



## Ohio Administrative Code

### Rule 3745-51-420 Contingency planning and emergency procedures for facilities generating or accumulating more than six thousand kilograms of hazardous secondary material.

Effective: June 12, 2023

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A generator or an intermediate or reclamation facility operating under a verified recycler variance under paragraph (D) of rule 3745-50-24 of the Administrative Code that generates or accumulates more than six thousand kilograms of hazardous secondary material shall comply with the following requirements:

(A) Purpose and implementation of contingency plan.

(1) Each generator or an intermediate or reclamation facility operating under a verified recycler variance under paragraph (D) of rule 3745-50-24 of the Administrative Code that accumulates more than six thousand kilograms of hazardous secondary material shall have a contingency plan for the facility. The contingency plan shall be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous secondary material or hazardous secondary material constituents to air, soil, or surface water.

(2) The provisions of the contingency plan shall be carried out immediately whenever there is a fire, explosion, or release of hazardous secondary material or hazardous secondary material constituents which could threaten human health or the environment.

(B) Content of contingency plan.

(1) The contingency plan shall describe the actions facility personnel shall take to comply with paragraph (A) and (F) of this rule in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous secondary material or hazardous secondary material constituents to air, soil, or surface water at the facility.

(2) If the generator or an intermediate facility or reclamation facility operating under a verified recycler variance under paragraph (D) of rule 3745-50-24 of the Administrative Code accumulating



more than six thousand kilograms of hazardous secondary material has already prepared a "Spill Prevention, Control, and Countermeasures (SPCC) Plan" in accordance with 40 CFR Part 112 , or some other emergency plan or contingency plan, that plan need only be amended to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of Chapter 3745-51 of the Administrative Code. The hazardous secondary material generator or an intermediate facility or reclamation facility operating under a verified recycler variance under paragraph (D) of rule 3745-50-24 of the Administrative Code may develop one contingency plan which meets all regulatory requirements. Ohio EPA recommends that the plan be based on the "National Response Team's Integrated Contingency Plan Guidance ("One Plan")." When modifications are made to non-Resource Conservation and Recovery Act (non-RCRA) provisions in an integrated contingency plan, the changes do not trigger the need for a hazardous waste management permit modification.

(3) The contingency plan shall describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services, pursuant to paragraph (F) of rule 3745-51-410 of the Administrative Code.

(4) The contingency plan shall list names, addresses, and telephone numbers (office and home) of all persons qualified to act as emergency coordinator [see paragraph (E) of this rule], and this list shall be kept up to date. Where more than one person is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which to assume responsibility as alternates.

(5) The contingency plan shall include a list of all emergency equipment at the facility [such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment], where this equipment is required. This list shall be kept up to date. In addition, the contingency plan shall include the location and a physical description of each item on the list, and a brief outline of the capabilities of each item on the list.

(6) The contingency plan shall include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This evacuation plan shall describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).



(C) Copies of contingency plan. A copy of the contingency plan and all revisions to the contingency plan shall be:

(1) Maintained at the facility; and

(2) Submitted to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.

(D) Amendment of contingency plan. The contingency plan shall be reviewed, and immediately amended, if necessary, whenever:

(1) Applicable regulations are revised;

(2) The contingency plan fails in an emergency;

(3) The facility changes in design, construction, operation, maintenance, or other circumstances in a way that materially increases the potential for fires, explosions, or releases of hazardous secondary material or hazardous secondary material constituents, or changes the response necessary in an emergency;

(4) The list of emergency coordinators changes; or

(5) The list of emergency equipment changes.

(E) Emergency coordinator. At all times, there shall be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator shall be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person shall have the authority to commit the resources needed to carry out the contingency plan. The emergency coordinator's responsibilities are more fully spelled out in paragraph (F) of this rule. Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of



hazardous secondary materials handled by the facility, and type and complexity of the facility.

(F) Emergency procedures.

(1) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the emergency coordinator's designee when the emergency coordinator is on call) shall immediately:

(a) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

(b) Notify appropriate state or local agencies with designated response roles if help is needed from those agencies.

(2) Whenever there is a release, fire, or explosion, the emergency coordinator shall immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or review of facility records or manifests and, if necessary, by chemical analysis.

(3) Concurrently, the emergency coordinator shall assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment shall consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions).

(4) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, the emergency coordinator shall report those findings as follows:

(a) If the emergency coordinator's assessment indicates that evacuation of local areas may be advisable, the emergency coordinator shall immediately notify appropriate local authorities. The emergency coordinator shall be available to help appropriate officials decide whether local areas should be evacuated; and



(b) The emergency coordinator shall immediately notify either the government official designated as the on-scene coordinator for that geographical area, or the "National Response Center" using the twenty-four-hour toll-free number 800/424-8802. The report shall include:

(i) Name and telephone number of the reporter of the emergency;

(ii) Name and address of facility;

(iii) Time and type of incident (e.g., release, fire);

(iv) Name and quantity of materials involved, to the extent known;

(v) The extent of injuries, if any; and

(vi) ) The possible hazards to human health, or the environment, outside the facility.

(5) During an emergency, the emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous secondary material at the facility. These measures shall include, where applicable, stopping processes and operations, collecting and containing released material, and removing or isolating containers.

(6) If the facility stops operations in response to a fire, explosion or release, the emergency coordinator shall monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

(7) Immediately after an emergency, the emergency coordinator shall provide for treating, storing, or disposing of recovered secondary material, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility. Unless the hazardous secondary material generator can demonstrate, in accordance with paragraph (C) or (D) of rule 3745-51-03 of the Administrative Code, that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage the hazardous waste in accordance with all applicable requirements of Chapters 3745-52, 3745-53, 3745-65 to 3745-69, and 3745-256 of the Administrative Code.



(8) The emergency coordinator shall ensure that, in the affected areas of the facility:

(a) No secondary material that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

(b) All emergency equipment listed in the contingency plan is cleaned and fit for the intended use of the equipment before operations are resumed.

(9) The hazardous secondary material generator shall note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within fifteen days after the incident, the hazardous secondary material generator shall submit a written report on the incident to the director. The report shall include:

(a) Name, address, and telephone number of the hazardous secondary material generator;

(b) Name, address, and telephone number of the facility;

(c) Date, time, and type of incident (e.g., fire, explosion);

(d) Name and quantity of materials involved;

(e) The extent of injuries, if any;

(f) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

(g) Estimated quantity and disposition of recovered material that resulted from the incident.

(G) Personnel training. All employees shall be thoroughly familiar with proper waste handling and emergency procedures relevant to the employee's responsibilities during normal facility operations and emergencies.



AUTHENTICATED,  
OHIO LEGISLATIVE SERVICE  
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[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."]