



Ohio Administrative Code

Rule 3745-256-80 Applicability - air emission standards for tanks, surface impoundments, and containers.

Effective: June 12, 2023

(A) Rules 3745-256-80 to 3745-256-90 of the Administrative Code apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers subject to either rules 3745-66-70 to 3745-66-78, 3745-66-90 to 3745-66-102, or rules 3745-67-20 to 3745-67-31 of the Administrative Code, except as provided in rule 3745-65-01 of the Administrative Code and paragraph (B) of this rule.

(B) Rules 3745-256-80 to 3745-256-90 of the Administrative Code do not apply to the following waste management units at the facility:

(1) A waste management unit that holds hazardous waste placed in the unit before December 6, 1996, and in which no hazardous waste is added to the unit on or after December 6, 1996.

(2) A container that has a design capacity less than or equal to 0.1 m^3 .

(3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.

(4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.

(5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is placed in the unit as a result of implementing remedial activities required under the corrective action authorities of Section 3004(u), Section 3004(v), or Section 3008(h) of RCRA; CERCLA authorities; or similar federal or state authorities.

(6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act and the



Nuclear Waste Policy Act.

(7) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable Clean Air Act regulation codified under 40 CFR Part 60, Part 61, or Part 63. For the purpose of complying with this paragraph, a tank for which the air emission control includes an enclosure, as opposed to a cover, shall be in compliance with the enclosure and control device requirements of paragraph (I) of rule 3745-256-85 of the Administrative Code, except as provided in paragraph (C)(5) of rule 3745-256-83 of the Administrative Code.

(8) A tank that has a "process vent" as defined in rule 3745-205-31 of the Administrative Code.

(C) For the owner and operator of a facility subject to this subpart who has received a final Ohio hazardous waste management permit prior to December 6, 1996, the following requirements apply:

(1) The requirements of rules 3745-205-80 to 3745-205-90 of the Administrative Code shall be incorporated into the permit when the permit is reissued in accordance with the requirements of 40 CFR 124.15 or reviewed in accordance with the requirements of paragraph (D) of rule 3745-50-54 of the Administrative Code.

(2) Until the date when the permit is reissued in accordance with the requirements of 40 CFR 124.15 or reviewed in accordance with the requirements of paragraph (D) of rule 3745-50-54 of the Administrative Code, the owner and operator is subject to the requirements of rules 3745-256-80 to 3745-256-90 of the Administrative Code.

(D) Rules 3745-256-80 to 3745-256-90 of the Administrative Code, except for the recordkeeping requirements specified in paragraph (I) of rules 3745-256-90 of the Administrative Code, are exempt for a tank or a container used for the management of hazardous waste generated by organic peroxide manufacturing and the tank's or container's associated laboratory operations when the owner or operator of the unit meets all of the following conditions:

(1) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic



peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purpose of meeting the conditions of this paragraph, "organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

(2) The owner or operator prepares documentation, in accordance with the requirements of paragraph (I) of rule 3745-256-90 of the Administrative Code, explaining why an undue safety hazard would be created if air emission controls specified in rules 3745-256-85 to 3745-256-88 of the Administrative Code are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of paragraph (D)(1) of this rule.

(3) The owner or operator notifies the director in writing that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of paragraph (D)(1) of this rule are managed at the facility in tanks or containers meeting the conditions of paragraph (D)(2) of this rule. The notification shall state the name and address of the facility, and be signed and dated by an authorized representative of the facility owner or operator.

[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."]