-92 of the Administrative Code.

- (6) A justification of any request for an exemption from the preparedness and prevention requirements of rules 3745-54-30 to 3745-54-37 of the Administrative Code.
- (7) A copy of the contingency plan required by rules 3745-54-50 to 3745-54-56 of the Administrative Code.

[Comment: Include, where applicable, as part of the contingency plan, specific requirements in rule 3745-56-27 of the Administrative Code.]

- (8) A description of procedures, structures, or equipment used at the facility to:
 - (a) Prevent hazards in unloading operations (for example, ramps, special forklifts).
 - (b) Prevent run-off from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches).
 - (c) Prevent contamination of water supplies.
 - (d) Mitigate effects of equipment failure and power outages.
 - (e) Prevent undue exposure of personnel to hazardous waste (for example, protective clothing).
 - (f) [Reserved.]
- (9) A description of precautions to prevent accidental ignition or reaction of ignitable wastes, reactive wastes, or incompatible wastes as required to demonstrate compliance with rule 3745-54-17 of the Administrative Code, including documentation demonstrating compliance with paragraph (C) of rule 3745-54-17 of the Administrative Code.
- (10) Traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and stacking lanes (if appropriate); describe access road surfacing and load-bearing capacity; show traffic control signals).
- (11) Facility location information:
 - (a) [Reserved.]
 - (b) [Reserved.]

- (c) Owners and operators of all facilities shall provide an identification of whether the facility is located within a one-hundred-year floodplain. This identification shall indicate the source of data for such determination and include a copy of the relevant federal insurance administration (FIA) flood map, if used, or the calculations and maps used where an FIA map is not available. Information shall be provided identifying the one-hundred-year flood level and any other special flooding factors (e.g., wave action) which shall be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a one-hundred-year flood.

[Comment: Where maps for the "National Flood Insurance Program" produced by the FIA of the federal emergency management agency are available, these maps will normally be determinative of whether a facility is located within or outside of the one-hundred-year floodplain. However, where the FIA maps exclude an area (usually an area of the floodplain less than two hundred feet in width), this area shall be considered and a determination made as to whether ~~it~~the area is in the one-hundred-year floodplain. Where FIA maps are not available for a proposed facility location, the owner or operator shall use equivalent mapping techniques to determine whether the facility is within the one-hundred-year floodplain, and if so located, what the one-hundred-year flood elevation would be.]

- (d) Owners and operators of facilities located in the one-hundred-year floodplain shall provide the following information:
- (i) Engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as a consequence of a one-hundred-year flood.
 - (ii) Structural or other engineering studies showing the design of operational units (e.g., tanks, incinerators) and flood protection devices (e.g., floodwalls, dikes) at the facility and how these will prevent washout.
 - (iii) If applicable, and in lieu of paragraphs (A)(11)(d)(i) and (A)(11)(d)(ii) of this rule, a detailed description of procedures to be followed to remove hazardous waste to safety before the facility is flooded, including:
 - (a) Timing of such movement relative to flood levels, including estimated time to move the waste, to show that such

movement can be completed before floodwaters reach the facility.

(b) A description of the locations to which the waste will be moved and demonstration that those facilities will be eligible to receive hazardous waste:

(i) In accordance with 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 3745-266 of the Administrative Code; or

(ii) If the waste is moved to a facility in another state administering a hazardous waste program under 40 CFR Part 271, in accordance with the rules of such state.

(c) The planned procedures, equipment, and personnel to be used and the means to ensure that such resources will be available in time for use.

(d) The potential for accidental discharges of the waste during movement.

(e) ~~Facilities~~ Owners and operators of facilities in operation immediately prior to October 9, 1980 which are not in compliance with paragraph (B) of rule 3745-54-18 of the Administrative Code shall provide a plan showing how the facility will be brought into compliance and a schedule for compliance.

(12) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the hazardous waste facility in a safe manner as required to demonstrate compliance with rule 3745-54-16 of the Administrative Code. A brief description of how training will be designed to meet actual job tasks in accordance with paragraph (A)(3) of rule 3745-54-16 of the Administrative Code.

(13) A copy of the closure plan and, where applicable, the post-closure plan required by rules 3745-55-12, 3745-55-18, and 3745-55-97 of the Administrative Code. ~~Include, where~~ Where applicable, include as part of the plans; specific requirements in rules 3745-55-78, 3745-55-97, 3745-56-28, 3745-56-58, 3745-56-80, 3745-57-10, 3745-57-51, 3745-57-91, and 3745-57-93 of the Administrative Code.

- (14) For hazardous waste disposal units that ~~have been~~were closed, documentation that notices ~~have been~~were filed as required by rule 3745-55-19 of the Administrative Code.
- (15) The most recent closure cost estimate for the facility prepared in accordance with rule 3745-55-42 of the Administrative Code and a copy of the documentation required to demonstrate financial assurance in rule 3745-55-43 of the Administrative Code. For a new facility, a copy of the required documentation may be submitted sixty days prior to the initial receipt of hazardous wastes, if that is later than the submittal of the "Part B".
- (16) Where applicable, the most recent post-closure cost estimate for the facility prepared in accordance with rule 3745-55-44 of the Administrative Code plus a copy of the documentation required to demonstrate financial assurance in rule 3745-55-45 of the Administrative Code. For a new facility, a copy of the required documentation may be submitted sixty days prior to the initial receipt of hazardous wastes, if that is later than the submittal of the "Part B".
- (17) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with rule 3745-55-47 of the Administrative Code. For a new facility, documentation showing the amount of insurance meeting the specification of paragraph (A) of rule 3745-55-47 of the Administrative Code, and, if applicable, paragraph (B) of rule 3745-55-47 of the Administrative Code, that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal. A request for a variance in the amount of required coverage may be submitted as specified in paragraph (C) of rule 3745-55-47 of the Administrative Code.
- (18) [Reserved.]
- (19) A topographic map showing a distance of one thousand feet around the facility at a scale of 2.5 centimeters (one inch) equal to but not more than sixty-one meters (two hundred feet). Contours shall be shown on the map. The contour interval shall be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (five feet), if relief is greater than 6.1 meters (twenty feet), or an interval of 0.6 meters (two feet), if relief is less than 6.1 meters (twenty feet). Owners and operators of hazardous waste facilities located in mountainous areas should use larger contour intervals to adequately show topographic profiles of facilities. The map shall clearly show the following:
- (a) Map scale and date.

- (b) One-hundred-year floodplain area.
- (c) Surface waters including intermittent streams.
- (d) Surrounding land uses (residential, commercial, agricultural, recreational).
- (e) A wind rose (i.e., prevailing wind speed and direction).
- (f) Orientation of the map (north arrow).
- (g) Legal boundaries of the hazardous waste facility site.
- (h) Access control (fences, gates).
- (i) Injection and withdrawal wells both on-site and off-site.
- (j) Buildings; treatment, storage, or disposal operations; or other structures (recreation areas, run-off control systems, access and internal roads, storm, sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, etc.).
- (k) Barriers for drainage or flood control.
- (l) Location of operational units within the hazardous waste facility site, where hazardous waste is (or will be) treated, stored, or disposed (include equipment cleanup areas).

[Comment: For large hazardous waste facilities, the director may allow the use of other scales on a case-by-case basis.]

- (20) Applicants may be required to submit such information as may be necessary to enable the director to carry out the director's duties under other Ohio laws.
 - (21) For land disposal facilities, if a case-by-case extension has been approved pursuant to rule 3745-270-05 of the Administrative Code or a petition has been approved pursuant to rule 3745-270-06 of the Administrative Code, a copy of the notice of approval for the extension or petition is required.
 - (22) A summary of the pre-application meeting, ~~along~~ with a list of attendees and attendees' addresses, and copies of any written comments or materials submitted at the meeting, as required in paragraph (A)(3) of rule 3745-50-39 of the Administrative Code.
- (B) Additional information requirements. The following additional information regarding protection of ground water is required from owners or operators of hazardous waste

facilities containing a regulated unit except as provided in paragraph (B) of rule 3745-54-90 of the Administrative Code:

- (1) A summary of the ground water monitoring data obtained in rules 3745-65-90 to 3745-65-94 of the Administrative Code, where applicable.
- (2) Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including ground water flow direction and rate, and the basis for such identification (i.e., the information obtained from hydrogeologic investigations of the facility area).
- (3) On the topographic map required in paragraph (A)(19) of this rule, a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined in rule 3745-54-95 of the Administrative Code, the proposed location of ground water monitoring wells as required in rule 3745-54-97 of the Administrative Code and, to the extent possible, the information required in paragraph (B)(2) of this rule.
- (4) A description of any plume of contamination that has entered the ground water from a regulated unit at the time that the application is submitted that:
 - (a) Delineates the extent of the plume on the topographic map required in paragraph (A)(19) of this rule;
 - (b) Identifies the concentration of each constituent in the appendix to rule 3745-54-98 of the Administrative Code throughout the plume or identifies the maximum concentrations of each constituent in the appendix to rule 3745-54-98 of the Administrative Code in the plume.
- (5) Detailed plans and an engineering report describing the proposed ground water monitoring program to be implemented to comply with rule 3745-54-97 of the Administrative Code.
- (6) If the presence of hazardous constituents has not been detected in the ground water at the time of permit application, the owner or operator shall submit sufficient information, supporting data, and analyses to establish a detection monitoring program which complies with rule 3745-54-98 of the Administrative Code. This submittal shall address the following items as specified in rule 3745-54-98 of the Administrative Code:
 - (a) A proposed list of indicator parameters, waste constituents, or reaction products that can provide a reliable indication of the presence of hazardous constituents in the ground water;

- (b) A proposed ground water monitoring system;
 - (c) Background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and
 - (d) A description of proposed sampling, analysis, and statistical comparison procedures to be utilized in evaluating ground water monitoring data.
- (7) If the presence of hazardous constituents has been detected in the ground water at the point of compliance at the time of permit application, the owner or operator shall submit sufficient information, supporting data, and analyses to establish a compliance monitoring program which complies with rule 3745-54-99 of the Administrative Code. Except as provided in paragraph (G)(5) of rule 3745-54-98 of the Administrative Code, the owner or operator shall submit an engineering feasibility plan for a corrective action program necessary to comply with rule 3745-54-100 of the Administrative Code, unless the owner or operator obtains written authorization in advance from the director to submit a proposed permit schedule for submittal of such plan. To demonstrate compliance with rule 3745-54-99 of the Administrative Code, the owner or operator shall address the following items:
- (a) A description of the wastes previously handled at the facility;
 - (b) A characterization of the contaminated ground water, including concentrations of hazardous constituents;
 - (c) A list of hazardous constituents for which compliance monitoring will be undertaken in accordance with rules 3745-54-97 and 3745-54-99 of the Administrative Code;
 - (d) Proposed concentration limits for each hazardous constituent, based on the criteria provided in paragraph (A) of rule 3745-54-94 of the Administrative Code, including a justification for establishing any alternate concentration limits;
 - (e) Detailed plans and an engineering report describing the proposed ground water monitoring system, in accordance with rule 3745-54-97 of the Administrative Code; and
 - (f) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground water monitoring data.
- (8) If hazardous constituents ~~have been~~are measured in the ground water which exceed the concentration limits established in the table in rule 3745-54-94 of

the Administrative Code, or if ground water monitoring conducted at the time of permit application in rules 3745-65-90 to 3745-65-94 of the Administrative Code at the waste boundary indicates the presence of hazardous constituents from the facility in ground water over background concentrations, the owner or operator shall submit sufficient information, supporting data, and analyses to establish a corrective action program which complies with rule 3745-54-100 of the Administrative Code. However, an owner or operator is not required to submit information to establish a corrective action program ~~if the owner or operator, after consideration of the criteria listed in paragraph (B) of rule 3745-54-94 of the Administrative Code, the owner or operator~~ demonstrates to the director that alternate concentration limits ~~will protect~~ are protective of human health and the environment ~~after considering the criteria listed in paragraph (B) of rule 3745-54-94 of the Administrative Code~~. An owner or operator who is not required to establish a corrective action program for this reason instead shall submit sufficient information to establish a compliance monitoring program which complies with rule 3745-54-99 of the Administrative Code and ~~paragraphs~~ paragraph (B)(6) to (B)(6)(d) of this rule. To demonstrate compliance with rule 3745-54-100 of the Administrative Code, at a minimum, the owner or operator shall address, ~~at a minimum~~, the following items:

- (a) A characterization of the contaminated ground water, including concentrations of hazardous constituents;
 - (b) The concentration limit for each hazardous constituent found in the ground water as provided in rule 3745-54-94 of the Administrative Code;
 - (c) Detailed plans and an engineering report describing the corrective action to be taken; and
 - (d) A description of how the ground water monitoring program will assess the adequacy of the corrective action.
 - (e) The permit may contain a schedule for submittal of the information required in paragraphs (B)(8)(c) and (B)(8)(d) of this rule, provided the owner or operator obtains written authorization from the director prior to submittal of the complete permit application.
- (C) The following additional information is required from owners or operators of specific types of hazardous waste facilities that are used or to be used for storage, treatment, or disposal:

- (1) Containers. For facilities that store containers of hazardous waste, except as otherwise provided in rule 3745-55-70 of the Administrative Code.
 - (a) A description of the containment system to demonstrate compliance with rule 3745-55-75 of the Administrative Code. Show at least the following:
 - (i) Basic design parameters, dimensions, and materials of construction.
 - (ii) How the design promotes drainage or how containers are kept from contact with standing liquids in the containment system.
 - (iii) Capacity of the containment system relative to the number and volume of containers to be stored.
 - (iv) Provisions for preventing or managing run-on.
 - (v) How accumulated liquids can be analyzed and removed to prevent overflow.
 - (b) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with paragraph (C) of rule 3745-55-75 of the Administrative Code, including:
 - (i) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and
 - (ii) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids.
 - (c) Sketches, drawings, or data demonstrating compliance with rule 3745-55-76 of the Administrative Code (location or buffer zone and containers holding ignitable wastes or reactive wastes) and paragraph (C) of rule 3745-55-77 of the Administrative Code (location of incompatible wastes), where applicable.
 - (d) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with paragraphs (A) and (B) of rule 3745-55-77 of the Administrative Code and paragraphs (B) and (C) of rule 3745-54-17 of the Administrative Code.
- (2) Tanks. Except as otherwise provided in rule 3745-55-90 of the Administrative Code, owners and operators of facilities that use tanks to store or treat hazardous waste shall provide the following additional information:

- (a) A written assessment that is reviewed and certified by a qualified professional engineer as to the structural integrity and suitability for handling hazardous waste of each tank system, as required in rules 3745-55-91 and 3745-55-92 of the Administrative Code;
- (b) Dimensions, capacity and shell thickness of each tank;
- (c) Description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);
- (d) A diagram of piping, instrumentation, and process flow for each tank system;
- (e) A description of materials and equipment used to provide external corrosion protection, as required in paragraph (A)(3)(b) of rule 3745-55-92 of the Administrative Code;
- (f) For new tank systems, a detailed description of how the tank systems will be installed in compliance with paragraphs (B) to (E) of rule 3745-55-92 of the Administrative Code;
- (g) Detailed plans and description of how the secondary containment system for each tank system is or will be designed, constructed, and operated to comply with paragraphs (A) to (F) of rule 3745-55-93 of the Administrative Code;
- (h) For tank systems for which a variance from the requirements of rule 3745-55-93 of the Administrative Code is sought, as provided by paragraph (G) of rule 3745-55-93 of the Administrative Code;
 - (i) Detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous waste or hazardous constituents into the ground water or surface water during the life of the facility; or
 - (ii) A detailed assessment of the substantial present or potential hazards posed to human health or the environment should a release enter the environment.
- (i) Description of controls and practices to prevent spills and overflows, as required in paragraph (B) of rule 3745-55-94 of the Administrative Code; and

- (j) For tank systems in which ignitable wastes, reactive wastes, or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with rules 3745-55-98 and 3745-55-99 of the Administrative Code.
- (3) Surface impoundments. For facilities that store, treat, or dispose of hazardous waste in surface impoundments, except as otherwise provided in rule 3745-56-20 of the Administrative Code, the following additional information is required:
- (a) A list of the hazardous wastes placed or to be placed in each surface impoundment;
 - (b) Detailed plans and an engineering report describing how the surface impoundment is designed and is or will be constructed, operated, and maintained to comply with rules 3745-54-19, 3745-56-21, 3745-56-22, and 3745-56-23 of the Administrative Code, addressing the following items:
 - (i) The liner system. If an exemption from the requirement for a liner is sought as provided by paragraph (B) of rule 3745-56-21 of the Administrative Code, submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the ground water or surface water at any future time;~~and~~
 - (ii) The double liner and leak (leachate) detection, collection, and removal system, if the surface impoundment shall comply with paragraph (C) of rule 3745-56-21 of the Administrative Code. If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by paragraph (D) or (E) of rule 3745-56-21 of the Administrative Code;~~or;~~
 - (iii) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;
 - (iv) The construction quality assurance plan if required in rule 3745-54-19 of the Administrative Code;

- (v) Proposed action leakage rate, with rationale, if required in rule 3745-56-22 of the Administrative Code, and response action plan if required in rule 3745-56-23 of the Administrative Code;
 - (vi) Prevention of overtopping; and
 - (vii) Structural integrity of dikes.
- (c) A description of how each surface impoundment, including the double liner system, leak detection system, cover system, and appurtenances for control of overtopping, will be inspected in order to comply with paragraphs (A), (B), and (D) of rule 3745-56-26 of the Administrative Code. This information shall be included in the inspection plan submitted under paragraph (A)(5) of this rule;
- (d) A certification by a qualified professional engineer which attests to the structural integrity of each dike, as required in paragraph (C) of rule 3745-56-26 of the Administrative Code. For new units, the owner or operator shall submit a statement by a qualified professional engineer that the qualified professional engineer will provide such a certification upon completion of construction in accordance with the plans and specifications;
- (e) A description of the procedure to be used for removing a surface impoundment from service, as required in paragraphs (B) and (C) of rule 3745-56-27 of the Administrative Code. This information should be included in the contingency plan submitted under paragraph (A)(7) of this rule;
- (f) A description of how hazardous waste residues and contaminated materials will be removed from the unit at closure, as required in paragraph (A)(1) of rule 3745-56-28 of the Administrative Code. For any wastes not to be removed from the unit upon closure, the owner or operator shall submit detailed plans and an engineering report describing how paragraphs (A)(2) and (B) of rule 3745-56-28 of the Administrative Code will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under paragraph (A)(13) of this rule;
- (g) If ignitable wastes or reactive wastes are to be placed in a surface impoundment, an explanation of how rule 3745-56-29 of the Administrative Code will be complied with;

- (h) If incompatible wastes, or incompatible wastes and materials, will be placed in a surface impoundment, an explanation of how rule 3745-56-30 of the Administrative Code will be complied with;
 - (i) A waste management plan for EPA hazardous waste numbers F020, F021, F022, F023, F026, and F027; describing how the surface impoundment is or will be designed, constructed, operated, and maintained to comply with rule 3745-56-31 of the Administrative Code. This submittal shall address the following items as specified in rule 3745-56-31 of the Administrative Code:
 - (i) The volume, physical, and chemical characteristics of the wastes, including the potential for the wastes to migrate through soil or to volatilize or escape into the atmosphere;
 - (ii) The attenuative properties of underlying and surrounding soils or other materials;
 - (iii) The mobilizing properties of other materials co-disposed with these wastes; and
 - (iv) The effectiveness of additional treatment, design, or monitoring techniques.
 - (j) [Reserved.]
- (4) Waste piles. For facilities that store or treat hazardous waste in waste piles, except as otherwise provided in paragraph (A) of rule 3745-56-50 of the Administrative Code, the following additional information is required:
- (a) A list of hazardous wastes placed or to be placed in each waste pile;
 - (b) If an exemption is sought to rule 3745-56-51 and rules 3745-54-90 to 3745-54-101 of the Administrative Code as provided by paragraph (C) of rule 3745-56-50 or paragraph (B)(2) of rule 3745-54-90 of the Administrative Code, an explanation of how paragraph (C) of rule 3745-56-50 of the Administrative Code will be complied with, or detailed plans and an engineering report describing how paragraph (B)(2) of rule 3745-54-90 of the Administrative Code will be complied with.
 - (c) Detailed plans and an engineering report describing how the pile is designed and is or will be constructed, operated, and maintained to comply with rules 3745-54-19, 3745-56-51, 3745-56-52, and 3745-56-53 of the Administrative Code, addressing the following items:

- (i)
 - (a) The liner system (except for an existing portion of a waste pile), if the waste pile shall comply with paragraph (A) of rule 3745-56-51 of the Administrative Code. If an exemption from the requirement for a liner is sought, as provided by paragraph (B) of rule 3745-56-51 of the Administrative Code, the owner or operator shall submit detailed plans, and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the ground water or surface water at any future time;
 - (b) The double liner and leak (leachate) detection, collection, and removal system, if the waste pile shall comply with paragraph (C) of rule 3745-56-51 of the Administrative Code. If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by paragraph (D), (E), or (F) of rule 3745-56-51 of the Administrative Code, submit appropriate information;
 - (c) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;
 - (d) The construction quality assurance plan if required in rule 3745-54-19 of the Administrative Code;
 - (e) Proposed action leakage rate, with rationale, if required in rule 3745-56-52 of the Administrative Code, and response action plan, if required in rule 3745-56-53 of the Administrative Code;
- (ii) Control of run-on;
- (iii) Control of run-off;
- (iv) Management of collection and holding units associated with run-on and run-off control systems; and
- (v) Control of wind dispersal of particulate matter, where applicable.

- (d) A description of how each waste pile, including the double liner system, leachate collection and removal system, leak detection system, cover system, and appurtenances for control of run-on and run-off, will be inspected in order to comply with paragraphs (A), (B), and (C) of rule 3745-56-54 of the Administrative Code. This information shall be included in the inspection plan submitted under paragraph (A)(5) of this rule.
- (e) If treatment is carried out on or in the pile, details of the process and equipment used, and the nature and quality of the residuals;
- (f) If ignitable wastes or reactive wastes are to be placed in a waste pile, an explanation of how rule 3745-56-56 of the Administrative Code will be complied with;
- (g) If incompatible wastes, or incompatible wastes and materials, will be placed in a waste pile, an explanation of how rule 3745-56-57 of the Administrative Code will be complied with;
- (h) A description of how hazardous waste residues and contaminated materials will be removed from the waste pile at closure, as required in paragraph (A) of rule 3745-56-58 of the Administrative Code. For any waste not to be removed from the waste pile upon closure, the owner or operator shall submit detailed plans and an engineering report describing how paragraphs (A) and (B) of rule 3745-57-10 of the Administrative Code will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under paragraph (A)(13) of this rule;
- (i) A waste management plan for EPA hazardous waste numbers F020, F021, F022, F023, F026, and F027; describing how a waste pile that is not enclosed [as described in paragraph (C) of rule 3745-56-50 of the Administrative Code] is or will be designed, constructed, operated, and maintained to comply with rule 3745-56-59 of the Administrative Code. This submittal shall address the following items as specified in rule 3745-56-59 of the Administrative Code:
 - (i) The volume, physical, and chemical characteristics of the wastes to be disposed in the waste pile, including the potential for the wastes to migrate through soil or to volatilize or escape into the atmosphere;
 - (ii) The attenuative properties of underlying and surrounding soils or other materials;

- (iii) The mobilizing properties of other materials co-disposed with these wastes; and
 - (iv) The effectiveness of additional treatment, design, or monitoring techniques.
- (5) Land treatment. Except as otherwise provided in rule 3745-54-01 of the Administrative Code, owners and operators of facilities that use land treatment to treat or dispose of hazardous waste shall provide the following additional information:
 - (a) A description of plans to conduct a treatment demonstration as required in rule 3745-56-72 of the Administrative Code. The description shall include the following information:
 - (i) The wastes for which the demonstration will be made and the potential hazardous constituents in the wastes;
 - (ii) The data sources to be used to make the demonstration (e.g., literature, laboratory data, field data, or operating data);
 - (iii) Any specific laboratory or field test that will be conducted, including:
 - (a) The type of test (e.g., column leaching, degradation);
 - (b) Materials and methods, including analytical procedures;
 - (c) Expected time for completion;
 - (d) Characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, climatic conditions, and operating practices.
 - (b) A description of a land treatment program, as required in rule 3745-56-71 of the Administrative Code. This information shall be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program shall address the following items:
 - (i) The wastes to be land treated;
 - (ii) Design measures and operating practices necessary to maximize treatment in accordance with paragraph (A) of rule 3745-56-73 of the Administrative Code, including:

- (a) Waste application method and rate;
 - (b) Measures to control soil pH;
 - (c) Enhancement of microbial or chemical reactions;
 - (d) Control of moisture content.
 - (iii) Provisions for unsaturated zone monitoring, including:
 - (a) Sampling equipment, procedures, and frequency;
 - (b) Procedures for selecting sampling locations;
 - (c) Analytical procedures;
 - (d) Chain of custody control;
 - (e) Procedures for establishing background values;
 - (f) Statistical methods for interpreting results;
 - (g) The justification for any hazardous constituents recommended for selection as principal hazardous constituents, in accordance with the criteria for such selection in paragraph (A) of rule 3745-56-78 of the Administrative Code.
 - (iv) A list of hazardous waste constituents reasonably expected to be in, or derived from, the wastes to be land treated based on waste analysis performed pursuant to rule 3745-54-13 of the Administrative Code.
 - (v) The proposed dimensions of the treatment zone.
- (c) A description of how the unit is or will be designed, constructed, operated, and maintained in order to comply with rule 3745-56-73 of the Administrative Code. This submittal shall address the following items:
 - (i) Control of run-on;
 - (ii) Collection and control of run-off;
 - (iii) Minimization of run-off of hazardous constituents from the treatment zone;

- (iv) Management of collection and holding facilities associated with run-on and run-off control systems;
 - (v) Periodic inspection of the unit. This information should be included in the inspection plan submitted under paragraph (A)(5) of this rule;
 - (vi) Control of wind dispersal of particulate matter, if applicable.
- (d) If food-chain crops are to be grown in or on the treatment zone of the land treatment unit, a description of how the demonstration required in paragraph (A) of rule 3745-56-76 of the Administrative Code will be conducted, including:
- (i) Characteristics of the food-chain crop for which the demonstration will be made;
 - (ii) Characteristics of the waste, treatment zone, and waste application method and rate to be used in the demonstration;
 - (iii) Procedures for crop growth, sample collection, sample analysis, and data evaluation;
 - (iv) Characteristics of the comparison crop including the location and conditions under which ~~it~~ the comparison crop was or will be grown.
- (e) If food-chain crops are to be grown, and cadmium is present in the land treatment waste, a description of how paragraph (B) of rule 3745-56-76 of the Administrative Code will be complied with;
- (f) A description of the vegetative cover to be applied to closed portions of the facility, and a plan for maintaining such cover during the post-closure care period, as required in paragraphs (A)(8) and (C)(2) of rule 3745-56-80 of the Administrative Code. This information should be included in the closure plan and, where applicable, the post-closure care plan submitted under paragraph (A)(13) of this rule;
- (g) If ignitable wastes or reactive wastes will be placed in or on the treatment zone, an explanation of how rule 3745-56-81 of the Administrative Code will be complied with;
- (h) If incompatible wastes, or incompatible wastes and materials, will be placed in or on the same treatment zone, an explanation of how rule 3745-56-82 of the Administrative Code will be complied with;

- (i) A waste management plan for EPA hazardous waste numbers F020, F021, F022, F023, F026, and F027; describing how a land treatment facility is or will be designed, constructed, operated and maintained to comply with rule 3745-56-83 of the Administrative Code. This submittal shall address the following items as specified in rule 3745-56-83 of the Administrative Code:
 - (i) The volume, physical, and chemical characteristics of the wastes, including the potential for the wastes to migrate through soil or to volatilize or escape into the atmosphere;
 - (ii) The attenuative properties of underlying and surrounding soils or other materials;
 - (iii) The mobilizing properties of other materials co-disposed with these wastes; and
 - (iv) The effectiveness of additional treatment, design, or monitoring techniques.
- (6) Landfills. Except as otherwise provided in rule 3745-54-01 of the Administrative Code, owners and operators of facilities that dispose of hazardous waste in landfills shall provide the following additional information:
 - (a) A list of the hazardous wastes placed or to be placed in each landfill or landfill cell;
 - (b) Detailed plans and an engineering report describing how the landfill is designed and is or will be constructed, operated, and maintained to comply with rules 3745-54-19, 3745-57-03, 3745-57-04, and 3745-57-05 of the Administrative Code, addressing the following items:
 - (i)
 - (a) The liner system (except for an existing portion of a landfill), if the landfill shall comply with paragraph (A) of rule 3745-57-03 of the Administrative Code. If an exemption from the requirement for a liner is sought as provided by paragraph (B) of rule 3745-57-03 of the Administrative Code, submit detailed plans, and engineering and hydrogeologic reports, as appropriate, describing alternate designs and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituent into the ground water or surface water at any future time;

- (b) The double liner and leak (leachate) detection, collection, and removal system, if the landfill shall comply with paragraph (C) of rule 3745-57-03 of the Administrative Code. If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by paragraph (D), (E), or (F) of rule 3745-57-03 of the Administrative Code, submit appropriate information;
- (c) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;
- (d) The construction quality assurance plan if required in rule 3745-54-19 of the Administrative Code;
- (e) Proposed action leakage rate, with rationale if required in rule 3745-57-04 of the Administrative Code, and response action plan if required in rule 3745-57-05 of the Administrative Code;
- (ii) Control of run-on;
- (iii) Control of run-off;
- (iv) Management of collection and holding facilities associated with run-on and run-off control systems; and
- (v) Control of wind dispersal of particulate matter, where applicable.
- (c) A description of how each landfill, including the double liner system, leachate collection and removal system, leak detection system, cover system, and appurtenances for control of run-on and run-off, will be inspected in order to comply with paragraphs (A), (B), and (C) of rule 3745-57-05 of the Administrative Code. This information shall be included in the inspection plan submitted under paragraph (A)(5) of this rule;
- (d) A description of how each landfill, including the liner and cover systems, will be inspected in order to comply with paragraphs (A) and (B) of rule 3745-57-05 of the Administrative Code. This information should be included in the inspection plan submitted under paragraph (A)(5) of this rule;

- (e) Detailed plans and an engineering report describing the final cover which will be applied to each landfill or landfill cell at closure in accordance with paragraph (A) of rule 3745-57-10 of the Administrative Code, and a description of how each landfill will be maintained and monitored after closure in accordance with paragraph (B) of rule 3745-57-10 of the Administrative Code. This information should be included in the closure and post-closure plans submitted pursuant to paragraph (A)(13) of this rule;
 - (f) If ignitable wastes or reactive wastes will be landfilled, an explanation of how rule 3745-57-12 of the Administrative Code will be complied with;
 - (g) If incompatible wastes, or incompatible wastes and materials, will be landfilled, an explanation of how rule 3745-57-13 of the Administrative Code will be complied with;
 - (h) [Reserved;]
 - (i) If containers of hazardous waste are to be landfilled, an explanation of how rule 3745-57-15 or 3745-57-16 of the Administrative Code, as applicable, will be complied with;
 - (j) A waste management plan for EPA hazardous waste numbers F020, F021, F022, F023, F026, and F027; describing how a landfill is or will be designed, constructed, operated, and maintained to comply with rule 3745-57-17 of the Administrative Code. This submittal shall address the following items as specified in rule 3745-57-17 of the Administrative Code:
 - (i) The volume, physical, and chemical characteristics of the wastes, including the potential for the wastes to migrate through soil or to volatilize or escape into the atmosphere;
 - (ii) The attenuative properties of underlying and surrounding soils or other materials;
 - (iii) The mobilizing properties of other materials co-disposed with these wastes; and
 - (iv) The effectiveness of additional treatment, design, or monitoring techniques.
- (7) Incinerators. Except as rule 3745-57-40 of the Administrative Code and paragraph (C)(7)(e) of this rule provide otherwise, owners and operators of facilities that

incinerate hazardous waste shall comply with paragraph (C)(7)(a), (C)(7)(b), or (C)(7)(c) of this rule.

(a) When seeking exemption in paragraph (B) or (C) of rule 3745-57-40 of the Administrative Code (ignitable waste, corrosive waste, or reactive waste only):

(i) Documentation that the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code solely because ~~it~~the waste is ignitable (hazard code I), corrosive (hazard code C), or both; or

(ii) Documentation that the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code solely because ~~it~~the waste is reactive (hazard code R) for characteristics other than those listed in paragraphs (A)(4) and (A)(5) of rule 3745-51-23 of the Administrative Code, and will not be burned when other hazardous wastes are present in the combustion zone; or

(iii) Documentation that the waste is a hazardous waste solely because ~~it~~the waste possesses the characteristic of ignitability, characteristic of corrosivity, or both, as determined by the tests for characteristics of hazardous wastes ~~under~~ in rules 3745-51-20 to 3745-51-24 of the Administrative Code; or

(iv) Documentation that the waste is a hazardous waste solely because ~~it~~the waste possesses the reactivity characteristics listed in paragraph (A)(1), (A)(2), (A)(3), (A)(6), (A)(7), or (A)(8) of rule 3745-51-23 of the Administrative Code, and that ~~it~~the waste will not be burned when other hazardous wastes are present in the combustion zone; or

(b) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with rule 3745-50-62 of the Administrative Code; or

(c) In lieu of a trial burn, the applicant may submit the following information.

(i) An analysis of each waste or mixture of wastes to be burned including:

(a) Heat value of the waste in the form and composition in which ~~it~~the waste will be burned.

- (b) Viscosity (if applicable), or description of physical form of the waste.
 - (c) An identification of any hazardous organic constituents listed in the appendix of rule 3745-51-11 to the Administrative Code which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in such appendix which would reasonably not be expected to be found in the waste. The constituents excluded from analysis shall be identified and the basis for the exclusion of the constituents shall be stated. The waste analysis shall rely on appropriate analytical techniques.
 - (d) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by appropriate analytical methods.
 - (e) A quantification of those hazardous constituents in the waste which may be designated as "principal organic hazardous constituents" (POHCs) based on data submitted from other trial or operational burns which demonstrate compliance with the performance standard in rule 3745-57-43 of the Administrative Code.
- (ii) A detailed engineering description of the incinerator, including:
- (a) Manufacturer's name and model number of incinerator.
 - (b) Type of incinerator.
 - (c) Linear dimension of incinerator unit including cross-sectional area of combustion chamber.
 - (d) Description of auxiliary fuel system (type or feed).
 - (e) Capacity of prime mover.
 - (f) Description of automatic waste feed cut-off systems.
 - (g) Stack gas monitoring and pollution control monitoring system.
 - (h) Nozzle and burner design.
 - (i) Construction materials.

- (j) Location and description of temperature, pressure, and flow-~~indicating~~indication devices and control devices.
- (iii) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in paragraph (C)(7)(c)(i) of this rule. This analysis should specify the POHCs which the applicant has identified in the waste for which a permit is sought, and any differences from the POHCs in the waste for which burn data are provided.
- (iv) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available.
- (v) A description of the results submitted from any previously conducted trial burns including:
 - (a) Sampling and analysis techniques used to calculate performance standards in rule 3745-57-43 of the Administrative Code.
 - (b) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement).
- (vi) The expected incinerator operation information to demonstrate compliance with rules 3745-57-43 and 3745-57-45 of the Administrative Code, including:
 - (a) Expected carbon monoxide level in the stack exhaust gas.
 - (b) Waste feed rate.
 - (c) Combustion zone temperature.
 - (d) Indication of combustion gas velocity.
 - (e) Expected stack gas volume, flow rate, and temperature.
 - (f) Computed residence time for waste in the combustion zone.
 - (g) Expected hydrochloric acid removal efficiency.

- (h) Expected fugitive emissions and control procedures for such emissions.
 - (i) Proposed waste feed cut-off limits based on the identified significant operating parameters.
 - (vii) Such supplemental information as the director finds necessary to achieve the purposes of ~~paragraphs~~paragraph (C)(7)(c) ~~to (C)(7)(e) (viii)~~ of this rule.
 - (viii) Waste analysis data, including that submitted in paragraph (C)(7)(c)(i) of this rule, sufficient to allow the specification as permit "principal organic hazardous constituents" (permit POHCs) those constituents for which destruction and removal efficiencies will be required.
- (d) The director will approve a permit application without a trial burn if the director finds that:
- (i) The wastes are sufficiently similar; and
 - (ii) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (in rule 3745-57-45 of the Administrative Code) operating conditions that ~~will~~ ensure that the performance standards in rule 3745-57-43 of the Administrative Code ~~will be~~are met by the incinerator.
- (e) When an owner or operator of a hazardous waste incineration unit becomes subject to hazardous waste permit requirements after February 16, 2009, or when an owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the air emission standards and limitations in 40 CFR Part 63 subpart EEE [i.e., by conducting a comprehensive performance test and submitting a notification of compliance under 40 CFR 63.1207(j) and 40 CFR 63.1210(d) documenting compliance with all applicable requirements of 40 CFR Part 63 subpart EEE], ~~paragraphs~~paragraph (C)(7) ~~to (C)(7)(e)~~ of this rule ~~do~~does not apply, except those provisions the director determines are necessary to ensure compliance with paragraphs (A) and (C) of rule 3745-57-45 of the Administrative Code, if the owner or operator elects to comply with paragraph (A)(1)(a) of rule 3745-50-235 of the Administrative Code to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the director may apply ~~paragraphs~~paragraph (C)(7) ~~to (C)(7)(e)~~ of this rule, on a case-

by-case basis, for purposes of information collection in accordance with paragraphs (A)(5), (D)(6), (H), and (I) to (I)(2) of rule 3745-50-40 of the Administrative Code and paragraphs (D)(3)(b) and (D)(4)(a)(v) of rule 3745-50-51 of the Administrative Code.

- (8) Miscellaneous units. Except as otherwise provided in rule 3745-57-90 of the Administrative Code, owners and operators of facilities that treat, store, or dispose of hazardous waste in miscellaneous units shall provide the following additional information:
- (a) A detailed description of the unit ~~being~~ used or proposed for use, including the following:
 - (i) Physical characteristics, materials of construction, and dimensions of the unit;
 - (ii) Detailed plans and engineering reports describing how the unit will be located, designed, constructed, operated, maintained, monitored, inspected, and closed to comply with rules 3745-57-91 and 3745-57-92 of the Administrative Code; and
 - (iii) For disposal units, a detailed description of the plans to comply with the post-closure requirements of rule 3745-57-93 of the Administrative Code.
 - (b) Detailed hydrologic, geologic, and meteorologic assessments and land-use maps for the region surrounding the site that address and ensure compliance of the unit with each factor in the environmental performance standards of rule 3745-57-91 of the Administrative Code. If the applicant can demonstrate that the applicant does not violate the environmental performance standards of rule 3745-57-91 of the Administrative Code and the director agrees with such demonstration, preliminary hydrologic, geologic, and meteorologic assessments will suffice.
 - (c) Information on the potential pathways of exposure of humans or environmental receptors to hazardous waste or hazardous constituents and on the potential magnitude and nature of such exposures.
 - (d) For any treatment unit, a report on a demonstration of the effectiveness of the treatment based on laboratory or field data.
 - (e) Any additional information determined by the director to be necessary for evaluation of compliance of the unit with the environmental performance standards of rule 3745-57-91 of the Administrative Code.

(9) Boilers and industrial furnaces burning hazardous waste. When an owner or operator of a cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace becomes subject to hazardous waste permit requirements after February 16, 2009, or when an owner or operator of an existing cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace demonstrates compliance with the air emission standards and limitations in 40 CFR Part 63 subpart EEE [i.e., by conducting a comprehensive performance test and submitting a notification of compliance under 40 CFR 63.1207(j) and 40 CFR 63.1210(d) documenting compliance with all applicable requirements of 40 CFR Part 63 subpart EEE], ~~paragraphs paragraph (C)(9) to (C)(9)(f) of this rule do~~ does not apply. ~~Paragraphs~~ However, paragraph (C)(9) to (C)(9)(f) of this rule do does apply, ~~however,~~ if the director determines that certain provisions are necessary to ensure compliance with paragraphs (E)(1) and (E)(2)(c) of rule 3745-266-102 of the Administrative Code if the owner or operator elects to comply with paragraph (A)(1)(a) of rule 3745-50-235 of the Administrative Code to minimize emissions of toxic compounds from startup, shutdown, and malfunction events; or if the facility is an area source and the owner or operator elects to comply with the rules 3745-266-105, 3745-266-106, and 3745-266-107 of the Administrative Code standards and associated requirements for particulate matter, hydrogen chloride and chlorine gas, and non-mercury metals; or if the director determines certain provisions apply, on a case-by-case basis, for purposes of information collection in accordance with paragraphs (A)(5), (D)(6), (H), and (I) to (I)(2) of rule 3745-50-40 of the Administrative Code and paragraphs (D)(3)(b) and (D)(4)(a)(v) of rule 3745-50-51 of the Administrative Code.

(a) Trial burns.

(i) General. Except as provided ~~below in this paragraph~~, owners and operators ~~that who~~ are subject to the standards to control organic emissions provided by rule 3745-266-104 of the Administrative Code, standards to control particulate matter provided by rule 3745-266-105 of the Administrative Code, standards to control metals emissions provided by rule 3745-266-106 of the Administrative Code, or standards to control hydrogen chloride or chlorine gas emissions provided by rule 3745-266-107 of the Administrative Code shall conduct a trial burn to demonstrate conformance with those standards and shall submit a trial burn plan or the results of a trial burn, including all required determinations; in accordance with rule 3745-50-66 of the Administrative Code.

- (a) A trial burn to demonstrate conformance with a particular emission standard may be waived under rules 3745-266-104 to 3745-266-107 of the Administrative Code and paragraphs (C)(9)(a)(ii) to (C)(9)(a)(v)(g) of this rule; and
 - (b) The owner or operator may submit data in lieu of a trial burn, as prescribed in ~~paragraphs~~paragraph (C)(9)(a)(vi) to ~~(C)(9)(a)(vi)(b)~~ of this rule.
- (ii) Waiver of trial burn for destruction and removal efficiency (DRE).
 - (a) Boilers operated under special operating requirements. When seeking to be permitted under rule 3745-266-110 and paragraph (A)(4) of rule 3745-266-104 of the Administrative Code that automatically waive the DRE trial burn, the owner or operator of a boiler shall submit documentation that the boiler operates under the special operating requirements provided by rule 3745-266-110 of the Administrative Code.
 - (b) Boilers and industrial furnaces burning low risk waste. When seeking to be permitted under the provisions for low risk waste provided by paragraph (A)(5) of rule 3745-266-104 of the Administrative Code and paragraph (A) of rule 3745-266-109 of the Administrative Code that waive the DRE trial burn, the owner or operator shall submit:
 - (i) Documentation that the device is operated in conformance with paragraph (A)(1) of rule 3745-266-109 of the Administrative Code.
 - (ii) Results of analyses of each waste to be burned, documenting the concentrations of nonmetal compounds listed in the appendix to rule 3745-51-11 of the Administrative Code, except for those constituents that ~~would~~ reasonably would not be expected to be in the waste. The constituents excluded from analysis shall be identified and the basis for the exclusion of the constituent shall be explained. The analysis shall rely on appropriate analytical techniques.
 - (iii) Documentation of hazardous waste firing rates and calculations of reasonable, worst-case emission rates of each constituent identified in paragraph (C)(9)(a)(ii)(b)

- (ii) of this rule using procedures provided by paragraph (A)(2)(b) of rule 3745-266-109 of the Administrative Code.
 - (iv) Results of emissions dispersion modeling for emissions identified in paragraph (C)(9)(a)(ii)(b)(ii) of this rule using modeling procedures prescribed by paragraph (H) of rule 3745-266-106 of the Administrative Code. The director will review the emission modeling conducted by the applicant to determine conformance with these procedures. The director will either approve the modeling or determine that alternate or supplementary modeling is appropriate.
 - (v) Documentation that the maximum annual average ground level concentration of each constituent identified in paragraph (C)(9)(a)(ii)(b)(ii) of this rule quantified in conformance with paragraph (C)(9)(a)(ii)(b)(iv) of this rule does not exceed the allowable ambient level established in appendix A to rule 3745-266-109 of the Administrative Code or in appendix B to rule 3745-266-109 of the Administrative Code. The acceptable ambient concentration for emitted constituents for which a specific reference air concentration has not been established in appendix A to rule 3745-266-109 of the Administrative Code or risk-specific dose has not been established in appendix B to rule 3745-266-109 of the Administrative Code is 0.1 micrograms per cubic meter, as noted in the footnote to appendix A to rule 3745-266-109 of the Administrative Code.
- (iii) Waiver of trial burn for metals. When seeking to be permitted under the "Tier I" (or "Adjusted Tier I") metals feed rate screening limits provided by paragraphs (B) and (E) of rule 3745-266-106 of the Administrative Code that control metals emissions without requiring a trial burn, the owner or operator shall submit:
- (a) Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace ~~feed stocks~~ feedstocks;
 - (b) Documentation of the concentration of each metal controlled by paragraph (B) or (E) of rule 3745-266-106 of the

Administrative Code in the hazardous waste, other fuels, and industrial furnace feedstocks, and calculations of the total feed rate of each metal;

- (c) Documentation of how the applicant will ensure that the "Tier I" feed rate screening limits provided by paragraph (B) or (E) of rule 3745-266-106 of the Administrative Code will not be exceeded during the averaging period provided by that paragraph;
 - (d) Documentation to support the determination of the terrain-adjusted effective stack height, good engineering practice stack height, terrain type, and land use as provided by paragraphs (B)(3) to (B)(5) of rule 3745-266-106 of the Administrative Code;
 - (e) Documentation of compliance with paragraph (B)(6) of rule 3745-266-106 of the Administrative Code, if applicable, for facilities with multiple stacks;
 - (f) Documentation that the facility does not fail the criteria provided by paragraph (B)(7) of rule 3745-266-106 of the Administrative Code for eligibility to comply with the screening limits; and
 - (g) Proposed sampling and metals analysis plan for the hazardous waste, other fuels, and industrial furnace ~~feed stocks~~feedstocks.
- (iv) Waiver of trial burn for particulate matter. When seeking to be permitted under the low risk waste provisions of paragraph (B) of rule 3745-266-109 of the Administrative Code which waives the particulate standard (and trial burn to demonstrate conformance with the particulate standard), applicants shall submit documentation supporting conformance with paragraphs (C)(9)(a)(ii)(b) and (C)(9)(a)(iii) to ~~(C)(9)(a)(iii)(g)~~ of this rule.
- (v) Waiver of trial burn for hydrogen chloride and chlorine gas. When seeking to be permitted under the "Tier I" (or "Adjusted Tier I") feed rate screening limits for total chloride and chlorine provided by paragraphs (B)(1) and (E) of rule 3745-266-107 of the Administrative Code that control emissions of hydrogen chloride

and chlorine gas without requiring a trial burn, the owner or operator shall submit:

- (a) Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace ~~feed stocks~~feedstocks;
 - (b) Documentation of the levels of total chloride and chlorine in the hazardous waste, other fuels, and industrial furnace feedstocks, and calculations of the total feed rate of total chloride and chlorine;
 - (c) Documentation of how the applicant will ensure that the "Tier I" (or "Adjusted Tier I") feed rate screening limits provided by paragraph (B)(1) or (E) of rule 3745-266-107 of the Administrative Code will not be exceeded during the averaging period provided by that paragraph;
 - (d) Documentation to support the determination of the terrain-adjusted effective stack height, good engineering practice stack height, terrain type, and land use as provided by paragraph (B)(3) of rule 3745-266-107 of the Administrative Code;
 - (e) Documentation of compliance with paragraph (B)(4) of rule 3745-266-107 of the Administrative Code, if applicable, for facilities with multiple stacks;
 - (f) Documentation that the facility does not fail the criteria provided by paragraph (B)(3) of rule 3745-266-107 of the Administrative Code for eligibility to comply with the screening limits; and
 - (g) Proposed sampling and analysis plan for total chloride and chlorine for the hazardous waste, other fuels, and industrial furnace feedstocks.
- (vi) Data in lieu of trial burn. The owner or operator may seek an exemption from the trial burn requirements to demonstrate conformance with rules 3745-266-104 to 3745-266-107 and 3745-50-66 of the Administrative Code by providing the information required by rule 3745-50-66 of the Administrative Code from previous compliance testing of the device in conformance with rule 3745-266-103 of the Administrative Code,

40 CFR 266.103 as incorporated by reference in rule 3745-50-11 of the Administrative Code, or from compliance testing or trial or operational burns of similar boilers or industrial furnaces burning similar hazardous wastes under similar conditions. If data from a similar device is used to support a trial burn waiver, the design and operating information required by rule 3745-50-66 of the Administrative Code shall be provided for both the similar device and the device to which the data is to be applied, and a comparison of the design and operating information shall be provided. The director shall approve a permit application without a trial burn if the director finds that the hazardous wastes are sufficiently similar, the devices are sufficiently similar, the operating conditions are sufficiently similar, and the data from other compliance tests, trial burns, or operational burns are adequate to specify (in rule 3745-266-102 of the Administrative Code) operating conditions that ~~will~~ ensure conformance with paragraph (C) of rule 3745-266-102 of the Administrative Code. In addition, ~~all of the~~ following information shall be submitted:

[Comment: Owners or operators of boilers and industrial furnaces operating pursuant to hazardous waste permit from U.S. EPA to burn hazardous waste fuels who seek ~~and an~~ exemption from the trial burn requirements may submit the approved trial burn plan and results of the most recent trial burn performed.]

(a) For a waiver from any trial burn:

- (i) A description and analysis of the hazardous waste to be burned compared with the hazardous waste for which data from compliance testing, or operational or trial burns are provided to support the contention that a trial burn is not needed;
- (ii) The design and operating conditions of the boiler or industrial furnace to be used, compared with that for which comparative burn data are available; and
- (iii) Such supplemental information as the director finds necessary to achieve the purposes of ~~paragraphs~~paragraph (C)(9)(a)(vi) to ~~(C)(9)(a)(vi)(b)~~ of this rule.

- (b) For a waiver of the DRE trial burn, the basis for selection of POHCs used in the other trial or operational burns which demonstrate compliance with the DRE performance standard in paragraph (A) of rule 3745-266-104 of the Administrative Code. This analysis should specify the constituents in the appendix to rule 3745-51-11 of the Administrative Code, that the applicant has identified in the hazardous waste for which a permit is sought, and any differences from the POHCs in the hazardous waste for which burn data are provided.
- (b) Alternative hydrocarbon limit for industrial furnaces with organic matter in raw materials. ~~Owners~~ At a minimum, owners and operators of industrial furnaces requesting an alternative hydrocarbon limit under paragraph (F) of rule 3745-266-104 of the Administrative Code shall submit the following information ~~at a minimum~~:
- (i) Documentation that the furnace is designed and operated to minimize hydrocarbon emissions from fuels and raw materials;
 - (ii) Documentation of the proposed baseline flue gas hydrocarbons (and carbon monoxide) concentration, including data on hydrocarbons (and carbon monoxide) levels during tests when the facility produced normal products under normal operating conditions from normal raw materials while burning normal fuels and when not burning hazardous waste;
 - (iii) Test burn protocol to confirm the baseline hydrocarbon (and carbon monoxide) level including information on the type and flow rate of all feedstreams, point of introduction of all feedstreams, total organic carbon content (or other appropriate measure of organic content) of all nonfuel feedstreams, and operating conditions that affect combustion of fuels and destruction of hydrocarbon emissions from nonfuel sources;
 - (iv) Trial burn plan to:
 - (a) Demonstrate that flue gas hydrocarbon (and carbon monoxide) concentrations when burning hazardous waste do not exceed the baseline hydrocarbon (and carbon monoxide) level; and
 - (b) Identify the types and concentrations of organic compounds listed in the appendix to rule 3745-51-11 of the Administrative Code, that are emitted when burning

hazardous waste in conformance with procedures prescribed by the director;

- (v) Implementation plan to monitor over time changes in the operation of the facility that could reduce the baseline hydrocarbon level and procedures to periodically confirm the baseline hydrocarbon level; and
 - (vi) Such other information as the director finds necessary to achieve the purposes of ~~paragraph~~ paragraph (C)(9)(b) ~~to (C)(9)(b)(vi)~~ of this rule.
- (c) Alternative metals implementation approach. When seeking to be permitted under an alternative metals implementation approach in paragraph (F) of rule 3745-266-106 of the Administrative Code, the owner or operator shall submit documentation specifying how the approach ensures compliance with the metals emissions standards of paragraph (C) or (D) of rule 3745-266-106 of the Administrative Code and how the approach can be effectively implemented and monitored. Further, the owner or operator shall provide such other information that the director finds necessary to achieve the purposes of this paragraph.
- (d) Automatic waste feed cutoff system. Owners and operators shall submit information describing the automatic waste feed cutoff system, including any pre-alarm systems that may be used.
- (e) Direct transfer. Owners and operators ~~that~~ who use direct transfer operations to feed hazardous waste from transport vehicles ("containers," as defined in rule 3745-266-111 of the Administrative Code) directly to the boiler or industrial furnace shall submit information supporting conformance with the standards for direct transfer provided by rule 3745-266-111 of the Administrative Code.
- (f) Residues. Owners and operators ~~that~~ who claim that the residues are excluded from regulation under rule 3745-266-112 of the Administrative Code shall submit information adequate to demonstrate conformance with those provisions.
- (10) [Reserved.]
- (11) [Reserved.]
- (12) Drip pads. Except as otherwise provided by rule 3745-54-01 of the Administrative Code, owners and operators of hazardous waste treatment,

storage, or disposal facilities that collect, store, or treat hazardous waste on drip pads shall provide the following additional information:

- (a) A list of hazardous wastes placed or to be placed on each drip pad.
- (b) If an exemption is sought to rules 3745-54-90 to 3745-54-101 of the Administrative Code, as provided by rule 3745-54-90 of the Administrative Code, detailed plans and an engineering report describing how paragraph (B)(2) of rule 3745-54-90 of the Administrative Code will be met.
- (c) Detailed plans and an engineering report describing how the drip pad is or will be designed, constructed, operated, and maintained to comply with rule 3745-57-83 of the Administrative Code, including the as-built drawings and specifications. This submittal shall address the following items as specified in rule 3745-57-81 of the Administrative Code:
 - (i) The design characteristics of the drip pad.
 - (ii) The liner system.
 - (iii) The leakage detection system, including the leak detection system and how ~~it~~ the leakage detection system is designed to detect the failure of the drip pad or the presence of any releases of hazardous waste or accumulated liquid at the earliest practicable time.
 - (iv) Practices designed to maintain drip pads.
 - (v) The associated collection system.
 - (vi) Control of run-on to the drip pad.
 - (vii) Control of run-off from the drip pad.
 - (viii) The interval at which drippage and other materials will be removed from the associated collection system and a statement demonstrating that the interval will be sufficient to prevent overflow onto the drip pad.
 - (ix) Procedures for cleaning the drip pad at least once every seven days to ensure the removal of any accumulated residues of waste or other materials, including but not limited to rinsing, washing with detergents or other appropriate solvents, or steam cleaning, and

provisions for documenting the date, time, and cleaning procedure used each time the pad is cleaned.

- (x) Operating practices and procedures that will be followed to ensure that tracking of hazardous waste or waste constituents off the drip pad due to activities by personnel or equipment is minimized.
- (xi) Procedures for ensuring that, after removal from the treatment vessel, treated wood from pressure and non-pressure processes is held on the drip pad until drippage has ceased, including recordkeeping practices.
- (xii) Provisions for ensuring that collection and holding units associated with the run-on and run-off control systems are emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system.
- (xiii) If treatment is carried out on the drip pad, details of the process equipment used, and the nature and quality of the residuals.
- (xiv) A description of how each drip pad, including appurtenances for control of run-on and run-off, will be inspected in order to comply with rule 3745-57-83 of the Administrative Code. This information should be included in the inspection plan submitted under paragraph (A)(5) of this rule.
- (xv) A certification, in accordance with paragraph (D) of rule 3745-50-42 of the Administrative Code, signed by a qualified professional engineer, stating that the drip pad design complies with paragraphs (A) to (F) of rule 3745-57-83 of the Administrative Code.
- (xvi) A description of how hazardous waste residues and contaminated materials will be removed from the drip pad at closure, as required in paragraph (A) of rule 3745-57-85 of the Administrative Code. For any waste not to be removed from the drip pad upon closure, the owner or operator shall submit detailed plans and an engineering report describing how paragraphs (A) and (B) of rule 3745-57-10 of the Administrative Code will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under paragraph (A)(13) of this rule.

(13) [Reserved.]

(14) Post-closure permits. For post-closure permits, the owner or operator is required to submit only the information specified in paragraphs (A)(1), (A)(4) to (A)(6), (A)(11) to (A)(11)(e), (A)(13), (A)(14), (A)(16), (A)(19) to (A)(19)(f) [Comment], (B) to (B)(8)(e), and (D) to (D)(3) of this rule, unless the director determines that additional information from ~~paragraphs~~ paragraph (A) to (B)(8)(e), (B), (C)(2) to (C)(2)(j), (C)(3) to (C)(3)(j), (C)(4) to (C)(4)(i)(iv), (C)(5) to (C)(5)(i)(iv), or (C)(6) to (C)(6)(j)(iv) of this rule is necessary. The owner or operator is required to submit the same information when an alternative authority is used in lieu of a post-closure permit as provided in paragraph (G) of rule 3745-50-45 of the Administrative Code.

(D) Information requirements for waste management units.

- (1) The following information is required for each waste management unit at a facility seeking a permit:
 - (a) The location of the unit on the topographic map required in paragraph (A)(19) of this rule.
 - (b) Designation of type of unit.
 - (c) General dimensions and structural description (supply any available drawings).
 - (d) When the unit was operated.
 - (e) Specification of all wastes that ~~have been~~ were managed at the unit, to the extent available.
- (2) The owner or operator of any facility containing one or more waste management units shall submit all available information pertaining to any release of hazardous wastes or hazardous constituents from such unit or units.
- (3) The owner or operator shall conduct and provide results of sampling and analysis of ground water, land surface, and subsurface strata, surface water, or air, which may include the installation of wells, where the director ascertains ~~it is necessary~~ the necessity to complete a RCRA facility assessment (RFA) ~~that will~~ to determine if a more complete investigation is necessary.

[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: 9/29/2021
Five Year Review (FYR) Dates: 6/7/2021 and 06/05/2026

CERTIFIED ELECTRONICALLY

Certification

09/14/2021

Date

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02/16/2009, 09/05/2010, 10/31/2015

3745-50-45

Special inclusions and exclusions for hazardous waste permits.

- (A) Scope of hazardous waste permit requirements. Chapter 3734. of the Revised Code requires a permit for the "treatment," "storage," or "disposal" of any hazardous waste as identified or listed in Chapter 3745-51 of the Administrative Code. The terms "treatment," "storage," "disposal," and "hazardous waste" are defined in rule 3745-50-10 of the Administrative Code. Owners and operators of hazardous waste management units shall have permits during the active life (including the closure period) of the unit. Owners or operators of surface impoundments, landfills, land treatment units, and waste pile units that received wastes after July 26, 1982, or that certified closure (according to rule 3745-66-15 of the Administrative Code) after January 26, 1983, shall have post-closure permits, unless the owner or operator demonstrates closure by removal or decontamination as provided under paragraphs (E) and (F) of this rule or obtain an enforceable document in lieu of a post-closure permit, as provided under paragraph (G) of this rule. If a post-closure permit is required, the permit shall address applicable ground water monitoring, unsaturated zone monitoring, corrective action, and post-closure care requirements under Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code. The denial of a permit for the active life of a hazardous waste management facility or unit does not affect the requirement to obtain a post-closure permit under this rule.
- (B) Specific inclusions. Owners and operators of certain facilities require hazardous waste permits as well as permits under other environmental programs for certain aspects of the facility's operation. Hazardous waste permits are required for the treatment, storage, or disposal of hazardous waste at facilities requiring an Ohio national pollutant discharge elimination system permit or an Ohio underground injection control permit. The owner and operator of a publicly owned treatment work (POTW) receiving hazardous waste ~~will be~~ is deemed to have a hazardous waste permit for that waste if the POTW is in compliance with rule 3745-50-46 of the Administrative Code.
- (C) Specific exclusions and exemptions. The following persons are among those who are not required to obtain a hazardous waste permit:
- (1) Generators who accumulate or conduct treatment of hazardous waste that is generated on-site in compliance with all of the conditions for exemption in rules 3745-52-14, 3745-52-15, 3745-52-16, and 3745-52-17 of the Administrative Code.
 - (2) Farmers who dispose of hazardous waste pesticides from the farmers' own use as provided for in rule 3745-52-70 of the Administrative Code.
 - (3) Persons who own or operate facilities solely for the treatment, storage, or disposal of hazardous waste excluded from regulation under rule 3745-51-04 or 3745-52-14 of the Administrative Code.

- (4) Owners or operators of "totally enclosed treatment facilities" as defined in rule 3745-50-10 of the Administrative Code.
- (5) Owners and operators of "elementary neutralization units" or "wastewater treatment units" as defined in rule 3745-50-10 of the Administrative Code.
- (6) Transporters storing manifested shipments of hazardous waste in containers meeting the requirements of rule 3745-52-30 of the Administrative Code at a transfer facility for a period of ten days or less.
- (7) Persons adding sorbent material to waste in a "container" as defined in rule 3745-50-10 of the Administrative Code, and persons adding waste to sorbent material in a container, provided that these actions occur at the time waste is first placed in the container, and paragraph (B) of rule 3745-54-17 and rules 3745-55-71 and 3745-55-72 of the Administrative Code are complied with.
- (8) "Universal waste handlers" and "universal waste transporters" as defined in rule 3745-50-10 of the Administrative Code managing the wastes listed in paragraphs (C)(8)(a) to ~~(C)(8)(e)~~(C)(8)(f) of this rule. These handlers are subject to regulation under Chapter 3745-273 of the Administrative Code ~~when managing the following universal wastes:~~
 - (a) Batteries as described in rule 3745-273-02 of the Administrative Code;
 - (b) Pesticides as described in rule 3745-273-03 of the Administrative Code;
 - (c) Mercury-containing equipment as described in rule 3745-273-04 of the Administrative Code;
 - (d) Lamps as described in rule 3745-273-05 of the Administrative Code;
 - (e) Aerosol cans as described in rule 3745-273-06 of the Administrative Code;
and
 - ~~(e)~~(f) Ohio-specific universal ~~waste~~wastes, which include the following:
 - ~~(i)~~ Aerosol containers as described in paragraph (A) of rule 3745-273-89 of the Administrative Code.
 - ~~(ii)~~(i) Antifreeze as described in paragraph (B) of rule 3745-273-89 of the Administrative Code; and
 - ~~(iii)~~(ii) Paint and paint-related wastes as described in paragraph (C) of rule 3745-273-89 of the Administrative Code.

- (9) Reverse distributors accumulating "potentially creditable hazardous waste pharmaceuticals" and "evaluated hazardous waste pharmaceuticals" as defined in rule 3745-266-500 of the Administrative Code. Reverse distributors are subject to regulation under rules 3745-266-500 to 3745-266-510 of the Administrative Code for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

(D) Further exclusions.

- (1) A person is not required to obtain a hazardous waste permit for treatment or containment activities taken during immediate response to any of the following situations:

- (a) A discharge of a hazardous waste;
- (b) An imminent and substantial threat of a discharge of hazardous waste;
- (c) A discharge of a material which, when discharged, becomes a hazardous waste; and
- (d) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an "explosive or munitions emergency response specialist" as defined in rule 3745-50-10 of the Administrative Code.

- (2) Any person who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of rules 3745-50-40 to 3745-50-235 of the Administrative Code for those activities.

- (3) In the case of emergency responses involving military munitions, the responding explosives or munitions emergency response specialist's organizational unit shall retain records for three years identifying the dates of the response, the names of the responsible persons responding, the type and description of material addressed, and the disposition of such material.

- (E) Closure by removal. Owners or operators of surface impoundments, land treatment units, and waste piles closing by removal or decontamination under Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code shall obtain a post-closure permit unless the owner or operator demonstrates to the director that the closure met the standards for closure by removal or decontamination in rule 3745-56-28, paragraph (E) of rule 3745-56-80, or rule 3745-56-58 of the Administrative Code. The demonstration may be made in the following ways:

- (1) If the owner or operator has submitted a "Part B" application for a post-closure permit, the owner or operator may request a determination, based on information in the application, that the closure by removal standards in Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code were met and that no post-closure permit is required.
- (2) If the owner or operator has not submitted a "Part B" application for a post-closure permit, the owner or operator may petition the director for a determination that a post-closure permit is not required because the closure met the applicable closure standards in Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code. The petition shall include data demonstrating that closure by removal or decontamination standards were met, or the petition shall demonstrate that the unit closed under state requirements that met or exceeded the applicable closure by removal standards in Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code.
- (3) The director will approve or deny the request or petition in accordance with paragraph (F) of this rule.

(F) Procedures for closure equivalency determination.

- (1) If a facility owner or operator submits an equivalency demonstration under paragraph (E) of this rule, the director will provide the public, through a newspaper notice, the opportunity to submit written comments, within thirty days after the date of the notice, on the information submitted by the owner or operator. ~~The~~In response to a request or at the director's own discretion, the director also will ~~also, in response to a request or at the director's own discretion,~~ hold a public hearing when such a hearing might clarify one or more issues concerning the ~~equivalency demonstration~~equivalence of the closure under Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code to a closure under Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code. The director will give public notice of the hearing at least thirty days before the hearing occurs. Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the two notices may be combined.
- (2) The director will ~~make a determination~~determine, within ninety days after the close of the public comment period specified in paragraph (F)(1) of this rule, ~~as to~~ whether the closure under Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code met the requirements for closure by removal or decontamination under Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code. If the director finds that the closure did not meet the applicable standards under Chapters 3745-54 to 3745-57 and 3745-205 of the

Administrative Code, the director will provide the owner or operator with a written statement of the reasons why the closure failed to meet the standards under Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code.

- (3) Within thirty days after receipt of the director's determination pursuant to paragraph (F)(2) of this rule, the owner or operator may submit additional information in support of the equivalency demonstration.
 - (4) If additional information is submitted by the owner or operator pursuant to paragraph (F)(3) of this rule, the director will review the additional information submitted and, within sixty days after receipt of the additional information, will make a final determination as to whether the closure under Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code met the requirements for closure by removal or decontamination under Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code.
 - (5) If the director determines that the facility did not close in accordance with the closure by removal standards in Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code, the facility is subject to post-closure permitting requirements.
- (G) Enforceable documents for post-closure care. At the discretion of the director, an owner or operator may obtain, in lieu of a post-closure permit, an enforceable document imposing the requirements of rule 3745-66-21 of the Administrative Code. "Enforceable document" means an order, a plan, or other document issued by Ohio EPA including, but not limited to, a corrective action order issued by Ohio EPA under sections 3734.13, 3734.20, and 6111.03 of the Revised Code, or a closure or post-closure plan.

Effective: 10/23/2022
Five Year Review (FYR) Dates: 7/20/2022 and 07/20/2027

CERTIFIED ELECTRONICALLY

Certification

10/11/2022

Date

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09/05/2010, 10/31/2015, 12/21/2017, 10/05/2020

3745-50-46

Permits by rule.

(A) Notwithstanding any other provision of ~~rules 3745-50-40 to 3745-50-235~~ Chapter 3745-50 of the Administrative Code, a publicly owned treatment works (POTW) shall be deemed to have a hazardous waste permit if ~~such public owned treatment works meets~~ the following conditions are met:

(1) ~~Has~~ The POTW has an Ohio national pollutant discharge elimination system (NPDES) permit that complies with ~~the following~~:

(a) The conditions of the NPDES permit; and

(b) The following rules:

(i) Rule 3745-54-11 of the Administrative Code, U.S. EPA identification number; ;

(ii) Rule 3745-54-71 of the Administrative Code, use of manifest system; ;

(iii) Rule 3745-54-72 of the Administrative Code, manifest discrepancies; ;

(iv) Paragraphs (A) and (B)(1) of rule 3745-54-73 of the Administrative Code, operating record; ;

(v) Rule 3745-54-75 of the Administrative Code, biennial report; ;

(vi) Rule 3745-54-76 of the Administrative Code, unmanifested waste report; and

(vii) For NPDES permits issued after November 8, 1984, rule 3745-54-101 of the Administrative Code; and

(2) Accepts only waste that meets all federal, state, and local pretreatment requirements which would be applicable to the waste if such waste were being discharged into ~~a publicly owned treatment works~~ the POTW through a sewer, pipe, or similar conveyance.

- (B) Notwithstanding any other provision of ~~rules 3745-50-40 to 3745-50-235~~ Chapter 3745-50 of the Administrative Code, the owner or operator of an injection well disposing of hazardous waste shall be deemed to have a hazardous waste permit if the following conditions are met:
- (1) For underground injection control (UIC) permits issued after November 8, 1984, the UIC well complies with rule 3745-54-101 of the Administrative Code.
 - (2) ~~Where~~ For UIC permits issued after November 8, 1984, where the UIC well is the only unit at a facility ~~that~~ which requires a hazardous waste permit, the UIC well complies with paragraph (D) of rule 3745-50-44 of the Administrative Code.
- (C) Paragraphs (B) and (C) of rule 3745-50-40 of the Administrative Code provide a permit by rule under the conditions specified in that rule for the owner or operator of a facility treating, storing, or disposing of hazardous waste on the effective date of any new, amended, or rescinded rule or statute that renders the owner or operator of the facility subject to the permitting requirements of Chapter 3734. of the Revised Code.

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02/11/1992, 07/14/1997, 03/13/2002, 12/07/2004,
02/16/2009, 02/05/2013, 02/12/2018

3745-50-48

Requirements for recording and reporting of monitoring results.

All permits issued pursuant to a review of a "Part B" application ~~must~~shall specify:

- (A) Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods (including biological monitoring methods when appropriate);
- (B) Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring; and
- (C) Applicable reporting requirements based upon the potential impact of the regulated activity and as specified in Chapters 3745-54 to 3745-57, ~~and 3745-205,~~ and 3745-266 of the Administrative Code. Reporting shall be no less frequent than specified in Chapters 3745-54 to 3745-57, ~~and 3745-205,~~ and 3745-266 of the Administrative Code.

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Date

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Rule Amplifies: 3734.12
Prior Effective Dates: 03/04/1985, 12/07/2000, 12/07/2004

3745-50-49**Effect of a permit.****(A) Effect of a permit.**

(1) Compliance with an Ohio hazardous waste permit during the term of the permit constitutes compliance, for purposes of enforcement, with Chapters 3745-51 to 3745-53, 3745-54 to 3745-57 and 3745-205, 3745-65 to 3745-69 and 3745-256, 3745-266, 3745-270, 3745-273, and 3745-279, and rules 3745-50-40 to 3745-50-235 of the Administrative Code, except for those requirements not included in the permit which fall into any of the following categories:

(a) Become effective by Ohio statute.

(b) Are promulgated under Chapter 3745-270 of the Administrative Code restricting the placement of hazardous wastes in or on the land.

(c) Are promulgated under Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of surface impoundment, waste pile, and landfill units. The leak detection system requirements include double liners, construction quality assurance programs, monitoring, action leakage rates, and response action plans, and shall be implemented through "Class 1" permit modifications as provided in the appendix to rule 3745-50-51 of the Administrative Code.

(d) Are promulgated under 40 CFR Part 265 subpart AA, BB, or CC limiting air emissions.

(2) A permit may be modified or revoked during the term of the permit for cause under rules 3745-50-51 and 3745-50-53 of the Administrative Code, or the permit may be modified upon the request of the permittee according to the procedures in rule 3745-50-51 of the Administrative Code.

(B) The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.

(C) The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations.

[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: 2/12/2018

Five Year Review (FYR) Dates: Exempt

CERTIFIED ELECTRONICALLY

Certification

01/10/2018

Date

Promulgated Under: 119.03
Statutory Authority: 3734.12
Rule Amplifies: 3734.12

3745-50-50

Schedules of compliance.

- (A) The permit may, when appropriate, specify a schedule of compliance leading to compliance with Chapter 3734. of the Revised Code and rules adopted thereunder.
- (1) Time for compliance. Any schedule of compliance under this rule shall require compliance as soon as possible.
 - (2) Interim dates. Except as provided in paragraph (B)(1)(b) of this rule, if a permit establishes a schedule of compliance which exceeds one year from the date of permit issuance, the schedule shall ~~set forth~~provide interim requirements and the dates for their achievement.
 - (a) The time between interim dates shall not exceed one year.
 - (b) If the time necessary for completion of any interim requirement is more than one year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submittal of reports of progress toward completion of the interim requirements and indicate a projected completion date.
 - (3) Reporting. ~~the~~The permit shall be written to require that no later than fourteen days following each interim date and the final date of compliance, the permittee shall notify the director in writing, of ~~its~~the permittee's compliance or noncompliance with the interim or final requirements.
- (B) Alternate schedules of compliance. A permit applicant or permittee may cease conducting regulated activities (by receiving a terminal volume of hazardous waste and, for treatment and storage hazardous waste management facilities, closing pursuant to applicable requirements, and, for disposal hazardous waste management facilities, closing and conducting post-closure care pursuant to applicable requirements) rather than continue to operate and meet permit requirements as follows:
- (1) If the permittee decides to cease conducting regulated activities at a given time within the term of a permit which has already been issued, either:
 - (a) The permit may be ~~revised or~~ modified to contain a new or additional schedule leading to timely cessation of activities; ~~or~~.
 - (b) The permittee shall cease conducting permitted activities before noncompliance with any interim or final compliance schedule requirement already specified in the permit.

- (2) If the decision to cease conducting regulated activities is made before issuance of a permit ~~whose~~the term of which will include the termination date, the permit shall contain a schedule leading to termination which will ensure timely compliance with applicable requirements.
- (3) If the permittee is undecided whether to cease conducting regulated activities, the permit may be issued or modified to contain two schedules as follows:
 - (a) Both schedules shall contain an identical interim deadline requiring a final decision on whether to cease conducting regulated activities no later than a date which ensures sufficient time to comply with applicable requirements in a timely manner if the decision is to continue conducting regulated activities;.
 - (b) One schedule shall lead to timely compliance with applicable requirements;.
 - (c) The second schedule shall lead to cessation of regulated activities by a date which will ensure timely compliance with applicable requirements; ~~and~~.
 - (d) Each permit containing two schedules shall include a requirement that after the permittee has made a final decision under paragraph (B)(3)(a) of this rule, ~~the permittee~~ shall follow the schedule leading to compliance if the decision is to continue conducting regulated activities, and shall follow the schedule leading to termination if the decision is to cease conducting regulated activities.
- (4) The applicant's or permittee's decision to cease conducting regulated activities shall be evidenced by a firm public commitment satisfactory to the director, such as resolution of the board of directors of a corporation.

Effective: 10/31/2015

Five Year Review (FYR) Dates: Exempt

CERTIFIED ELECTRONICALLY

Certification

10/07/2015

Date

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Prior Effective Dates: 03/04/1985, 12/07/2000

3745-50-51

Permit modifications.

(A) As used in this rule, "modification" means a change or alteration to a hazardous waste facility or ~~its~~the facility's operations that is inconsistent with or not authorized by ~~its~~the facility's existing permit or authorization to operate. "Modification application" means a request for a modification submitted in accordance with division (I) of section 3734.05 of the Revised Code. A hazardous waste facility permit may be modified at the request of the director or upon the written request of the permittee only if any of the following applies:

- (1) The permittee desires to accomplish alterations, additions, or deletions to the permitted facility or to undertake alterations, additions, deletions, or activities that are inconsistent with or not authorized by the existing permit.
- (2) New information or data justify permit conditions in addition to or different from those in the existing permit.
- (3) The standards, criteria, or rules upon which the existing permit is based have been changed by new, amended, or rescinded standards, criteria, or rules, or by judicial decision after the existing permit was issued, and the change justifies permit conditions in addition to or different from those in the existing permit.
- (4) The permittee proposes to transfer the permit to another person.

(B) Owners or operators of facilities operating pursuant to paragraph (C)(1) of rule 3745-50-40 of the Administrative Code who submit modifications shall comply with this rule and, in lieu of the modification application submittal requirements of paragraph (D)(1)(b), (D)(2)(a), or (D)(3)(c) of this rule, shall submit a revised "Part A" permit application that does all of the following:

- (1) Describes the exact changes to be made to the facility.
- (2) Identifies the modification as either a "Class 1," "Class 2," or "Class 3" modification.
- (3) Explains why the modification is needed.
- (4) Provides the applicable information required by rules 3745-50-43 and 3745-50-62 of the Administrative Code.

(C) When a permit is modified, only the conditions subject to modification may be reviewed as part of the modification procedure.

(D) Modifications shall be classified by the director as "Class 1," "Class 2," or "Class 3" modifications. Modification requests classified as "Class 3" modifications shall be

further classified by the director as "Class 3" modifications that are to be approved or disapproved by the director in accordance with either paragraph (D)(4) or (D)(5) of this rule. To determine whether a "Class 3" modification request shall be approved or disapproved in accordance with paragraph (D)(5) of this rule, the director shall use the criteria in paragraph (D)(3)(b) of this rule.

(1) "Class 1" modifications.

(a) Except as provided in paragraph (D)(1)(b) of this rule, the permittee may implement "Class 1" modifications listed in the appendix to this rule, or modifications classified as "Class 1" modifications by the director pursuant to paragraph (E) of this rule, under the following conditions:

(i) The permittee shall notify the director of the modification by certified mail or other means that establish proof of delivery within seven days after the change is implemented. This notice shall specify the changes made to permit conditions or supporting documents referenced by the permit and shall explain why the changes are necessary. Along with the notice, the permittee shall provide the applicable information required by rules 3745-50-43, 3745-50-44, and 3745-50-62 of the Administrative Code.

(ii) The permittee shall send a notice of the "Class 1" modification to all persons on the agency mailing list maintained by the director, the board of county commissioners of the county, the board of township trustees of the township, and the city manager or mayor of the municipal corporation in which the hazardous waste facility is located. This notification shall be made within ninety days after the change is implemented. For "Class 1" modifications that require prior director approval, the notification shall be made within ninety days after the director approves the modification application.

(iii) Any person may request the director to review, and the director may, for cause, reject any "Class 1" modification. The director shall inform the permittee by certified mail ~~that~~that if a "Class 1" modification ~~has been~~is rejected, and explain the reasons for the rejection. If a "Class 1" modification ~~has been~~is rejected, the permittee shall comply with the original permit conditions.

(b) "Class 1" modifications identified in the appendix to this rule by an asterisk may be made only with the prior written approval of the director. The director's prior written approval is also required for those modifications classified by the director as "Class 1" modifications that require prior

written approval pursuant to paragraph (E) of this rule. The director shall approve or disapprove an application for a "Class 1" modification that requires the director's approval within sixty days after receipt of the modification application. The approval or disapproval by the director of a "Class 1" modification is not a final action that is appealable under Chapter 3745. of the Revised Code.

- (c) For a "Class 1" modification, the permittee may elect to follow the procedures in paragraph (D)(2) of this rule for "Class 2" modifications instead of the procedures in paragraph (D)(1) of this rule. The permittee shall inform the director of this decision in the notice required in paragraph (D)(1)(a)(i) of this rule.

(2) "Class 2" modifications.

- (a) "Class 2" modification applications shall be approved or disapproved by the director. For "Class 2" modifications listed in the appendix to this rule, or modifications classified as "Class 2" modifications by the director pursuant to paragraph (E) of this rule, the permittee shall submit a modification application to the director that:
 - (i) Describes the exact change to be made to the facility that would require the permit to be modified and the proposed changes to the permit conditions and supporting documents referenced by the permit;
 - (ii) Identifies the modification as a "Class 2" modification;
 - (iii) Explains why the modification is needed; and
 - (iv) Provides the applicable information required by rules 3745-50-43, 3745-50-44, and 3745-50-62 of the Administrative Code.
- (b) The permittee shall send a notice of the modification application to all persons on the agency mailing list maintained by the director, the board of county commissioners of the county, the board of township trustees of the township, and the city manager or mayor of the municipal corporation in which the hazardous waste facility is located, and shall publish this notice in a major local newspaper of general circulation. This notice shall be mailed and published within seven days before or after the date of submittal of the modification application to the director, and the permittee shall provide to the director evidence of the mailing and publication. The notice shall include:

- (i) Announcement of a ~~sixty-day~~sixty-day comment period, in accordance with paragraph (D)(2)(e) of this rule, and the name and address of an Ohio EPA contact person to whom comments shall be sent;
 - (ii) Announcement of the date, time, and place for a public meeting held in accordance with paragraph (D)(2)(d) of this rule;
 - (iii) Name and telephone number of the permittee's contact person;
 - (iv) Name and telephone number of an Ohio EPA contact person;
 - (v) Location where a copy of the modification application and any supporting documents can be viewed and copied; and
 - (vi) The following statement: "The permittee's compliance history during the life of the permit that is being modified is available from the Ohio EPA contact person."
- (c) The permittee shall place a copy of the permit modification application and supporting documents in a location accessible to the public in the vicinity of the facility.
- (d) The permittee shall hold a public meeting no earlier than fifteen days after the publication of the notice required by paragraph (D)(2)(b) of this rule and no later than fifteen days before the close of the ~~sixty-day~~sixty-day comment period. The meeting shall be held, to the extent practicable, in the vicinity of the facility.
- (e) The public shall be provided sixty days to comment on the modification application. The comment period shall begin on the date the permittee publishes the notice in the local newspaper. Comments shall be submitted to the Ohio EPA contact person identified in the public notice.
- (f)
- (i) No later than ninety days after receipt of the modification application, the director shall:
 - (a) Approve the modification application, with or without changes, and modify the permit accordingly; or
 - (b) Disapprove the application; or

- (c) Determine that the modification application shall follow the procedures in paragraph (D)(3) of this rule for "Class 3" modifications for either of the following reasons:
 - (i) There is significant public concern about the proposed modification; or
 - (ii) The complex nature of the change justifies the more extensive procedures for "Class 3" modifications; or
 - (d) Approve the application, with or without changes, as a temporary authorization for a term of up to one hundred eighty days; or
 - (e) Notify the permittee that the director will decide on the application within the next thirty days.
- (ii) If the director notifies the permittee of a ~~thirty day~~thirty-day extension for a decision, the director shall take one of the following actions no later than one hundred twenty days after receipt of the modification application:
- (a) Approve the modification application, with or without changes, and modify the permit accordingly; or
 - (b) Disapprove the application; or
 - (c) Determine that the modification application shall follow the procedures in paragraph (D)(3) of this rule for "Class 3" modifications for either of the following reasons:
 - (i) There is significant public concern about the proposed modification; or
 - (ii) The complex nature of the change justifies the more extensive procedures for "Class 3" modifications; or
 - (d) Approve the application, with or without changes, as a temporary authorization for a term of up to one hundred eighty days.
- (iii) If the director fails to take one of the actions specified in paragraph (D)(2)(f)(i) or (D)(2)(f)(ii) of this rule by the one hundred twentieth day after receipt of the modification application, the permittee shall

be automatically authorized to conduct the activities described in the modification application for up to one hundred eighty days, without formal agency action. The authorized activities shall be conducted as described in the permit modification application and shall be conducted in compliance with all applicable standards of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code. If the director approves, with or without changes, or disapproves the modification application during the term of the temporary or automatic authorization provided for in paragraph (D)(2)(f)(i)(d), (D)(2)(f)(ii)(d), or (D)(2)(f)(iii) of this rule, such action shall replace the temporary or automatic authorization.

(iv)

(a) In the case of an automatic authorization under paragraph (D)(2)(f)(iii) of this rule, or a temporary authorization under paragraph (D)(2)(f)(i)(d) or (D)(2)(f)(ii)(d) of this rule, if the director has not approved or disapproved the modification application within two hundred fifty days after receipt of the modification application, within seven days after that time, the permittee shall, ~~within seven days after that time~~, send a notice to all persons on the agency mailing list and make a reasonable effort to notify other persons who submitted written comments on the modification application, that:

- (i) The permittee ~~has been~~ is authorized temporarily to conduct the activities described in the modification application; and
 - (ii) Unless the director approves or disapproves the application by the end of the authorization period, the permittee will be automatically authorized to conduct such activities for the life of the permit.
- (b) If the permittee fails to send a notice to all persons on the agency mailing list by the date specified in paragraph (D)(2)(f)(iv)(a) of this rule, the effective date of the final automatic authorization will be deferred until fifty days after the permittee sends a notice to all persons on the agency mailing list.
- (v) If the director does not approve or disapprove a modification application before the end of the automatic or temporary authorization period or reclassify the "Class 2" modification application as a "Class 3" modification, the permittee is authorized to conduct the activities described in the modification application for the life of the permit unless modified later under this rule. The activities authorized under paragraph (D)(2) of this rule ~~shall be conducted~~ as described in the modification application and shall be conducted in compliance with all applicable standards of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code.

[Comment: The director is required to approve or disapprove an application for a "Class 2" modification within three hundred days after ~~its receipt~~ of the modification. The three hundred day time period includes the automatic or temporary authorization periods provided in paragraphs (D)(2)(f)(i)(d), (D)(2)(f)(ii)(d), (D)(2)(f)(iii), and (F)(4) of this rule. As described in paragraph (D)(2)(f)(v) of this rule, the permittee will be automatically authorized to conduct the activity described in the "Class 2" modification application if the director does not approve or disapprove the application within three hundred days.]

- (vi) In deciding to approve or disapprove a modification application, or to issue a temporary authorization, or to reclassify a "Class 2" modification as a "Class 3" modification, the director shall consider all comments received during the public comment period regarding

the modification application, written materials submitted at the public meeting regarding the application, and any other documents regarding the director's decision, and shall respond in writing to all significant comments. The approval or disapproval by the director of a "Class 2" modification is a final action that is appealable under Chapter 3745. of the Revised Code. The administrative record for appeal of a "Class 2" modification shall include the comments, materials, and documents described in this paragraph.

- (vii) If the director approves the application for the "Class 2" modification, the director shall issue the modified permit upon such terms and conditions as the director finds are reasonable to ensure that the operation, maintenance, closure, and post-closure care of the hazardous waste facility are conducted in accordance with Chapter 3734. of the Revised Code, the hazardous waste rules, and such additional terms and conditions as the director determines are necessary to protect human health and the environment.
- (g) The director may disapprove or change the terms of a "Class 2" modification application, under paragraph (D)(2)(f)(i), (D)(2)(f)(ii), or (D)(2)(f)(iii) of this rule, for any of the following reasons:
- (i) The modification application is incomplete;
 - (ii) The requested modification does not comply with the applicable requirements of Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code or other applicable requirements in the hazardous waste rules; or
 - (iii) The conditions of the requested modification are inadequate to protect human health and the environment.
- (h) The permittee may perform any construction associated with a "Class 2" modification application beginning sixty days after the submittal of the application to the director unless the director establishes a later date for commencing construction and notifies the permittee in writing prior to the sixtieth day after the submittal of the application.
- (3) "Class 3" modifications.
- (a) "Class 3" modification applications shall be approved or disapproved by the director. Paragraphs (D)(3)(c) to (D)(3)(g) of this rule provide the procedures governing all "Class 3" modification applications. In addition

to the procedures provided in paragraphs (D)(3)(c) to (D)(3)(g) of this rule, "Class 3" modifications are subject to the following additional procedures:

- (i) Requests for "Class 3" modifications that do not meet the criteria of paragraph (D)(3)(b) of this rule shall be approved or disapproved in accordance with paragraph (D)(4) of this rule.
 - (ii) Requests for "Class 3" modifications that do meet the criteria of paragraph (D)(3)(b) of this rule shall be approved or disapproved in accordance with paragraph (D)(5) of this rule.
- (b) The director will use the procedures in paragraph (D)(5) of this rule for any of the following categories of "Class 3" modifications:
- (i) Authority to conduct treatment, storage, or disposal at a site, location, or tract of land that ~~has~~ has not ~~been~~ authorized for the proposed category of treatment, storage, or disposal activity by the facility's permit;
 - (ii) Modification or addition of a "hazardous waste management unit," as defined in rule 3745-50-10 of the Administrative Code, that results in an increase in a facility's storage capacity of more than twenty-five per cent over the capacity authorized by the facility's permit, an increase in a facility's treatment rate of more than twenty-five per cent over the rate authorized by the permit, or an increase in a facility's disposal capacity over the capacity authorized by the permit. The authorized disposal capacity for a facility shall be calculated from the approved design plans for the disposal units at that facility. During a five year period, a facility's storage capacity or treatment rate shall not be modified to increase by more than twenty-five per cent in the aggregate without the director's approval pursuant to paragraph (D)(5) of this rule;
 - (iii) Authority to add any of the following categories of regulated activities not previously authorized at a facility by the facility's permit: storage at a facility not previously authorized to store hazardous waste, treatment at a facility not previously authorized to treat hazardous waste, or disposal at a facility not previously authorized to dispose of hazardous waste;
 - (iv) Authority to add a category of hazardous waste management unit not previously authorized at the facility by the facility's permit; and

- (v) Authority to treat, store, or dispose of waste types listed or characterized as reactive wastes or explosive wastes in rules 3745-51-20 to 3745-51-24 or 3745-51-30 to 3745-51-35 of the Administrative Code, or any acute hazardous waste listed in paragraph (E) of rule 3745-51-33 of the Administrative Code at a facility not previously authorized to treat, store, or dispose of those types of wastes by the facility's permit, unless the requested authority is limited to wastes that no longer exhibit characteristics that meet the criteria for listing or for characterization as reactive wastes or explosive wastes, or for listing as acute hazardous waste, but still are required to carry those waste codes because of the requirements established in rule 3745-51-03 of the Administrative Code (e.g., the "mixture," "contained in," or "derived-from" provisions).
- (c) The permittee shall submit a modification application to the director that:
- (i) Describes the exact changes to be made to the facility that would require the permit to be modified and the proposed changes to the permit conditions and supporting documents referenced by the permit;
 - (ii) Identifies the modification as a "Class 3" modification;
 - (iii) Explains why the modification is needed; and
 - (iv) Provides the applicable information required by rules 3745-50-43, 3745-50-44, and 3745-50-62 of the Administrative Code.
- (d) The permittee shall send a notice of the modification application to all persons on the agency mailing list maintained by the director, the board of county commissioners of the county, the board of township trustees of the township, and the city manager or mayor of the municipal corporation in which a hazardous waste facility is located, and shall publish this notice in a major local newspaper of general circulation. This notice shall be mailed and published within seven days before or after the date of submittal of the modification application to the director, and the permittee shall provide to the director evidence of the mailing and publication. The notice shall include:
- (i) Announcement of a ~~sixty days~~sixty-day comment period, and the name and address of an Ohio EPA contact person to whom comments shall be sent;

- (ii) Announcement of the date, time, and place for a public meeting on the modification application, to be held in accordance with paragraph (D)(3)(f) of this rule;
 - (iii) Name and telephone number of the permittee's contact person;
 - (iv) Name and telephone number of an Ohio EPA contact person;
 - (v) Location where a copy of the modification application and any supporting documents can be viewed and copied; and
 - (vi) The following statement: "The permittee's compliance history during the life of the permit that is being modified is available from the Ohio EPA contact person."
- (e) The permittee shall place a copy of the permit modification application and supporting documents in a location accessible to the public in the vicinity of the facility.
- (f) The permittee shall hold a public meeting no earlier than fifteen days after the publication of the notice required by paragraph (D)(3)(d) of this rule and no later than fifteen days before the close of the ~~sixty-day~~sixty-day comment period. The meeting shall be held, to the extent practicable, in the vicinity of the facility.
- (g) The public shall be provided at least sixty days to comment on the modification application. The comment period shall begin on the date the permittee publishes the notice in the local newspaper. Comments shall be submitted to the Ohio EPA contact person identified in the notice.

- (4) "Class 3" modifications that do not meet the criteria of paragraph (D)(3)(b) of this rule.
- (a) After the conclusion of the ~~sixty days~~sixty-day comment period described in paragraph (D)(3)(g) of this rule and the completion of the review of the "Class 3" modification application, the director shall:
- (i) Issue a draft modified permit or a notice of intent to deny the modification application; and
 - (ii) Respond in writing to all written comments that pertain to the subject matter of the permit modification application received during the ~~sixty days~~sixty-day comment period provided in paragraph (D)(3)(g) of this rule, place a copy of the response at the location where a copy of the application and the draft modified permit or notice of intent to deny the modification application are available for inspection, and mail a copy of the response to each of the persons who submitted written comments during that comment period; and
 - (iii) Give public notice of the issuance of the draft modified permit or notice of intent to deny the modification application in a newspaper having general circulation in the county in which the facility is located and over a local radio station. The notice shall contain a summary of the modification application and the draft modified permit or notice of intent to deny the modification application, the location of the facility, a description of the proposed modification, the location where a copy of the application and the draft modified permit or notice of intent to deny the modification application are available for inspection, and the statement that any person may submit written comments relevant to the permit modification request and draft modified permit or notice of intent to deny the modification application, or may request a public meeting thereon within forty-five days after the public notice. The public shall be provided at least forty-five days to comment on the modification application. The comment period shall begin on the date the notice is published in the newspaper. Comments shall be submitted to the Ohio EPA contact person identified in the notice; and
 - (iv) If significant interest is shown in a public meeting, the director shall promptly fix and give public notice in a newspaper having general circulation in the county in which the facility is located and over a local radio station, of a date for a public meeting which shall be

held in the county in which the facility is located, not fewer than thirty days after public notice of the public meeting. At the public meeting, any person may submit written or oral comments relevant to the modification application and draft modified permit or notice of intent to deny the modification application; and

- (v) If the director approves the application for the "Class 3" modification, the modified permit shall be issued upon such terms and conditions as the director finds are reasonable to ensure that the operation, maintenance, closure, and post-closure care of the hazardous waste facility are conducted in accordance with Chapter 3734. of the Revised Code, the hazardous waste rules, and such additional terms and conditions as the director determines are necessary to protect human health and the environment.
 - (b) The director shall approve or disapprove an application for a "Class 3" modification within three hundred sixty-five days after receipt of the modification application. In deciding to approve or disapprove such a "Class 3" modification application, the director shall consider all comments received during the public comment periods required in paragraphs (D)(3)(g) and (D)(4)(a) of this rule regarding the modification application, written materials submitted at the public meetings regarding the application, and any other documents regarding the director's decision, and shall respond in writing to all significant comments. The approval or disapproval by the director of a "Class 3" modification application is a final action that is appealable under Chapter 3745. of the Revised Code. The administrative record for appeal of a "Class 3" modification shall include the comments, materials, and documents described in this paragraph.
- (5) "Class 3" modifications that do meet the criteria of paragraph (D)(3)(b) of this rule.
- (a) After the conclusion of the ~~sixty days~~sixty-day comment period described in paragraph (D)(3)(g) of this rule, the director shall consider the "Class 3" modification application to determine whether the application meets the requirements of paragraph (A) of rule 3745-50-38 of the Administrative Code.

- (b) Upon completion of the review pursuant to paragraph (D)(5)(a) of this rule, the director will approve or disapprove the "Class 3" modification application in accordance with the procedures in paragraph (D)(4) of this rule.

(E) Other modifications.

- (1) In the case of modifications not explicitly listed in the appendix to this rule, the permittee may:
 - (a) Request a determination by the director that the proposed modification be reviewed and processed in accordance with the "Class 1" or "Class 2" modification procedures identified in this rule. To make such a request, the permittee shall submit a modification classification request which contains the information necessary to support the request. A modification classification request is not a modification application; or
 - (b) Submit a "Class 1" or "Class 2" modification application to the director. No later than thirty days after receipt of the modification application, the director will evaluate the classification of this modification using the criteria in paragraph (E)(2) of this rule and will notify the permittee of Ohio EPA's determination on the proper classification of the modification; or
 - (c) Submit a "Class 3" modification application to the director.
- (2) The director shall make the classification determination described in paragraph (E)(1)(a) of this rule not later than thirty days after receipt of the request and shall notify the permittee of the classification. In making a classification determination, the director shall consider the similarity of the modification to other modifications in the appendix to this rule and all of the following criteria:
 - (a) "Class 1" modifications apply to minor changes to the facility or ~~its~~ the facility's operations. These changes do not necessitate substantial alteration of the permit conditions and do not reduce the capacity of the facility to protect human health or the environment. In the case of "Class 1" modifications, the director's prior approval may be required.
 - (b) "Class 2" modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to:
 - (i) Common variations in the types and quantities of the wastes managed under the facility permit;

- (ii) Technological advancements; or
 - (iii) Changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit.
- (c) "Class 3" modifications apply to changes that substantially alter the facility or ~~its~~ the facility's operations.
- (3) After the director has notified the permittee of the classification determination pursuant to paragraph (E)(2) of this rule, the permittee shall initiate the appropriate modification procedures in paragraph (D)(1), (D)(2), or (D)(3) of this rule.

(F) Temporary authorizations.

- (1) Upon request of the permittee, the director may, without prior public notice and comment, grant the permittee a temporary authorization, in accordance with paragraph (F) of this rule, to conduct the activity described in a temporary authorization request. A temporary authorization shall have a term of not more than one hundred eighty days.
- (2) Request for temporary authorization.
- (a) The permittee may request a temporary authorization for:
 - (i) Any "Class 2" modification that meets the criteria in paragraph (F)(3)(b) of this rule; and
 - (ii) Any "Class 3" modification that meets the criteria in paragraph (F)(3)(b)(i) or (F)(3)(b)(ii) of this rule, or that meets the criteria in paragraphs (F)(3)(b)(iii) to (F)(3)(b)(v) of this rule and provides improved management or treatment of a hazardous waste already included in the facility permit.
 - (b) The temporary authorization request shall include:
 - (i) A description of the activities to be conducted under the temporary authorization;
 - (ii) An explanation of why the temporary authorization is necessary; and

- (iii) Sufficient information to ensure compliance with the applicable requirements of Chapters 3745-54 to 3745-57, and 3745-205 of the Administrative Code.
 - (c) The permittee shall send a notice about the temporary authorization request to all persons on the agency mailing list maintained by the director, the board of county commissioners of the county, the board of township trustees of the township, and the city manager or mayor of the municipal corporation in which a hazardous waste facility is located. This notification shall be made within seven days after submittal of the authorization request.
- (3) The director shall grant or deny the temporary authorization request as quickly as practical. In deciding to grant a temporary authorization, the director shall find that:
- (a) The authorized activities will be conducted in compliance with the standards of Chapters 3745-54 to 3745-57, 3745-205, and 3745-266 of the Administrative Code.
 - (b) The temporary authorization is necessary to achieve one of the following objectives before action is likely to be taken on a modification request:
 - (i) To facilitate timely implementation of closure or corrective action activities;
 - (ii) To allow treatment or storage in tanks or containers, or in containment buildings, of land disposal restricted wastes in accordance with Chapter 3745-270 of the Administrative Code;
 - (iii) To prevent disruption of ongoing waste management activities;
 - (iv) To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or
 - (v) To facilitate other changes to protect human health and the environment.
- (4) A temporary authorization may be reissued for one additional term of up to one hundred eighty days provided that the permittee has requested a "Class 2" or "Class 3" modification for the activity authorized by the temporary authorization, and:

- (a) The reissued temporary authorization constitutes the director's decision on a "Class 2" modification in accordance with paragraph (D)(2)(f)(i) or (D)(2)(f)(ii) of this rule, or
- (b) The director determines that the reissued temporary authorization of a "Class 3" modification request is warranted to allow the authorized activities to continue while the modification procedures of paragraph (D)(3) of this rule are conducted.

(G) Public notice and appeals of permit modification decisions.

- (1) The director shall send a notice to all persons on the agency mailing list, the board of county commissioners of the county, the board of township trustees of the township, and the city manager or mayor of the municipal corporation in which a hazardous waste facility is located, within ten days after any decision under this rule to approve or disapprove a "Class 2" or "Class 3" modification application. The director also shall send a notice to such persons within ten days after an automatic or temporary authorization for a "Class 2" modification goes into effect under paragraph (D)(2)(f)(iii), (D)(2)(f)(v), (F)(3), or (F)(4) of this rule, or a temporary authorization for a "Class 3" modification goes into effect under paragraph (F)(3) or (F)(4) of this rule.
- (2) An automatic authorization that takes effect under paragraph (D)(2)(f)(iii) or (D)(2)(f)(v) of this rule may be appealed pursuant to Chapter 3745. of the Revised Code; however, the permittee may continue to conduct the activities pursuant to the automatic authorization unless and until a final determination is made by the "Environmental Review Appeals Commission" to grant review and remand the permit decision.

(H) Permit by rule for newly regulated wastes or hazardous waste management units.

- (1) The permittee who is treating, storing, or disposing of hazardous waste on the effective date of statutory or regulatory changes under Chapter 3734. of the Revised Code that render the permittee subject to additional hazardous waste permitting requirements for newly regulated hazardous waste or hazardous waste management units will be deemed to have a permit by rule for such newly regulated waste or units if:
 - (a) The unit was in existence as a hazardous waste facility with respect to the newly listed or characterized waste or newly regulated waste management unit on the effective date of the Ohio statutory or regulatory change that lists or identifies the waste, or that regulates the unit;

- (b) The permittee submits a "Class 1" modification application no later than thirty days after the date on which the waste or unit becomes subject to the new requirements;
 - (c) The permittee is in compliance with the applicable standards of Chapters 3745-65 to 3745-69 and 3745-256, of the Administrative Code;
 - (d) The permittee also submits a complete "Class 2" or "Class 3" modification application no later than one hundred eighty days after the director requests the modification application or upon a later date if the permittee demonstrates to the director good cause for the late submittal; and
 - (e) In the case of land disposal units, the permittee certifies that each such unit is in compliance with all applicable requirements of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code for ground water monitoring and financial responsibility on the date three hundred sixty-five days after the effective date of the Ohio statutory or regulatory change that lists or identifies the waste as hazardous, or that regulates the unit as a hazardous waste management unit. If the owner or operator fails to certify compliance with all these requirements, the permittee will not have authority to operate under paragraph (H) of this rule.
- (2) The director shall approve or disapprove the "Class 2" or "Class 3" modification application submitted pursuant to paragraph (H)(1)(d) of this rule in accordance with paragraphs (D)(2)(f)(vii) and (D)(2)(g) of this rule or with paragraphs (D)(4)(a) and (D)(4)(b) of this rule. If a "Class 3" modification application submitted pursuant to paragraph (H)(1)(d) of this rule is from a permit by rule facility conducting thermal treatment of hazardous waste in a boiler or industrial furnace, the director shall approve or disapprove the application in accordance with paragraph (D)(5) of this rule and division (D)(2) of section 3734.05 of the Revised Code, except that the director shall not disapprove an application for the thermal treatment on the basis of the criteria in division (D)(2)(g) or (D)(2)(h) of section 3734.05 of the Revised Code.
- (3) New wastes or units added to a facility's permit under paragraph (H) of this rule do not constitute expansions for the purpose of the twenty-five per cent capacity expansion limit for "Class 2" or "Class 3" modifications.
- (I) Hazardous waste military munitions treatment and disposal. The permittee is authorized to continue to accept waste military munitions notwithstanding any permit conditions that bar the permittee from accepting off-site wastes, if all of the following:

- (1) The facility was in existence as a hazardous waste facility, and the facility was already permitted to handle the waste military munitions, on the date when the waste military munitions became subject to hazardous waste regulatory requirements.
 - (2) On or before the date when the waste military munitions become subject to hazardous waste regulatory requirements, the permittee submits a "Class 1" modification request to remove or amend the permit provision that restricts the receipt of off-site waste military munitions.
 - (3) The permittee submits a complete "Class 2" modification request within one hundred eighty days after the date when the waste military munitions became subject to hazardous waste regulatory requirements.
- (J) The director may initiate a permit modification of a hazardous waste facility installation and operation permit by doing all of the following:
- (1) Issuing a draft modified permit.
 - (2) Giving public notice of the issuance of the draft permit modification, at a minimum, in a newspaper having general circulation in the county in which the facility is located and over a local radio station. The notice shall contain, at a minimum, a summary of the draft permit modification, the location of the facility, a description of the facility, the location where copies of the draft modified permit are available for inspection, and the statement that any person may submit written comments relevant to the draft permit modification or may request a public meeting thereon within forty-five days after the issuance of the public notice.
 - (3) If significant interest is shown in a public meeting, promptly fixing and giving public notice, at a minimum, in a newspaper having general circulation in the county in which the facility is located and over a local radio station, of a date for a public meeting which shall be held in the county in which the facility is located, not fewer than thirty days after public notice of the public meeting. At the public meeting, any person may submit written or oral comments relevant to the proposed modified permit.
 - (4) Within sixty days after the public meeting or close of the public comment period, by issuing the modified permit upon such terms and conditions as the director finds are reasonable to ensure that the operation, maintenance, closure, and post-closure care of the hazardous waste facility are conducted in accordance with Chapter 3734. of the Revised Code, the hazardous waste rules, and such additional terms and conditions as the director determines are necessary to

protect human health and the environment. In approving such a modification, the director shall consider all comments received during the public comment period required in paragraph (J)(2) of this rule regarding the modification, written materials submitted at the public meeting regarding the modification, and any other documents regarding the director's decision, and shall respond in writing to all significant comments. The approval by the director of the modification is a final action that is appealable under Chapter 3745. of the Revised Code. The administrative record for appeal of the modification shall include the comments, materials, and documents described in this paragraph.

- (K) Permit modification list. The director shall maintain a list of all approved permit modifications and shall publish a notice once a year in a newspaper having general circulation throughout the state of Ohio that an updated list is available for review.
- (L) Combustion facility changes to meet 40 CFR Part 63 maximum achievable control technology (MACT) standards. The following procedures apply to hazardous waste combustion facility permit modifications requested under the appendix to this rule.
- (1) Facility owners or operators shall be in compliance with the "Notification of Intent to Comply (NIC)" requirements of 40 CFR 63.1210 that were in effect prior to October 11, 2000, (see 40 CFR 63.1200 to 40 CFR 63.1499 revised as of July 1, 2000) in order to request a permit modification under this rule for the purpose of technology changes needed to meet the standards under 40 CFR 63.1203, 40 CFR 63.1204, and 40 CFR 63.1205.
 - (2) Facility owners or operators shall comply with the NIC requirements of 40 CFR 63.1210(b) and 40 CFR 63.1212(a) before a permit modification may be requested under this rule for the purpose of technology changes needed to meet the standards in 40 CFR 63.1215, 40 CFR 63.1216, 40 CFR 63.1217, 40 CFR 63.1218, 40 CFR 63.1219, 40 CFR 63.1220, and 40 CFR 63.1221.
 - (3) If the director does not approve or deny the request within ninety days after the director receives it, the request will be deemed approved. The director may, at his discretion, extend this ~~ninety day~~ninety-day deadline one time for up to thirty days by notifying the facility owner or operator.
- (M) Waiver of hazardous waste permit conditions in support of transition to the 40 CFR Part 63 MACT standards.
- (1) The owner or operator may request to have specific hazardous waste operating and emission limits waived by submitting a "Class 1" permit modification request under the appendix to this rule. The owner or operator shall do all of the following:

- (a) Identify the specific hazardous waste permit operating and emission limits which is the subject of the waiver request.
 - (b) Provide an explanation of why the changes are necessary in order to minimize or eliminate conflicts between the hazardous waste permit and MACT compliance.
 - (c) Discuss how the revised provisions will be sufficiently protective.
 - (d) The director will approve or deny the request within thirty days after receipt of the request. The director may, at his discretion, extend this ~~thirty day~~thirty-day deadline one time for up to thirty days by notifying the facility owner or operator.
- (2) To request this modification in conjunction with MACT performance testing where permit limits may only be waived during actual test events and pretesting, as described in 40 CFR 63.1207(h)(2)(i) and 40 CFR 63.1207(h)(2)(ii), for an aggregate time not to exceed seven hundred twenty hours of operation (renewable at the discretion of the director) the owner or operator shall do ~~at~~both of the following:
- (a) Submit the modification request to the director at the same time the test plans are submitted to the director.

- (b) The director may elect to approve or deny the request contingent upon approval of the test plans.

(N) [Reserved.]

[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: 9/29/2021
Five Year Review (FYR) Dates: 6/7/2021 and 06/05/2026

CERTIFIED ELECTRONICALLY

Certification

09/14/2021

Date

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3745-50-51

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APPENDIX

Appendix to rule 3745-50-51 of the Administrative Code

	Modification	Classi- fication
A.	General permit provisions subject to the director's jurisdiction under paragraph (D)(5) of this rule. The provisions in section A. of this appendix will fall under the director's jurisdiction under paragraph (D)(5) of this rule unless the activities described are implemented pursuant to permit by rule as described in paragraph (H)(3) of this rule.	
1.	Authority to conduct treatment, storage, or disposal at a site, location, or tract of land that has not been authorized for that category of treatment, storage, or disposal activity by the facility's permit.	3**
2.	Modification or addition of a "hazardous waste management unit," as defined in rule 3745-50-10 of the Administrative Code, that results in an increase in a facility's storage capacity of more than 25% <u>twenty-five per cent</u> over the capacity authorized by the facility's permit. ^A	3**
3.	Modification or addition of a "hazardous waste management unit," as defined in rule 3745-50-10 of the Administrative Code, that results in an increase in a facility's treatment rate of more than 25% <u>twenty-five per cent</u> over the rate authorized by the facility's permit. ^A	3**
4.	Modification or addition of a "hazardous waste management unit," as defined in rule 3745-50-10 of the Administrative Code, that results in an increase in a facility's disposal capacity over the capacity authorized by the facility's permit. ^B	3**
5.	Authority to add any of the following categories of regulated activities not previously authorized at a facility by the facility's permit: storage at a facility not previously authorized to store, treatment at a facility not previously authorized to treat, or disposal at a facility not previously authorized to dispose of hazardous waste.	3**
6.	Authority to add a category of hazardous waste management unit not previously authorized at the facility by the facility's permit, except as provided in section E.3. of this appendix.	3**

APPENDIX

Modification		Classification
7.	Authority to treat, store, or dispose of waste types listed or characterized as reactive wastes or explosive, wastes in rules 3745-51-20 to 3745-51-24 or 3745-51-30 to 3745-51-35 of the Administrative Code, or any acute hazardous waste listed in paragraph (E) of rule 3745-51-33 of the Administrative Code at a facility not previously authorized to treat, store, or dispose of those types of wastes by the facility's permit, unless the requested authority is limited to wastes that no longer exhibit characteristics that meet the criteria for listing or characterization as reactive wastes or explosive wastes, or for listing as acute hazardous waste, but still are required to carry those waste codes because of the requirements established in rule 3745-51-03 of the Administrative Code (e.g., the "mixture," "contained-in," or "derived-from" provisions).	3**
B.	General permit provisions.	
1.	Administrative and informational changes	1
2.	Correction of typographical errors.	1
3.	Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).	1
4.	Changes in the frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by the permittee:	
a.	To provide for more frequent monitoring, reporting, sampling, or maintenance.	1
b.	Other changes.	2
5.	Schedule of compliance:	
a.	Changes in interim compliance dates, with prior approval of the director.	1 *
b.	Extension of final compliance date.	3
6.	Changes in expiration date of permit to allow earlier permit termination, with prior approval of the director.	1 *
7.	Changes in ownership:	
a.	Changes in the owner or operator of a facility that is not an "off-site facility" as defined in section 3734.41 of the Revised Code.	1 *

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Modification	Classification
<ul style="list-style-type: none"> b. Changes in the owner or operator of a facility that is an “off-site facility” as defined in section 3734.41 of the Revised Code, provided the procedures of paragraphs (C)(2) to (C)(2)(b) of rule 3745-50-52 of the Administrative Code are followed. 	3
<ul style="list-style-type: none"> 8. Changes to remove permit conditions that are no longer applicable (i.e., because the standards upon which the permit conditions are based are no longer applicable to the facility). 	1 *
<p>C. General Facility Standards.</p> <ul style="list-style-type: none"> 1. Changes to waste sampling or analysis methods: <ul style="list-style-type: none"> a. To conform with agency guidance or regulations. 1 b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods. 1 c. To incorporate changes associated with underlying hazardous constituents in ignitable wastes or corrosive wastes. 1 * d. Other changes. 2 2. Changes to analytical quality assurance or quality control plan: <ul style="list-style-type: none"> a. To conform with agency guidance or regulations. 1 b. Other changes. 2 3. Changes in procedures for maintaining the operating record. 1 4. Changes in frequency or content of inspection schedules. 2 5. Changes in the training plan: <ul style="list-style-type: none"> a. That affect the type or decrease the amount of training given to employees. 2 b. Other changes. 1 6. Contingency plan: <ul style="list-style-type: none"> a. Changes in emergency procedures (i.e., spill or release response procedures). 2 b. Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed. 1 c. Removal of equipment from emergency equipment list. 2 d. Changes in name, address, or telephone number of coordinators or other persons or agencies identified in the plan. 1 	

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Modification		Classi- fication
7.	[Reserved.]	
8.	Financial assurance.	
a.	Changes to financial assurance mechanisms due to annual inflationary adjustments.	1
b.	Change in the type of mechanism used to comply with financial assurance requirements.	1 *
	[Comment: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change shall be reviewed under the same procedures as the permit modification. Only those aspects of the hazardous waste management units, facility plans, or facility standards that are proposed to change or shall change to give effect to the requested modification shall be reviewed as part of Ohio EPA's evaluation of a modification application.]	
D.	Ground water Protection.	
1.	Changes to wells:	
a.	Changes in the number, location, depth, or design of upgradient or downgradient wells of permitted ground water monitoring system.	2
b.	Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well.	1
2.	Changes in ground water sampling or analysis procedures or monitoring schedule, with prior approval of the director.	1 *
3.	Changes in statistical procedure for determining whether a statistically significant change in ground water quality between upgradient and downgradient wells has occurred, with prior approval of the director.	1 *
4.	Changes in point of compliance.	2
5.	Changes in indicator parameters, hazardous constituents, or concentration limits (including alternate concentration limits):	
a.	As specified in the ground water protection standard.	3
b.	As specified in the detection monitoring program.	2
6.	Changes to a detection monitoring program as required by paragraph (H) of rule 3745-54-98 of the Administrative Code, unless otherwise specified in this appendix.	2
7.	Compliance monitoring program:	

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Modification		Classi- fication
a.	Addition of compliance monitoring program as required by paragraph (G)(4) of rule 3745-54-98 and rule 3745-54-99 of the Administrative Code.	3
b.	Changes to a compliance monitoring program as required by paragraph (J) of rule 3745-54-99 of the Administrative Code, unless otherwise specified in this appendix.	2
8.	Corrective action program:	
a.	Addition of a corrective action program as required by paragraph (H)(2) of rule 3745-54-99 and by rule 3745-54-100 of the Administrative Code.	3
b.	Changes to a corrective action program as required by paragraph (H) of rule 3745-54-100 of the Administrative Code, unless otherwise specified in this appendix.	2
E.	Closure.	
1.	Changes to the closure plan:	
a.	Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the director.	1 *
b.	Changes in the closure schedule for any unit, changes in the final closure schedule for the facility, or extension of the closure period, with prior approval of the director.	1 *
c.	Changes in the expected year of final closure, where the permit conditions are not changed, with prior approval of the director.	1 *
d.	Changes in procedures for decontamination of facility equipment or structures, with prior approval of the director.	1 *
e.	Changes in approved closure plan resulting from unexpected events that occur during partial or final closure, unless otherwise specified in this appendix.	2
f.	Extension of the closure period to allow a landfill, surface impoundment, or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under paragraphs (D) and (E) of rule 3745-55-13 of the Administrative Code.	2
2.	Creation of a new landfill unit as part of closure.	
a.	Creation of a new landfill unit as part of closure if the facility DOES NOT already have a landfill unit on its <u>the facility's</u> approved permit.	3**

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Modification	Classification
b. Creation of a new landfill unit as part of closure if the facility DOES already have a landfill unit on its <u>the facility's</u> approved permit, provided the additional landfill unit does not increase the facility's disposal capacity, and does not increase the facility's storage or treatment capacity by more than 25% <u>twenty-five per cent</u> in the aggregate.	3
c. Creation of a new landfill unit as part of closure if the facility DOES already have a landfill unit on its <u>the facility's</u> approved permit, if the additional landfill unit increases the facility's disposal capacity, or increases the facility's storage or treatment capacity by more than 25% <u>twenty-five per cent</u> in the aggregate.	3**
3. Addition of the following new units to be used temporarily for closure activities:	
a. Surface impoundments.	3
b. Incinerators.	3
c. Waste piles that do not comply with paragraph (C) of rule 3745-56-50 of the Administrative Code.	3
d. Waste piles that comply with paragraph (C) of rule 3745-56-50 of the Administrative Code.	2
e. Tanks or containers (other than specified below).	2
f. Tanks used for neutralization, dewatering, phase separation, or component separation, with prior approval of the director.	1 *
g. Staging piles.	2
F. Post-Closure.	
1. Changes in name, address, or telephone number of contact in post-closure plan.	1
2. Extension of post-closure care period.	2
3. Reduction in the post-closure care period.	3
4. Changes to the expected year of final closure, where other permit conditions are not changed.	1
5. Changes in post-closure plan necessitated by events that occur during the active life of the facility, including partial and final closure.	2
G. Containers.	
1. Modification or addition of container units:	

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Modification	Classification
a. Resulting in greater than 25% <u>twenty-five per cent</u> increase in the facility's container storage capacity. ^A	3
b. Resulting in up to 25% <u>twenty-five per cent</u> increase in the facility's container storage capacity. ^A	2
2. a. Modification of a container unit without increasing the capacity of the unit.	2
b. Addition of a roof to a container unit without alteration of the containment system.	1
3. Storage of different wastes in containers, except as provided in section A.7. and section G.4. of this appendix:	
a. That require additional or different management practices from those authorized in the permit.	3
b. That do not require additional or different management practices from those authorized in the permit.	2
[Comment: See paragraph (H) of this rule for modification procedures to be used for the management of newly listed or identified wastes.]	
4. Storage or treatment of different wastes in containers:	
a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards in Chapter 3745-270 of the Administrative Code. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).	1 *
b. That do not require the addition of units or change in treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).	1
H. Tanks.	
1. a. Modification or addition of tank units resulting in greater than 25% <u>twenty-five per cent</u> increase in the facility's tank treatment rate or storage capacity. ^A	3
b. Modification or addition of tank units resulting in up to 25% <u>twenty-five per cent</u> increase in the facility's tank treatment rate or storage capacity, except as provided in H.1.d of this appendix. ^A	2

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Modification	Classification
c. Addition of a new tank that will operate for more than ninety days using any of the following physical or chemical treatment methods: neutralization, dewatering, phase separation, or component separation.	2
d. Addition of a new tank that will operate for up to ninety days using any of the following physical or chemical treatment methods: neutralization, dewatering, phase separation, or component separation.	1 *
2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit.	2
3. Replacement of a tank with a tank that meets the same design standards and has a capacity within +/-10% <u>plus or minus ten per cent</u> of the replaced tank provided: <ul style="list-style-type: none"> - The capacity difference is no more than 1500 <u>one thousand five hundred</u> gallons, - The facility's permitted tank capacity is not increased, and - The replacement tank meets the same conditions in the permit. 	1
4. Modification of a tank management practice.	2
5. Management of different wastes in tanks except as provided in section A.7. of this appendix:	
a. That require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process from that authorized in the permit, except as provided in section H.5.c. of this appendix.	3
b. That do not require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process than authorized in the permit, except as provided in section H.5.d. of this appendix.	2
c. That require addition of units or change in treatment process or management standards, provided that the units are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards in Chapter 3745-270 of the Administrative Code. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).	1 *
d. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).	1

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Modification	Classification
[Comment: See paragraph (H) of this rule for modification procedures to be used for the management of newly listed or identified wastes.]	
I. Surface Impoundments.	
1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity. ^A	3
2. Replacement of a surface impoundment unit.	3
3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment rate and without modifying the unit's liner, leak detection system, or leachate collection system.	2
4. Modification of a surface impoundment management practice.	2
5. Treatment, storage, or disposal of different wastes in surface impoundments except as provided in section A.7. of this appendix:	
a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.	3
b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.	2
c. That are wastes restricted from land disposal that meet the applicable treatment standards in Chapter 3745-270 of the Administrative Code, and provided that the unit meets the minimum technology requirements stated in 40 CFR 268.5(h)(2). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).	1
d. That are residues from wastewater treatment or incineration, provided that disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).	1
6. [Reserved.]	
7. [Reserved.]	

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	Classi- fication
[Comment: See paragraph (H) of this rule for modification procedures to be used for the management of newly listed or identified wastes.]	
<p>J. Enclosed Waste Piles. For all waste piles except those in compliance with paragraph (C) of rule 3745-56-50 of the Administrative Code, modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles in compliance with paragraph (C) of rule 3745-56-50 of the Administrative Code.</p> <ol style="list-style-type: none"> 1. Modification or addition of waste pile units: <ol style="list-style-type: none"> a. Resulting in up to 25%<u>twenty-five per cent</u> increase in the facility's waste pile storage capacity. ^A 2 b. Resulting in greater than 25%<u>twenty-five per cent</u> increase in the facility's waste pile storage capacity. ^A 3 c. Resulting in up to 25%<u>twenty-five per cent</u> increase in the facility's waste pile treatment rate. ^A 2 d. Resulting in greater than 25%<u>twenty-five per cent</u> increase in the facility's waste pile treatment rate. ^A 3 2. Modification of waste pile unit without increasing the capacity of the unit. 2 3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and that meets all waste pile conditions in the permit. 1 4. Modification of a waste pile management practice. 2 5. Storage or treatment of different wastes in waste piles except as provided in section A.7. of this appendix: <ol style="list-style-type: none"> a. That require additional or different management practices or different design of the unit. 3 b. That do not require additional or different management practices or different design of the unit. 2 6. Conversion of an enclosed waste pile to a containment building unit. 2 <p>[Comment: See paragraph (H) of this rule for modification procedures to be used for the management of newly listed or identified wastes.]</p>	
<p>K. Landfills and Unenclosed Waste Piles.</p> <ol style="list-style-type: none"> 1. Modification or addition of landfill units that result in increasing the facility's disposal capacity over the capacity authorized in the permit. ^B 3** 	

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Modification		Classi- fication
2.	Replacement of a landfill.	3
3.	Addition or modification of a liner, leachate collection system, leachate detection system, run-off control, or final cover system.	3
4.	Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, run-off control, or final cover system.	2
5.	Modification of a landfill management practice.	2
6.	Landfill different wastes, except as provided in section A.7. of this appendix:	
a.	That require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.	3
b.	That do not require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.	2
c.	That are wastes restricted from land disposal that meet the applicable treatment standards in Chapter 3745-270 of the Administrative Code, and provided that the landfill unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).	1
d.	That are residues from wastewater treatment or incineration, provided that disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).	1
7.	[Reserved.]	
8.	[Reserved.]	
	[Comment: See paragraph (H) of this rule for modification procedures to be used for the management of newly listed or identified wastes.]	
L.	Land Treatment.	
1.	Lateral expansion of or other modification of a land treatment unit to increase areal extent, except as provided in sections A.1. and A.3. of this appendix.	3

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Modification		Classi- fication
2.	Modification of run-on control system.	2
3.	Modification of run-off control system.	3
4.	Other modifications of land treatment unit component specifications or standards required in permit.	2
5.	Management of different wastes in land treatment units, except as provided in section A.7. of this appendix:	
a.	That require a change in permit operating conditions or unit design specifications.	3
b.	That do not require a change in permit operating conditions or unit design specifications.	2
	[Comment: See paragraph (H) of this rule for modification procedures to be used for the management of newly listed or identified wastes.]	
6.	Modification of a land treatment unit management practice, except as provided in section A.3. of this appendix, to:	
a.	Increase rate or change method of waste application.	3
b.	Decrease rate of waste application.	1
7.	Modification of a land treatment unit management practice to change measures of pH or moisture content, or to enhance microbial or chemical reactions.	2
8.	Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops, or to alter operating plans for distribution of animal feeds resulting from such crops.	3
9.	Modification of operating practice due to detection of releases from the land treatment unit pursuant to paragraph (G)(2) of rule 3745-56-78 of the Administrative Code.	3
10.	Changes in the unsaturated zone monitoring system, resulting in a change to the location, depth, number of sampling points, or replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements.	3

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Modification		Classi- fication
11.	Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, number of sampling points, or that replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements.	2
12.	Changes in background values for hazardous constituents in soil and soil-pore liquid.	2
13.	Changes in sampling, analysis, or statistical procedure.	2
14.	Changes in land treatment demonstration program prior to or during the demonstration.	2
15.	Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the director's prior approval has been received.	1 *
16.	Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the director.	1 *
17.	Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.	3
18.	Changes in vegetative cover requirements for closure.	2
M.	Incinerators, boilers, and industrial furnaces.	
1.	Changes to increase by more than 25% <u>twenty-five per cent</u> any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine or chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.	3

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Modification		Classi- fication
2.	Changes to increase by up to 25% <u>twenty-five per cent</u> any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed limit, a chlorine or chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means. A	2
3.	Modification of an incinerator, boiler, or an industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to remove hydrochloric acid or chlorine gas, metals, or particulate from the combustion gases, or by changing other features of the incinerator, boiler, or industrial furnace that could affect its <u>the</u> capability to meet the regulatory performance standards. The director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.	3
4.	Modification of an incinerator, boiler, or an industrial furnace unit in a manner that would not likely affect the capability of the unit to meet the regulatory performance standards but which would change the operating conditions or monitoring requirements specified in the permit. The director may require a new trial burn to demonstrate compliance with the regulatory performance standards.	2
5.	Operating requirements.	
a.	Modification of the limits specified in the permit for minimum combustion gas temperature, minimum combustion gas residence time, oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide and hydrocarbon concentration, maximum temperature at the inlet to the particulate matter emission control system, or operating parameters for the air pollution control system. The director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.	3
b.	Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit regarding emergency shutdown or automatic waste feed cutoff procedures or controls.	3
c.	Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.	2

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Modification		Classi- fication
6.	Incineration of different wastes, except as provided in section A.7. of this appendix:	
a.	If the waste contains a principal organic hazardous constituent (POHC) that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit. The director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.	3
b.	If the waste does not contain a POHC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit. [Comment: See paragraph (H) of this rule for modification procedures to be used for the management of newly listed or identified wastes.]	2
7.	Shakedown and trial burn:	
a.	Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period, or the period immediately following the trial burn.	2
b.	Authorization of up to an additional 720 <u>seven hundred twenty</u> hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the director.	1 *
c.	Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received prior approval of the director.	1 *
d.	Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received prior approval of the director.	1 *
8.	Substitution of an alternative type of nonhazardous waste fuel that is not specified in the permit.	1
9.	Technology changes needed to meet standards under 40 CFR Part 63 subpart EEE (national emission standards for hazardous air pollutants from hazardous waste combustors), provided the procedures of paragraph (L) of this rule are followed.	1 *

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Modification		Classification
10.	Changes in hazardous waste permits needed to support transition to 40 CFR Part 63 subpart EEE (national emission standards for hazardous air pollutants from hazardous waste combustors), provided the procedures of paragraph (M) of this rule are followed.	1 *
N.	Containment buildings.	
1.	Modification or addition of containment building units:	
a.	Resulting in greater than 25% <u>twenty-five per cent</u> increase in the facility's containment building storage or treatment capacity.	3
b.	Resulting in up to 25% <u>twenty-five per cent</u> increase in the facility's containment building storage or treatment capacity.	2
2.	Modification of a containment building unit or secondary containment system without increasing the capacity of the unit.	2
3.	Replacement of a containment building with a containment building that meets the same design standards provided:	
a.	The unit capacity is not increased.	1
b.	The replacement containment building meets the same conditions in the permit.	1
4.	Modification of a containment building management practice.	2
5.	Storage or treatment of different wastes in containment buildings:	
a.	That require additional or different management practices.	3
b.	That do not require additional or different management practices.	2
O.	Corrective action.	
1.	Approval of a corrective action management unit pursuant to rule 3745-57-72 of the Administrative Code.	3
2.	Approval of a temporary unit or time extension for a temporary unit pursuant to rule 3745-57-73 of the Administrative Code.	2
3.	Approval of a staging pile or staging pile operating term extension pursuant to rule 3745-57-74 of the Administrative Code.	2
P.	Burden reduction.	
1.	[Reserved.]	
2.	Development of one contingency plan based on the "National Response Team's Integrated Contingency Plan Guidance" ("One Plan") pursuant to paragraph (B) of rule 3745-54-52 of the Administrative Code.	1

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Modification		Classi- fication
3.	Changes to recordkeeping and reporting requirements pursuant to paragraph (I) of rule 3745-54-56, paragraph (G) of rule 3745-54-100, paragraph (E)(5) of rule 3745-55-13, paragraph (F) of rule 3745-55-96, and paragraph (A)(2) of rule 3745-57-43 of the Administrative Code.	1
4.	Changes to inspection frequency for tank systems pursuant to paragraph (B) of rule 3745-55-95 of the Administrative Code.	1
5.	Changes to detection and compliance monitoring program pursuant to paragraphs (D), (G)(2), and (G)(3) of rule 3745-54-98 and paragraphs (F) and (G) of rule 3745-54-99 of the Administrative Code.	1
Notes:		
*	“Class 1” modifications that require the director's prior approval.	
**	“Class 3” modifications under the director's jurisdiction under paragraph (D)(5) of this rule.	
A	During a five year period, a facility's storage capacity or treatment rate shall not be modified to increase by more than 25% <u>twenty-five per cent</u> in the aggregate without the director's approval in accordance with paragraph (D)(5) of this rule.	
B	The authorized disposal capacity for a facility shall be calculated from the approved design plans for the disposal units at that facility.	

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this appendix, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

3745-50-52

Transfer of permits.

- (A) As used in this rule, "owner" means a person who owns a majority or controlling interest in the facility, "operator" means a person who is responsible for the overall operation of a facility, and off-site facility has the same meaning as in section 3734.41 of the Revised Code.
- (B) A hazardous waste facility installation and operation permit may be transferred by the permittee to a new owner or operator only if the permit has been modified; under ~~paragraphs~~paragraph (C) to ~~(C)(2)(b)~~ of this rule; to identify the new permittee and incorporate such other requirements as may be necessary under applicable law.
- (C) A change in the owner or operator of a facility:
- (1) That is not an off-site facility shall be processed as a "Class 1" modification requiring prior written approval of the director in accordance with rule 3745-50-51 of the Administrative Code.
 - (2) That is an off-site facility shall be processed as a "Class 3" modification in accordance with rule 3745-50-51 of the Administrative Code.
 - (a) Given the potential for harm to the public health and safety and the environment that could result from irresponsible operation of an off-site facility, for transfer of a permit to a new owner or operator of an off-site facility:
 - (i) The director shall determine whether both of the following:
 - (a) The new owner or operator has been engaged in any prior activity involving the transportation, treatment, storage, or disposal of hazardous waste.
 - (b) The new owner or operator has a history of compliance with all of the following:
 - (i) Chapters 3734., 3704., and 6111. of the Revised Code and all rules and standards adopted thereunder.
 - (ii) The Resource Conservation and Recovery Act (RCRA), and all regulations adopted thereunder.
 - (iii) Similar laws and rules of another state if the new owner or operator owns or operates a facility in that state.

- (ii) If the director determines that the new owner or operator demonstrates sufficient reliability, expertise, and competency to operate a hazardous waste facility in compliance with Chapters 3734., 3704., and 6111. of the Revised Code, all rules and standards adopted thereunder, and terms and conditions of a hazardous waste facility installation and operation permit, then the permit may be transferred to the new owner or operator, provided that all applicable provisions of rule 3745-50-51 of the Administrative Code have been satisfied.

[Comment: If applicable, the owner or operator also may have to comply with section 3734.42 of the Revised Code.]

(b) [Reserved.]

- (D) The current owner or operator and the prospective new owner or operator shall submit a permit modification application to the director no later than ninety days prior to the scheduled change in owner or operator. A written agreement containing a specific date for transfer of permit responsibility between the current and new permittees also shall ~~also~~ be submitted to the director. When a change in the owner or operator of a facility occurs, the former owner or operator shall comply with the applicable requirements of rules 3745-55-40 to 3745-55-51 of the Administrative Code until the new owner or operator has demonstrated compliance with those rules. The new owner or operator shall demonstrate compliance with rules 3745-55-40 to 3745-55-51 of the Administrative Code within one hundred eighty days after the date of the change in the owner or operator of the facility. Upon demonstration of compliance with rules 3745-55-40 to 3745-55-51 of the Administrative Code to the director by the new owner or operator, the director will notify the former owner or operator that the former owner's or operator's compliance with rules 3745-55-40 to 3745-55-51 of the Administrative Code is no longer required, as of the date of demonstration of compliance.

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Certification

09/14/2021

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03/17/2012, 10/31/2015

3745-50-53

Permit revocation.

(A) The following are causes for revoking a permit during the term of the permit:

- (1) Noncompliance by the permittee with any condition of the permit, any section of Chapter 3734. of the Revised Code, or any rule adopted thereunder: or
- (2) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time: or
- (3) A determination that the permitted activity endangers human health or the environment: and can only be regulated to acceptable levels by permit modification or revocation; or
- (4) Any of the causes in section 3734.45 of the Revised Code.

(B) The director will follow the applicable procedures in Chapters 3734. and 3745. of the Revised Code in revoking any permit under this rule.

[Comment: The causes for revocation of a permit listed in this rule are only some specific examples of causes for revocation. These causes are described more fully in Chapter 3734. of the Revised Code.]

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3745-50-54 **Duration of permits.**

- (A) Ohio hazardous waste permits ~~must~~shall be effective for a fixed term not to exceed ten years.
- (B) Except as provided in rule 3745-50-56 of the Administrative Code, the term of a permit ~~must~~shall not be extended by modification beyond the maximum duration specified in this rule.
- (C) The director may issue the permit for a duration that is less than the full allowable term under this rule.
- (D) The director will review each permit for a land disposal facility five years after the date of permit issuance and the permit will be modified as necessary, as provided in rule 3745-50-51 of the Administrative Code.

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3745-50-56

Continuation of expiring permits.

A facility operating pursuant to a hazardous waste permit that has expired may continue to operate in accordance with the terms and conditions of the expired permit until the renewal permit is issued or denied if the following apply:

- (A) The permittee has submitted a timely and complete application for a renewal permit under rule 3745-50-40 of the Administrative Code.
- (B) Through no fault of the permittee, a new permit has not been issued pursuant to rule 3745-50-40 of the Administrative Code on or before the expiration date of the previous permit.

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Rule Amplifies: 3734.12
Prior Effective Dates: 03/04/1985, 03/24/2017

3745-50-57

Emergency permits.

- (A) In the event the director finds an imminent and substantial danger to public health, safety, or the environment, the director may issue a temporary emergency permit to either of the following:
- (1) A non-permitted facility to allow treatment, storage, or disposal of a hazardous waste.
 - (2) A permitted facility to allow treatment, storage, or disposal of a hazardous waste not covered by an effective permit.
- (B) This emergency permit shall provide all of the following:
- (1) May be oral or written. If oral, the emergency permit shall be followed in five days by a written emergency permit.
 - (2) Shall not exceed ninety days in duration and is not renewable.
 - (3) Shall clearly specify the hazardous wastes to be received, and the manner and location of the treatment, storage, or disposal of the hazardous wastes.
 - (4) May be revoked by the director at any time without process if the director determines that revocation is appropriate to protect public health, safety, or the environment.
 - (5) May be modified by the director during the duration of the emergency permit if the director determines that such modification is necessary to protect public health, safety, or the environment.
 - (6) Shall be accompanied by a public notice that includes all of the following:
 - (a) Name and telephone number of a contact person at Ohio EPA.
 - (b) Name and location of the permitted facility.
 - (c) A brief description of the wastes involved.
 - (d) A brief description of the action authorized and reasons for authorizing the action.
 - (e) Duration of the emergency permit.
 - (7) Shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of rules 3745-50-40 to 3745-50-235 and

Chapters 3745-54 to 3745-57, 3745-205, and 3745-266 of the Administrative Code.

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03/13/2002, 12/07/2004, 02/16/2009, 10/31/2015

3745-50-58

Conditions applicable to all permits.

The following conditions apply to all Ohio hazardous waste permits issued pursuant to a review of a "Part B" application, and shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to hazardous waste management rules shall be given in the permit.

- (A) Duty to comply. The permittee shall comply with all conditions of this permit except that the permittee need not comply with the conditions of this permit to the extent and for the duration such noncompliance is authorized in an emergency permit. (See rule 3745-50-57 of the Administrative Code.) Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of Chapter 3734. of the Revised Code and is grounds for enforcement action; for permit revocation or modification; or for denial of a permit renewal application.
- (B) Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit.
- (C) The need to halt or reduce activity is not a defense for a permittee in an enforcement action for which the permittee would have to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (D) ~~The~~In the event of noncompliance with the permit, the permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impact on human health or the environment ~~resulting from noncompliance with this permit.~~
- (E) Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.
- (F) Permit actions. This permit may be modified or revoked for cause. The filing of a request by the permittee for a permit modification or revocation, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- (G) Property rights. The permit does not convey any property rights of any sort, or any exclusive privilege.

- (H) Duty to provide information. The permittee shall furnish to the director, within a reasonable time, any relevant information which the director may request to determine whether cause exists for modifying or revoking, or to determine compliance with, this permit. The permittee also shall ~~also~~ furnish to the director, upon request, copies of records required to be kept by this permit.
- (I) Inspection and entry. The permittee shall allow the director, or an authorized representative, upon proper identification and upon stating the purpose and necessity of an inspection, to ~~do any of the following~~:
- (1) Enter at reasonable times upon the permittee's premises where a regulated facility or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - (2) Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this permit;
 - (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by Chapter 3734. of the Revised Code, any substances or parameters at any location.
- (J) Monitoring and records.
- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - (2) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, the certification required by paragraph (B)(9) of rule 3745-54-73 of the Administrative Code, and records of all data used to complete the application for this permit, for a period of at least three years after the date of the sample, measurement, report, certification, or application. This period may be extended by request of the director at any time. The permittee shall maintain records from all ground water monitoring wells and associated ground water surface elevations for the active life of the facility, and for disposal facilities for the post-closure care period as well.
 - (3) Records for monitoring information shall include ~~all of the following~~:

- (a) The date, exact place, and time of sampling or measurements;
- (b) The names of the individuals who performed the sampling or measurements;
- (c) The dates analyses were performed;
- (d) The names of the individuals who performed the analyses;
- (e) The analytical techniques or methods used; and
- (f) The results of such analyses.

(K) Signatory requirements. All applications, reports, or information submitted to the director shall be signed and certified (see rule 3745-50-42 of the Administrative Code).

(L) Reporting requirements.

- (1) Planned changes. The permittee shall give notice to the director as soon as possible of any planned physical alterations or additions to the permitted facility.
- (2) Anticipated noncompliance. The permittee shall give advance notice to the director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. For a new facility, the permittee may not treat, store, or dispose of hazardous waste; and for a facility being modified, the permittee may not treat, store, or dispose of hazardous waste in the modified portion of the facility except as provided in rule 3745-50-51 of the Administrative Code, until:
 - (a) The permittee has submitted to the director by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and
 - (b) The director has inspected the modified or newly constructed facility and finds that the facility is in compliance with the conditions of the permit; or
 - (c) Within fifteen days after the date of submittal of the letter in paragraph (L) (2)(a) of this rule, the permittee has not received notice from the director of intent to inspect, prior inspection is waived and the permittee may commence treatment, storage, or disposal of hazardous waste.

- (3) Transfers. This permit is not transferable to any person except after notice to the director. The director may require modification of the permit to change the owner and operator of the facility and incorporate such other requirements as may be necessary under Chapter 3734. of the Revised Code. (See rule 3745-50-52 of the Administrative Code.)
- (4) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (5) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted not later than fourteen days following each schedule date.
- (6) Twenty-four hour reporting.
 - (a) The permittee shall report orally to Ohio EPA any noncompliance which may endanger health or the environment within twenty-four hours after the time the permittee becomes aware of the circumstances, including ~~the following~~:
 - (i) Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies.
 - (ii) Any information of a release or discharge of hazardous waste or of a fire or explosion from the hazardous waste management facility which could threaten the environment or human health outside the facility.
 - (b) The description of the occurrence and ~~its~~the cause of the occurrence shall include ~~all of the following~~:
 - (i) Name, address, and telephone number of the owner or operator;:
 - (ii) Name, address, and telephone number of the facility;:
 - (iii) Date, time, and type of incident;:
 - (iv) Name and quantity of materials involved;:
 - (v) The extent of injuries, if any;:
 - (vi) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable;: and

- (vii) Estimated quantity and disposition of recovered material that resulted from the incident.
- (c) A written submittal also shall ~~also~~ be provided within five days after the time the permittee becomes aware of the circumstances. The written submittal shall contain a description of the noncompliance and ~~its~~ the cause of the noncompliance; the period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time the noncompliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The director may waive the five-day written notice requirement in favor of a written report within fifteen days.
- (7) Manifest discrepancy report. If a significant discrepancy in a manifest is discovered, the permittee shall attempt to reconcile the discrepancy. If the discrepancy is not resolved within fifteen days, the permittee shall submit a report, including a copy of the manifest, to the director. (See rule 3745-54-72 of the Administrative Code.)
- (8) Unmanifested waste report. This report shall be submitted to the director within fifteen days after receipt of unmanifested waste. (See rule 3745-54-76 of the Administrative Code.)
- (9) Biennial report. A biennial report shall be submitted to the director covering facility activities during the odd numbered calendar years. (See rule 3745-54-75 of the Administrative Code.)
- (10) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (L)(4), (L)(5), and (L)(6) of this rule at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (L)(6) of this rule.
- (11) Other information. Where the permittee becomes aware that the permittee failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the director, the permittee shall promptly submit such facts or information.
- (M) Information repository. The director may require the permittee to establish and maintain an information repository at any time, based on the factors provided in paragraph (C)(2) of rule 3745-50-39 of the Administrative Code. The information repository will be governed by paragraphs (C)(3) to (C)(6) of rule 3745-50-39 of the Administrative Code.

(N) The retention period for all records required under this rule is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the director.

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3745-50-62

Trial burn.

When an owner or operator of a hazardous waste incineration unit becomes subject to hazardous waste permit requirements after February 16, 2009 or when an owner or operator of a hazardous waste incineration unit demonstrates compliance with the air emission standards and limitations in 40 CFR Part 63 subpart EEE [i.e., by conducting a comprehensive performance test and submitting a notification of compliance under 40 CFR 63.1207(j) and 40 CFR 63.1210(d) documenting compliance with all applicable requirements of 40 CFR Part 63 subpart EEE], this rule does not apply, except those provisions the director determines are necessary to ensure compliance with paragraphs (A) and (C) of rule 3745-57-45 of the Administrative Code if the owner or operator elects to comply with paragraph (A)(1)(a) of rule 3745-50-235 of the Administrative Code to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the director may apply the provisions of this rule, on a case-by-case basis, ~~for purposes of to collect~~ information ~~collection~~ in accordance with paragraphs (A)(5), (D)(6), (H), and (I) ~~to (I)(2)~~ of rule 3745-50-40 of the Administrative Code and paragraphs (D)(3) (b) and (D)(4)(a)(v) of rule 3745-50-51 of the Administrative Code.

(A) ~~For the purposes of determining~~ To determine operational readiness ~~following~~ after completion of physical construction, the permit for a new hazardous waste incinerator shall contain conditions including but not limited to allowable waste feeds and operating conditions. These permit conditions will be effective for the minimum time required to bring the incinerator to a point of operational readiness to conduct a trial burn, not to exceed seven hundred twenty hours operating time for treatment of hazardous waste. This operational period may be extended once, for up to seven hundred twenty additional hours, at the request of the applicant when good cause is shown. The permit may be modified to reflect the extension according to rule 3745-50-51 of the Administrative Code.

(1) Applicants shall submit a statement, with "Part B" of the permit application, which suggests the conditions necessary to operate in compliance with rule 3745-57-43 of the Administrative Code during this period. ~~This~~ At a minimum, ~~this~~ this statement should include, ~~at a minimum,~~ restrictions on waste constituents, waste feed rates, and the operating parameters identified in rule 3745-57-45 of the Administrative Code.

(2) The director will review this statement and any other relevant information submitted with "Part B" of the permit application. The permit shall specify requirements for this period sufficient to comply with rule 3745-57-43 of the Administrative Code.

(B) ~~For the purposes of determining~~ To determine the feasibility of compliance with rule 3745-57-43 of the Administrative Code and ~~of determining~~ adequate operating conditions under rule 3745-57-45 of the Administrative Code, the permit for a new

hazardous waste incinerator shall contain conditions to be effective during the trial burn.

(1) Applicants shall propose a trial burn plan, prepared under paragraph (B)(2) of this rule with "Part B" of the permit application.

(2) The trial burn plan shall include all of the following ~~information~~:

(a) An analysis of each waste or mixture of wastes to be burned which includes:

(i) Heat value of the waste in the form and composition in which ~~it~~the waste will be burned.

(ii) Viscosity (if applicable), or description of the physical form of the waste.

(iii) An identification of any hazardous organic constituents listed in the appendix to rule 3745-51-11 of the Administrative Code, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in the appendix to rule 3745-51-11 of the Administrative Code which would reasonably not be expected to be found in the waste. The constituents excluded from analysis shall be identified, and the basis for the exclusion stated. The waste analysis shall rely on appropriate analytical techniques.

(iv) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by appropriate analytical methods.

(b) A detailed engineering description of the incinerator for which the permit is sought, including:

(i) Manufacturer's name and model number of incinerator (if available).

(ii) Type of incinerator.

(iii) Linear dimensions of the incinerator unit including the cross-sectional area of combustion chamber.

(iv) Description of the auxiliary fuel system (type or feed).

(v) Capacity of prime mover.

(vi) Description of automatic waste feed cutoff systems.

- (vii) Stack gas monitoring and pollution cutoff equipment.
 - (viii) Nozzle and burner design.
 - (ix) Construction materials.
 - (x) Location and description of temperature, pressure, and flow indicating and control devices.
- (c) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis.
- (d) A detailed test schedule for each waste for which the trial burn is planned, including dates, duration, quantity of waste to be burned, and other factors relevant to the decision under paragraph (B)(5) of this rule.
- (e) A detailed test protocol, including for each waste identified, the ranges of temperature, waste feed rate, combustion gas velocity, use of auxiliary fuel, and any other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator.
- (f) A description of, and planned operating conditions for, any emission control equipment which will be used.
- (g) Procedures for rapidly stopping waste feed, shutting down the incinerator, and controlling emissions in the event of an equipment malfunction.
- (h) Such other information as the director reasonably finds necessary to make a preliminary determination whether to approve the trial burn plan in light of the purposes of ~~paragraphs paragraph (B) to (B)(11)~~ paragraph (B) to (B)(11) of this rule and the criteria in paragraph (B)(5) of this rule.

- (3) The director, in reviewing the trial burn plan, will evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of ~~paragraphs~~paragraph (B) to (B)(11) of this rule.
- (4) Based on the waste analysis data in the trial burn plan, the permit will specify as trial principal organic hazardous constituents (POHCs), those constituents for which destruction and removal efficiencies shall be calculated during the trial burn. These trial POHCs will be specified in the permit based upon an estimate of the difficulty of incineration of the constituents identified in the waste analysis, the concentration or mass in the waste feed of the constituents identified in the waste analysis, and, for wastes listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code, the hazardous waste organic constituent or constituents identified in the appendix to rule 3745-51-30 of the Administrative Code as the basis of listing.
- (5) The trial burn plan will be approved if ~~it is found~~the director finds that all of the following:
- (a) The trial burn is likely to determine whether rule 3745-57-43 of the Administrative Code can be complied with.
 - (b) The trial burn itself ~~will~~does not present an imminent hazard to human health or the environment.
 - (c) The trial burn will help to determine operating requirements to be specified under rule 3745-57-45 of the Administrative Code.
 - (d) The information sought in paragraphs (B)(5)(a) and (B)(5)(b) of this rule cannot reasonably be developed through other means.
- (6) The director shall send a notice to all persons on the facility mailing list as provided in 40 CFR 124.10 (c)(1)(ix), and to the appropriate units of state and local government as provided in 40 CFR 124.10 (c)(1)(x), announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the director has issued such notice.
- (a) This notice shall be mailed within a reasonable time period before the scheduled trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or Ohio EPA.

- (b) This notice shall contain all of the following:
- (i) The name and telephone number of the applicant's contact person.
 - (ii) The name and telephone number of the Ohio EPA contact office.
 - (iii) The location where the approved trial burn plan and any supporting documents can be reviewed and copied.
 - (iv) An expected time period for commencement and completion of the trial burn.
- (7) During each approved trial burn (or as soon after the burn as is practicable), the applicant shall make all of the following determinations:
- (a) A quantitative analysis of the trial POHCs in the waste feed to the incinerator.
 - (b) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial POHCs, oxygen and hydrogen chloride.
 - (c) A quantitative analysis of the scrubber water (if any), ash residues, and other residues, ~~for the purpose of estimating~~ to estimate the fate of the trial POHCs.
 - (d) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in paragraph (A) of rule 3745-57-43 of the Administrative Code.
 - (e) If the hydrogen chloride emission rate exceeds 1.8 kilograms of hydrogen chloride per hour (four pounds per hour), a computation of hydrogen chloride removal efficiency in accordance with paragraph (B) of rule 3745-57-43 of the Administrative Code.
 - (f) A computation of particulate emissions, in accordance with paragraph (C) of rule 3745-57-43 of the Administrative Code.
 - (g) An identification of sources of fugitive emissions and their means of control.
 - (h) A measurement of average, maximum, and minimum temperatures and combustion gas velocity.
 - (i) A continuous measurement of carbon monoxide in the exhaust gas.

- (j) Such other information as the director may specify as necessary to ensure that the trial burn will determine compliance with rule 3745-57-43 of the Administrative Code and to establish the operating conditions required by rule 3745-57-45 of the Administrative Code as necessary to comply with rule 3745-57-43 of the Administrative Code.
- (8) The applicant shall submit to the director a certification that the trial burn ~~has been~~was carried out in accordance with the approved trial burn plan, and shall submit the results of all the determinations required in paragraph (B)(7) of this rule. These submittals shall be made within ninety days after completion of the trial burn, or later if approved by the director.
- (9) All data collection during any trial burn shall be submitted to the director following the completion of the trial burn.
- (10) All submittals required by ~~paragraphs~~paragraph (B) ~~to (B)(11)~~ of this rule shall be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under rule 3745-50-42 of the Administrative Code.
- (11) Based on the results of the trial burn, the operating requirements shall be set in the final permit according to rule 3745-57-45 of the Administrative Code.
- (C) ~~For the purposes of allowing~~To allow operation of a new hazardous waste incinerator ~~following~~after completion of the trial burn and prior to final modification of the permit conditions to reflect the trial burn results, the permit may contain conditions, including but not limited to allowable ~~waste feeds~~waste feeds and operating conditions sufficient to comply with rule 3745-57-45 of the Administrative Code, in the permit to a new hazardous waste incinerator. These permit conditions will be effective for the minimum time required to complete sample analysis, data computation and submittal of the trial burn results by the applicant, and modification of the facility permit.
- (1) Applicants shall submit a statement with "Part B" of the permit application, which identifies the conditions necessary to operate in compliance with rule 3745-57-43 of the Administrative Code during this period. ~~This~~At a minimum, this statement should include, ~~at a minimum,~~ restrictions on waste constituents, waste feed rates, and the operating parameters in rule 3745-57-45 of the Administrative Code.
- (2) The director will review this statement and any other relevant information submitted with "Part B" of the permit application and recommend those

requirements for this period most likely to comply with rule 3745-57-43 of the Administrative Code based on engineering judgment.

- (D) ~~For the purposes of determining~~To determine the feasibility of compliance with rule 3745-57-43 of the Administrative Code and ~~of determining~~ adequate operating conditions under rule 3745-57-45 of the Administrative Code, the applicant for a permit for an existing hazardous waste incinerator shall prepare and submit a trial burn plan and perform a trial burn in accordance with paragraph (C)(7)(b) of rule 3745-50-44 of the Administrative Code and paragraphs (B)(2) to (B)(5) and (B)(7) to (B)(10) of this rule or, instead, submit other information as specified in paragraph (C)(7)(c) of rule 3745-50-44 of the Administrative Code. The director shall announce the director's intention to approve the trial burn plan in accordance with the timing and distribution requirements of paragraph (B)(6) of this rule. The contents of the notice shall include: the name and telephone number of a contact person at the facility; the name and telephone number of a contact office at Ohio EPA; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for Ohio EPA approval of the plan and the time period during which the trial burn would be conducted. Applicants submitting information under paragraph (C)(7)(a) of rule 3745-50-44 are exempt from compliance with rules 3745-57-43 and 3745-57-45 of the Administrative Code, and therefore, are exempt from the requirement to conduct a trial burn. Applicants who submit trial burn plans and receive approval before submittal of a permit application shall complete the trial burn and submit the results, specified in paragraph (B)(7) of this rule, with "Part B" of the permit application. If completion of this process conflicts with the date set for submittal of the "Part B" application, the applicant shall contact the director to establish a later date for submittal of the "Part B" application or the trial burn results. Trial burn results shall be submitted prior to issuance of the permit. When the applicant submits a trial burn plan with "Part B" of the permit application, the director will specify a time period prior to permit issuance in which the trial burn shall be conducted and the results submitted.

[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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3745-50-66

Permits for boilers and industrial furnaces ~~burning~~ that burn hazardous waste.

When an owner or operator of a cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace becomes subject to hazardous waste permit requirements after February 16, 2009, or when an owner or operator of an existing cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace demonstrates compliance with the air emission standards and limitations in 40 CFR Part 63 subpart EEE [i.e., by conducting a comprehensive performance test and submitting a notification of compliance under 40 CFR 63.1207(j) and 40 CFR 63.1210(d) documenting compliance with all applicable requirements of 40 CFR Part 63 subpart EEE], this rule does not apply. This rule does apply, however, if the director determines that certain provisions are necessary to ensure compliance with paragraphs (E)(1) and (E)(2)(c) of rule 3745-266-102 of the Administrative Code if the owner or operator elects to comply with paragraph (A)(1)(a) of rule 3745-50-235 of the Administrative Code to minimize emissions of toxic compounds from startup, shutdown, and malfunction events; or if the facility is an area source and the owner or operator elects to comply with the rules 3745-266-105, 3745-266-106, and 3745-266-107 of the Administrative Code standards and associated requirements for particulate matter, hydrogen chloride and chlorine gas, and non-mercury metals; or if the director determines that certain provisions apply, on a case-by-case basis, ~~for purposes of to collect information collection~~ in accordance with paragraphs (A)(5), (D)(6), (H), and (I) ~~to (D)(2)~~ of rule 3745-50-40 of the Administrative Code and paragraphs (D)(3)(b) and (D)(4)(a)(v) of rule 3745-50-51 of the Administrative Code.

- (A) General. Owners and operators of new boilers and industrial furnaces (those not operating under the standards of rule 3745-266-103 of the Administrative Code) are subject to paragraphs (B) to (F) of this rule. Boilers and industrial furnaces operating under the standards of rule 3745-266-103 of the Administrative Code are subject to paragraph (G) of this rule.
- (B) Permit operating periods for new boilers and industrial furnaces. A permit for a new boiler or industrial furnace shall specify appropriate conditions for the following operating periods:
- (1) Pretrial burn period. For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the boiler or industrial furnace to a point of operational readiness to conduct a trial burn, not to exceed seven hundred twenty hours operating time when burning hazardous waste, the director shall establish in the pretrial burn period of the permit conditions, including but not limited to, allowable hazardous waste feed rates and operating conditions. The director may extend the duration of this operational period once, for up to seven

hundred twenty additional hours, at the request of the applicant when good cause is shown. The permit may be modified to reflect the extension according to rule 3745-50-51 of the Administrative Code.

- (a) Applicants shall submit a statement, with "Part B" of the permit application, that suggests the conditions necessary to operate in compliance with the standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code during this period. ~~This~~At a minimum, this statement should include, ~~at a minimum,~~ restrictions on the applicable operating requirements identified in paragraph (E) of rule 3745-266-102 of the Administrative Code.
 - (b) Ohio EPA will review this statement and any other relevant information submitted with "Part B" of the permit application and specify requirements for this period sufficient to meet the performance standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code based on ~~its~~ engineering judgment.
- (2) Trial burn period. For the duration of the trial burn, the director shall establish conditions in the permit for the purposes of determining feasibility of compliance with the performance standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code and ~~determining~~ adequate operating conditions under paragraph (E) of rule 3745-266-102 of the Administrative Code. Applicants shall propose a trial burn plan, prepared under paragraph (C) of this rule, to be submitted with "Part B" of the permit application.
 - (3) Post-trial burn period.
 - (a) For the period immediately ~~following~~after completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation, and submittal of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the director to reflect the trial burn results, Ohio EPA will establish the operating requirements most likely to ensure compliance with the performance standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code based on ~~its~~ engineering judgment.
 - (b) Applicants shall submit a statement, with "Part B" of the application; that identifies the conditions necessary to operate during this period in compliance with the performance standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code. ~~This~~At a minimum, this statement should include, ~~at a minimum,~~ restrictions on the operating

requirements provided by paragraph (E) of rule 3745-266-102 of the Administrative Code.

- (c) Ohio EPA will review this statement and any other relevant information submitted with "Part B" of the permit application and specify requirements for this period sufficient to meet the performance standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code based on ~~its~~ engineering judgment.
- (4) Final permit period. For the final period of operation, the director will develop operating requirements in conformance with paragraph (E) of rule 3745-266-102 of the Administrative Code that reflect conditions in the trial burn plan and are likely to ensure compliance with the performance standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code. Based on the trial burn results, the director shall make any necessary modifications to the operating requirements to ensure compliance with the performance standards. The permit modification shall proceed according to rule 3745-50-51 of the Administrative Code.
- (C) Requirements for trial burn plans. The trial burn plan shall include the following information. The director, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of ~~paragraphs~~ paragraph (C) ~~to (C)(9)~~ of this rule:
- (1) An analysis of each ~~feed stream~~ feedstream, including hazardous waste, other fuels, and industrial furnace ~~feed stocks~~ feedstocks, as fired, that includes both:
- (a) Heating value, levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, silver, thallium, total chlorine or chloride, and ash.
- (b) Viscosity or description of the physical form of the ~~feed stream~~ feedstream.
- (2) An analysis of each hazardous waste, as fired, including all of the following:
- (a) An identification of any hazardous organic constituents listed in the appendix to rule 3745-51-11 of the Administrative Code that are present in the ~~feed stream~~ feedstream, except that the applicant need not analyze for constituents listed in the appendix to rule 3745-51-11 of the Administrative Code that would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis shall be

identified and the basis for this exclusion explained. The waste analysis shall rely on appropriate analytical techniques.

- (b) An approximate quantification of the hazardous constituents identified in the hazardous waste, within the precision produced by appropriate analytical methods.
 - (c) A description of blending procedures, if applicable, prior to firing the hazardous waste, including a detailed analysis of the hazardous waste prior to blending, an analysis of the material with which the hazardous waste is blended, and blending ratios.
- (3) A detailed engineering description of the boiler or industrial furnace, including all of the following:
- (a) Manufacturer's name and model number of the boiler or industrial furnace.
 - (b) Type of boiler or industrial furnace.
 - (c) Maximum design capacity in appropriate units.
 - (d) Description of the feed system for the hazardous waste, and, as appropriate, other fuels and industrial furnace feedstocks.
 - (e) Capacity of hazardous waste feed system.
 - (f) Description of automatic hazardous waste feed cutoff systems.
 - (g) Description of any air pollution control system.
 - (h) Description of stack gas monitoring and any pollution control monitoring systems.
- (4) A detailed description of sampling and monitoring procedures including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis.
- (5) A detailed test schedule for each hazardous waste for which the trial burn is planned, including dates, duration, quantity of hazardous waste to be burned, and other factors relevant to the director's decision under paragraph (B)(2) of this rule.
- (6) A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feed rate, and, as appropriate, the feed rates of other fuels

and industrial furnace feedstocks, and any other relevant parameters that may affect the ability of the boiler or industrial furnace to meet the performance standards in rules 3745-266-104 to 3745-266-107 of the Administrative Code.

- (7) A description of, and planned operating conditions for, any emission control equipment that will be used.
- (8) Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction.
- (9) Such other information as the director reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of ~~paragraphs paragraph (C) to (C)(9)~~ of this rule and the criteria in paragraph (B) (2) of this rule.

(D) Trial burn procedures.

- (1) A trial burn shall be conducted to demonstrate conformance with the standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code under an approved trial burn plan.
- (2) The director shall approve a trial burn plan if the director finds that all of the following:
 - (a) The trial burn is likely to determine whether the boiler or industrial furnace can meet the performance standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code.
 - (b) The trial burn itself ~~will~~does not present an imminent hazard to human health and the environment.
 - (c) The trial burn will help the director to determine operating requirements to be specified under paragraph (E) of rule 3745-266-102 of the Administrative Code.
 - (d) The information sought in the trial burn cannot reasonably be developed through other means.
- (3) The director shall send a notice to all persons on the facility mailing list as provided in 40 CFR 124.10(c)(1)(ix), and to the appropriate units of state and local government as provided in 40 CFR 124.10(c)(1)(x), announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the director has issued such notice.

- (a) This notice shall be mailed within a reasonable time period before the trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or Ohio EPA.
- (b) This notice shall contain all of the following:
 - (i) The name and telephone number of applicant's contact person.
 - (ii) The name and telephone number of the Ohio EPA contact office.
 - (iii) The location where the approved trial burn plan and any supporting documents can be reviewed and copied.
 - (iv) An expected time period for commencement and completion of the trial burn.
- (4) The applicant shall submit to the director a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and shall submit the results of all the determinations required in paragraph (C) of this rule. This submittal shall be made within ninety days after completion of the trial burn, or later if approved by the director.
- (5) All data collected during any trial burn shall be submitted to the director ~~following~~after completion of the trial burn.
- (6) All submittals required by ~~paragraphs~~paragraph (D) to ~~(D)(6)~~ of this rule shall be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under rule 3745-50-42 of the Administrative Code.
- (E) Special procedures for destruction and removal efficiency (DRE) trial burns. When a DRE trial burn is required under paragraph (A) of rule 3745-266-104 of the Administrative Code, the director will specify (based on the hazardous waste analysis data and other information in the trial burn plan) as trial principal organic hazardous constituents (POHCs) those compounds for which destruction and removal efficiencies shall be calculated during the trial burn. These trial POHCs will be specified by the director based on information including the director's estimate of the difficulty of destroying the constituents identified in the hazardous waste analysis, ~~their~~ concentrations or mass of the constituents in the hazardous waste feed, and, for hazardous waste containing or derived from wastes listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code, the hazardous waste organic constituents identified in the appendix to rule 3745-51-30 of the Administrative Code as the basis for listing.

- (F) Determinations based on trial burn. During each approved trial burn (or as soon after the burn as is practicable), the applicant shall make all of the following determinations:
- (1) A quantitative analysis of the levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, thallium, silver, and chlorine or chloride, in the ~~feed streams~~feedstreams (hazardous waste, other fuels, and industrial furnace feedstocks).
 - (2) When a DRE trial burn is required under paragraph (A) of rule 3745-266-104 of the Administrative Code, all of the following are required:
 - (a) A quantitative analysis of the trial POHCs in the hazardous waste feed.
 - (b) A quantitative analysis of the stack gas for the concentration and mass emissions of the trial POHCs.
 - (c) A computation of DRE, in accordance with the DRE formula specified in paragraph (A) of rule 3745-266-104 of the Administrative Code.
 - (3) When a trial burn for chlorinated dioxins and furans is required under paragraph (E) of rule 3745-266-104 of the Administrative Code, a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra- to octa- congeners of chlorinated dibenzo-p-dioxins and furans, and a computation showing conformance with the emission standard.
 - (4) When a trial burn for particulate matter, metals, or hydrogen chloride or chlorine is required under rule 3745-266-105, or paragraph (C) or (D) of rule 3745-266-106, or paragraph (B)(2) or (C) of rule 3745-266-107 of the Administrative Code, a quantitative analysis of the stack gas for the concentrations and mass emissions of particulate matter, metals, or hydrogen chloride and chlorine, and computations showing conformance with the applicable emission performance standards in Chapter 3745-266 of the Administrative Code.
 - (5) When a trial burn for DRE, metals, or hydrogen chloride or chlorine is required under paragraph (A) of rule 3745-266-104, paragraph (C) or (D) of rule 3745-266-106, or paragraph (B)(2) or (C) of rule 3745-266-107 of the Administrative Code, a quantitative analysis of the scrubber water (if any), ash residues, other residues, and products, for the purpose of estimating the fate of the trial POHCs, metals, and chlorine or chloride.
 - (6) An identification of sources of fugitive emissions and ~~their~~the means ~~of~~to control the fugitive emissions.

- (7) A continuous measurement of carbon monoxide, oxygen, and where required, hydrocarbons, in the stack gas.
- (8) Such other information as the director may specify as necessary to ensure that the trial burn will determine compliance with the performance standards in rules 3745-266-104 to 3745-266-107 of the Administrative Code and to establish the operating conditions required by paragraph (E) of rule 3745-266-102 of the Administrative Code as necessary to meet those performance standards.
- (G) Permit by rule boilers and industrial furnaces. For the purpose of determining feasibility of compliance with the performance standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code and ~~of determining~~ adequate operating conditions under rule 3745-266-103 of the Administrative Code, applicants owning or operating existing boilers or industrial furnaces operated under rule 3745-266-103 of the Administrative Code either shall prepare and submit a trial burn plan and perform a trial burn in accordance with this rule, or shall submit other information as specified in paragraphs (C)(9)(a)(vi) to (C)(9)(a)(vi)(b) of rule 3745-50-44 of the Administrative Code. The director shall announce the director's intention to approve of the trial burn plan in accordance with the timing and distribution requirements of paragraph (D)(3) of this rule. The contents of the notice shall include: the name and telephone number of a contact person at the facility; the name and telephone number of the Ohio EPA contact office; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for Ohio EPA approval of the plan and the time periods during which the trial burn would be conducted. Applicants who submit a trial burn plan and receive approval before submittal of the "Part B" permit application shall complete the trial burn and submit the results specified in paragraph (F) of this rule with the "Part B" permit application. If completion of this process conflicts with the date set for submittal of the "Part B" application, the applicant shall contact the director to establish a later date for submittal of the "Part B" application or the trial burn results. If the applicant submits a trial burn plan with "Part B" of the permit application, the trial burn shall be conducted and the results submitted within a time period prior to permit issuance to be specified by the director.

[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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Options for incinerators, cement kilns, lightweight aggregate kilns, solid fuel boilers, liquid fuel boilers, and hydrochloric acid production furnaces to minimize emissions from startup, shutdown, and malfunction events.**(A) Facilities with existing permits.**

(1) Modifications to permit conditions after documenting compliance with maximum achievable control technology (MACT). The owner or operator of a hazardous waste permitted incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace may request that the director address permit conditions that minimize emissions from startup, shutdown, and malfunction events under any of the following options when requesting removal of permit conditions that are no longer applicable according to paragraph (B) of rule 3745-57-40 of the Administrative Code and paragraph (B) of rule 3745-266-100 of the Administrative Code:

(a) Retain relevant permit conditions. Under this option, the director will:

- (i) Retain permit conditions that address releases during startup, shutdown, and malfunction events, including releases from emergency safety vents, as these events are defined in the facility's startup, shutdown, and malfunction plan required under 40 CFR 63.1206(c)(2); and
- (ii) Limit applicability of those permit conditions only to when the facility is operating under ~~its~~the facility's startup, shutdown, and malfunction plan.

(b) Revise relevant permit conditions.

(i) Under this option, the director will:

- (a) Identify a subset of relevant existing permit requirements, or develop alternative permit requirements, that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information including the source's startup, shutdown, and malfunction plan, design, and operating history.
- (b) Retain or add these permit requirements to the permit to apply only when the facility is operating under ~~its~~the facility's startup, shutdown, and malfunction plan.

(ii) Changes that may significantly increase emissions.

(a) The owner or operator shall notify the director in writing of changes to the startup, shutdown, and malfunction plan or changes to the design of the source that may significantly increase emissions of toxic compounds from startup, shutdown, or malfunction events, including releases from emergency safety vents. The owner or operator shall notify the director of such changes within five days after making such changes. The owner or operator shall identify in the notification recommended revisions to permit conditions necessary as a result of the changes to ensure that emissions of toxic compounds are minimized during these events.

(b) The director may revise permit conditions as a result of these changes to ensure that emissions of toxic compounds are minimized during startup, shutdown, or malfunction events, including releases from emergency safety vents either:

(i) Upon permit renewal, or, if warranted.

(ii) By modifying the permit under rule 3745-50-51 of the Administrative Code.

(c) Remove permit conditions. Under this option:

(i) The owner or operator shall document that the startup, shutdown, and malfunction plan required under 40 CFR 63.1206(c)(2) ~~has been~~was approved by the director under 40 CFR 63.1206(c)(2)(ii)(B); and

(ii) The director will remove permit conditions that are no longer applicable according to paragraph (B) of rule 3745-57-40 of the Administrative Code and paragraph (B) of rule 3745-266-100 of the Administrative Code.

(2) Addressing permit conditions upon permit modification or renewal. The owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace that ~~has~~ conducted a comprehensive performance test and submitted to the director a "Notification of Compliance" documenting compliance with 40 CFR Part 63 subpart EEE; may request in the application to modify or renew the permit for

the combustion unit that the director control emissions from startup, shutdown, and malfunction events under any of the following options:

(a) ~~Resource~~Resource Conservation and Recovery Act (RCRA) option "A."

(i) Under this option, the director will:

(a) Include; in the permit; conditions that ensure compliance with paragraphs (A) and (C) of rule 3745-57-45 of the Administrative Code or paragraphs (E)(1) and (E)(1)(c) of rule 3745-266-102 of the Administrative Code to minimize emissions of toxic compounds from startup, shutdown, and malfunction events, including releases from emergency safety vents; and

(b) Specify that these permit requirements apply only when the facility is operating under ~~its~~the facility's startup, shutdown, and malfunction plan; or

(ii) [Reserved.]

(b) RCRA option "B."

(i) Under this option, the director will:

(a) Include; in the permit conditions; provisions that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information including the source's startup, shutdown, and malfunction plan, design, and operating history; and

(b) Specify that these permit requirements apply only when the facility is operating under ~~its~~the facility's startup, shutdown, and malfunction plan.

(ii) Changes that may significantly increase emissions.

(a) The owner or operator shall notify the director in writing of changes to the startup, shutdown, and malfunction plan or changes to the design of the source that may significantly increase emissions of toxic compounds from startup, shutdown, or malfunction events, including releases from emergency safety vents. The owner or operator shall

notify the director of such changes within five days after making such changes. The owner or operator shall identify in the notification recommended revisions to permit conditions necessary as a result of the changes to ensure that emissions of toxic compounds are minimized during these events.

(b) The director may revise permit conditions as a result of these changes to ensure that emissions of toxic compounds are minimized during startup, shutdown, or malfunction events, including releases from emergency safety vents either:

(i) Upon permit renewal, or, if warranted.

(ii) By modifying the permit under rule 3745-50-51 of the Administrative Code; or

(c) Clean Air Act (CAA) option. Under this option:

(i) The owner or operator shall document that the startup, shutdown, and malfunction plan required under 40 CFR 63.1206(c)(2) ~~has been~~ ~~was~~ approved ~~by the director~~ under 40 CFR 63.1206(c)(2)(ii) (B); and

(ii) The director will omit from the permit conditions that are not applicable under paragraph (B) of rule 3745-57-40 of the Administrative Code and paragraph (B) of rule 3745-266-100 of the Administrative Code.

(B) Facilities subject to interim standards.

(1) Interim standards operations. In compliance with rule 3745-68-40 and paragraph (B) of rule 3745-266-100 of the Administrative Code, the owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace that is operating under the interim standards requirements of Chapters 3745-65 to 3745-69 and 3745-256 or 3745-266 of the Administrative Code; may control emissions of toxic compounds during startup, shutdown, and malfunction events under either of the following options after conducting a comprehensive performance test and submitting to the director a "Notification of Compliance" documenting compliance with 40 CFR Part 63 subpart EEE.

(a) RCRA option. Under this option, the owner or operator continues to comply with the interim standards emission standards and operating requirements of Chapters 3745-65 to 3745-69 and 3745-256 or 3745-266

of the Administrative Code relevant to control of emissions from startup, shutdown, and malfunction events. Those standards and requirements apply only during startup, shutdown, and malfunction events; or

(b) CAA option. Under this option, the owner or operator is exempt from the interim standards of Chapters 3745-65 to 3745-69 and 3745-256 or 3745-266 of the Administrative Code relevant to control of emissions of toxic compounds during startup, shutdown, and malfunction events upon submittal of written notification and documentation to the director that the startup, shutdown, and malfunction plan required under 40 CFR 63.1206(c)(2) ~~has been~~was approved ~~by the director~~ under 40 CFR 63.1206(c)(2)(ii)(B).

(2) Operations under a subsequent hazardous waste permit. When an owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace that is operating under the interim standards of Chapters 3745-65 to 3745-69 and 3745-256 or 3745-266 of the Administrative Code submits a hazardous waste permit application, the owner or operator may request that the director control emissions from startup, shutdown, and malfunction events under any of the options provided by paragraph (A)(2)(a), (A)(2)(b), or (A)(2)(c) of this rule.

(C) New units. Owners and operators of hazardous waste incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace units that become subject to hazardous waste permit requirements after February 16, 2009 shall control emissions of toxic compounds during startup, shutdown, and malfunction events under either of the following options:

(1) Comply with 40 CFR 63.1206(c)(2).

(2) Request to include in the hazardous waste permit, conditions that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information including the source's startup, shutdown, and malfunction plan and design. The director will specify that these permit conditions apply only when the facility is operating under ~~its~~the facility's startup, shutdown, and malfunction plan.

[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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