

3745-52-17**Conditions for exemption for large quantity generators that accumulate hazardous waste.**

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

(A) Accumulation. A large quantity generator accumulates or treats hazardous waste on-site for no more than ninety days, unless in compliance with the accumulation time limit extension of F006 accumulation conditions for exemption in paragraphs (B) to (E) of this rule. All of the following accumulation conditions also apply:

(1) Accumulation or treatment of hazardous waste in containers. If the hazardous waste is placed in containers, the large quantity generator shall comply with the following:

(a) [Reserved.]

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

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

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

(d) Management of containers.

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

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

(e) Inspections. At least weekly, the large quantity generator shall inspect central accumulation areas. The large quantity generator shall look for leaking containers and for deterioration of containers caused by corrosion or other factors. See paragraph (A)(1)(b) of this rule for remedial action required if deterioration or leaks are detected.

(f) Special conditions for accumulation of ignitable and reactive wastes.

(i) Containers holding ignitable or reactive waste shall be located at least fifteen meters (fifty feet) from the facility's property line unless a written approval is obtained from the authority having jurisdiction over the local fire code allowing hazardous waste accumulation to occur within this restricted area. A record of the written approval shall be maintained as long as ignitable or reactive hazardous waste is accumulated in this area.

(ii) The large quantity generator shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste shall be separated and protected from sources of ignition or reaction including but not limited to the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the large quantity generator shall confine smoking and open flame to specially designated locations. "No Smoking" signs shall be conspicuously placed where there is a hazard from ignitable waste or reactive waste.

(g) Special conditions for accumulation of incompatible wastes.

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

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

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

(2) Accumulation or treatment of hazardous waste in tanks. If the hazardous waste is placed in tanks, the large quantity generator shall comply with the applicable requirements of rules 3745-66-90 to 3745-66-99 of the Administrative Code, except paragraph (C) of rule 3745-66-97 of the Administrative Code.

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

(3) Accumulation of hazardous waste on drip pads. If the hazardous waste is placed on drip pads, the large quantity generator shall comply with all of the following:

(a) Rules 3745-69-40 to 3745-69-45 of the Administrative Code.

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

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

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

(ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system, and the date and time of removal.

(4) Accumulation or treatment of hazardous waste in containment buildings. If the waste is placed in containment buildings, the large quantity generator shall comply with rules 3745-256-100 to 3745-256-102 of the Administrative Code. The generator shall label the large quantity generator's containment building with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on-site, and also in a conspicuous place to provide an indication of

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

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

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

(i) A written description of procedures to ensure that each waste volume remains in the unit for no more than ninety days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with respecting the ninety day limit, and documentation that the procedures are complied with.

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

(iii) Inventory logs or records with the information required in paragraph (A)(4)(b) of this rule shall be maintained on-site and readily available for inspection.

(5) Labeling and marking of containers and tanks.

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

(i) The words "Hazardous waste."

(ii) An indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristic (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the department of transportation requirements at 49 CFR Part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at

29 CFR 1910.1200; or a chemical hazard label consistent with the national fire protection association code 704].

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

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

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

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

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

(iv) Keep inventory logs or records with the information required by paragraph (A)(5)(b) of this rule on-site and readily available for inspection.

(6) Emergency procedures. The large quantity generator complies with the standards in rules 3745-52-250 to 3745-52-265 of the Administrative Code.

(7) Personnel training.

(a) Personnel training requirements.

(i) Facility personnel shall successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic), or on-the-job training that teaches the facility personnel to perform the facility personnel's duties in a way that ensures compliance with

Chapter 3745-52 of the Administrative Code. The large quantity generator shall ensure that this program includes all the elements described in the documents required in paragraph (A)(7)(d) of this rule.

(ii) This program shall be directed by a person trained in hazardous waste management procedures, and shall include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which the facility personnel are employed.

(iii) At a minimum, the training program shall be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing personnel with emergency procedures, emergency equipment, and emergency systems, including (where applicable) all of the following:

(a) Procedures to use, inspect, repair, and replace facility emergency and monitoring equipment.

(b) Key parameters for automatic waste feed cut-off systems.

(c) Communications or alarm systems.

(d) Response to fires or explosions.

(e) Response to groundwater contamination incidents

(f) Shutdown of operations.

(iv) For facility personnel who receive emergency response training pursuant to occupational safety and health administration regulations 29 CFR 1910.120(p)(8) and 1910.120(q), the large quantity generator is not required to provide separate emergency response training pursuant to this rule, provided that the overall facility training meets all the conditions of exemption in this rule.

(b) Facility personnel shall successfully complete the program required in paragraph (A)(7)(a) of this rule within six months after the date of employment or assignment to the facility, or to a new position at the facility, whichever is later. Facility personnel shall not work in unsupervised positions until personnel have completed the training standards of paragraph (A)(7)(a) of this rule.

- (c) Facility personnel shall take part in an annual review of the initial training required in paragraph (A)(7)(a) of this rule.
- (d) The large quantity generator shall maintain all of the following documents and records at the facility:

 - (i) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job.
 - (ii) A written job description for each position listed under paragraph (A)(7)(d)(i) of this rule. This description may be consistent in the description's degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but shall include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position.
 - (iii) A written description of the type and amount of both introductory and continuing training that shall be given to each person filling a position listed under paragraph (A)(7)(d)(i) of this rule.
 - (iv) Records that document that the training or job experience, required under paragraphs (A)(7)(a) to (A)(7)(c) of this rule, has been given to, and completed by, facility personnel.
- (e) Training records on current personnel shall be kept until closure of the facility. Training records on former employees shall be kept for at least three years after the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.
- (8) Closure. A large quantity generator accumulating hazardous wastes in containers, tanks, drip pads, and containment buildings, prior to closing a unit at the facility, or prior to closing the facility, shall meet all of the following conditions:

 - (a) Notification for closure of a waste accumulation unit. A large quantity generator shall perform one of the following when closing a waste accumulation unit:

 - (i) Place a notice in the operating record within thirty days after closure identifying the location of the unit within the facility.
 - (ii) Meet the closure performance standards of paragraph (A)(8)(c) of this rule for container, tank, and containment building waste

accumulation units, or paragraph (A)(8)(d) of this rule for drip pads, and notify Ohio EPA following the procedures in paragraph (A)(8)(b)(ii) of this rule for the waste accumulation unit. If the waste accumulation unit is subsequently reopened, the generator may remove the notice from the operating record.

(b) Notification for closure of the facility.

(i) Notify Ohio EPA using Ohio EPA form EPA 9029 no later than thirty days prior to closing the facility.

(ii) Notify Ohio EPA using Ohio EPA form EPA 9029 within ninety days after closing the facility that the facility has complied with the closure performance standards of paragraph (A)(8)(c) or (A)(8)(d) of this rule. If the facility cannot meet the closure performance standards of paragraph (A)(8)(c) or (A)(8)(d) of this rule, notify Ohio EPA using Ohio EPA form EPA 9029 that the facility shall close as a landfill under rule 3745-68-10 of the Administrative Code in the case of a container, tank or containment building units, or for a facility with drip pads, notify using Ohio EPA form EPA 9029 that the facility shall close under the standards of paragraph (B) of rule 3745-69-45 of the Administrative Code.

(iii) A large quantity generator may request additional time to clean close, but the large quantity generator shall notify Ohio EPA using Ohio EPA form EPA 9029 within seventy-five days after the date provided in paragraph (A)(8)(b)(i) of this rule to request an extension and provide an explanation as to why the additional time is required.

(c) Closure performance standards for container, tank systems, and containment building waste accumulation units.

(i) At closure, the generator shall close the waste accumulation unit or facility in a manner that conforms to the following:

(a) Minimizes the need for further maintenance by controlling, minimizing, or eliminating, to the extent necessary to protect human health and the environment, the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground water or surface water or to the atmosphere.

- (b) Removes or decontaminates all contaminated equipment, structures, and soil, and any remaining hazardous waste residues from waste accumulation units including containment system components (pads, liners, etc.), contaminated soils and subsoils, bases, and structures and equipment contaminated with waste, unless paragraph (D) of rule 3745-51-03 of the Administrative Code applies.
- (c) Any hazardous waste generated in the process of closing either the generator's facility or units accumulating hazardous waste shall be managed in accordance with all applicable standards of Chapters 3745-52, 3745-53, 3745-65 to 3745-69, 3745-256, and 3745-270 of the Administrative Code, including removing any hazardous waste contained in these units within ninety days after generating the hazardous waste, and managing these wastes in a hazardous waste permitted treatment, storage and disposal facility or a facility operating under permit by rule.
- (d) If the generator demonstrates that any contaminated soils and wastes cannot be practicably removed or decontaminated as required in paragraph (A)(8)(c)(i)(b) of this rule, then the waste accumulation unit is considered to be a landfill and the generator shall close the waste accumulation unit and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (rule 3745-68-10 of the Administrative Code). In addition, for the purposes of closure, post-closure, and financial responsibility, such a waste accumulation unit is then considered to be a landfill, and the generator shall meet all of the requirements for landfills specified in rules 3745-66-10 to 3745-66-21 and rules 3745-66-40 to 66-48 of the Administrative Code.
- (d) Closure performance standards for drip pad waste accumulation units. At closure, the generator shall comply with the closure requirements of paragraphs (A)(8)(b) and (A)(8)(c)(i)(a) and (A)(8)(c)(i)(c) of this rule, and paragraphs (A) and (B) of rule 3745-69-45 of the Administrative Code.
- (e) The closure requirements of paragraph (A)(8) of this rule do not apply to satellite accumulation areas.

- (9) Land disposal restrictions. The large quantity generator complies with all applicable requirements in Chapter 3745-270 of the Administrative Code.
- (B) Accumulation time limit extension. A large quantity generator who accumulates hazardous waste for more than ninety days is subject to Chapters 3745-50, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code, and the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, unless the large quantity generator has been granted an extension to the ninety-day period. Such extension may be granted by the director if hazardous wastes shall remain on-site for longer than ninety days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to thirty days may be granted at the discretion of the director on a case-by-case basis.
- (C) Accumulation of F006. A large quantity generator who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the EPA hazardous waste number F006 may accumulate F006 waste on-site for more than ninety days, but not more than one hundred eighty days without being subject to Chapters 3745-50, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, and 3745-266 of the Administrative Code and the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, provided that the large quantity generator complies with all of the following additional conditions for exemption:
- (1) The large quantity generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants entering F006 or otherwise released to the environment prior to the F006 waste's recycling.
 - (2) The F006 waste is legitimately recycled through metals recovery.
 - (3) No more than twenty thousand kilograms of F006 waste is accumulated on-site at any one time.
 - (4) The F006 waste is managed in accordance with all of the following:
 - (a) F006 management requirements.
 - (i) If the F006 waste is placed in containers, the large quantity generator shall comply with the applicable conditions for exemption in paragraph (A)(1) of this rule.
 - (ii) If the F006 is placed in tanks, the large quantity generator shall comply with the applicable conditions for exemption of paragraph (A)(2) of this rule.

(iii) If the F006 is placed in containment buildings, the large quantity generator shall comply with rules 3745-256-100 to 3745-256-102 of the Administrative Code, and has placed the large quantity generator's professional engineer certification that the building complies with the design standards specified in rule 3745-256-101 of the Administrative Code in the facility's files prior to operation of the unit. The large quantity generator shall maintain either of the following records:

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

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

(b) The large quantity generator is exempt from rules 3745-66-10 to 3745-66-21 and 3745-66-40 to 3745-66-48 of the Administrative Code, except for those referenced in paragraph (A)(8) of this rule.

(c) The date upon which each period of accumulation begins is clearly marked and is clearly visible for inspection on each container.

(d) While being accumulated on-site, each container and tank is labeled or marked clearly with all of the following:

(i) The words "Hazardous Waste."

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

(e) The large quantity generator complies with the requirements in paragraphs (A)(6) and (A)(7) of this rule.

(D) F006 transported over two hundred miles. A large quantity generator who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the EPA hazardous waste number F006, and who must transport this waste, or offer this waste for transportation, over a distance of two hundred miles or more for off-site metals recovery, may accumulate F006 waste on-site for more than ninety days, but not more than two hundred seventy days without being subject to Chapters 3745-50, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, and 3745-266 of the Administrative Code, and the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, if the large quantity generator complies with all of the conditions for exemption of paragraphs (C)(1) to (C)(4) of this rule.

(E) F006 accumulation time extension. A large quantity generator accumulating F006 in accordance with paragraphs (C) and (D) of this rule who accumulates F006 waste on-site for more than one hundred eighty days (or for more than two hundred seventy days if the generator must transport this waste, or offer this waste for transportation, over a distance of two hundred miles or more), or who accumulates more than twenty thousand kilograms of F006 waste on-site is an operator of a storage facility and is subject to Chapters 3745-50, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, and 3745-256 of the Administrative Code and the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, unless the generator has been granted an extension to the one hundred eighty-day (or two hundred seventy-day if applicable) period or an exception to the twenty thousand kilogram accumulation limit. Such extensions and exceptions may be granted by Ohio EPA if F006 waste shall remain on-site for longer than one hundred eighty days (or two hundred seventy days if applicable) or if more than twenty thousand kilograms of F006 waste shall remain on-site due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to thirty days or an exception to the accumulation limit may be granted at the discretion of the director of on a case-by-case basis.

(F) Consolidation of hazardous waste received from very small quantity generators. Large quantity generators may accumulate or treat on-site hazardous waste received from very small quantity generators under control of the same "person," as defined in rule 3745-50-10 of the Administrative Code, without a storage permit or permit by rule and without complying with Chapters 3745-50, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code and the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, provided that the large quantity generator complies with all of the following conditions. "Control," for the purposes of this rule, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or

otherwise, except that contractors who operate generator facilities on behalf of a different person shall not be deemed to "control" such generators.

(1) The large quantity generator notifies Ohio EPA at least thirty days prior to receiving the first shipment from a very small quantity generator using Ohio EPA form EPA 9029.

(a) Identifies on the form the name and site address for the very small quantity generator as well as the name and business telephone number for a contact person for the very small quantity generator.

(b) Submits an updated Ohio EPA form EPA 9029 within thirty days after a change in the name or site address for the very small quantity generator.

(2) The large quantity generator maintains records of shipments for three years from the date the hazardous waste was received from the very small quantity generator. These records shall identify the name, site address, and contact information for the very small quantity generator and include a description of the hazardous waste received, including the quantity and the date the waste was received.

(3) The large quantity generator complies with the independent requirements identified in paragraph (A)(1)(c) of rule 3745-52-10 of the Administrative Code and the conditions for exemption in this rule for all hazardous waste received from a very small quantity generator. For purposes of the labeling and marking requirements in paragraph (A)(5) of this rule, the large quantity generator shall label the container or unit with the date accumulation started (i.e., the date the hazardous waste was received from the very small quantity generator). If the large quantity generator is consolidating incoming hazardous waste from a very small quantity generator with either the large quantity generator's hazardous waste or with hazardous waste from other very small quantity generators, the large quantity generator shall label each container or unit with the earliest date any hazardous waste in the container was accumulated or treated on-site.

(G) Rejected load. A large quantity generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of rule 3745-54-72 or 3745-65-72 of the Administrative Code may accumulate the returned waste on-site in accordance with paragraphs (A) and (B) of this rule. Upon receipt of the returned shipment, the generator shall perform one of the following:

(1) Sign item 18c of the manifest, if the transporter returned the shipment using the original manifest.

(2) Sign item 20 of the manifest, if the transporter returned the shipment using a new manifest.

[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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CERTIFIED ELECTRONICALLY

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