

4633

**U.S. DOE-FEMP HAZARDOUS WASTE HAMILTON
COUNTY OH6890008976 TSD-LQG**

07/19/93

**OEPA/DOE-FN
39
LETTER**



State of Ohio Environmental Protection Agency

Southwest District Office

40 South Main Street
Dayton, Ohio 45402-2086
(513) 285-6357
FAX (513) 285-6404

G-4839

-4633

George V. Voinovich
Governor

July 19, 1993

RE: U.S. DOE-FEMP
HAZARDOUS WASTE
HAMILTON COUNTY
OH6 890 008 976
TSD-LQG

Mr. Raymond J. Hansen, Manager
Fernald Office
U.S. DOE-FEMP
P.O. Box 398705
Cincinnati, Ohio 45239-8705

Dear Mr. Hansen:

In June, of this year, Phil Harris and I conducted a compliance evaluation inspection of the U.S. Department of Energy Fernald Environmental Management Project (U.S. DOE-FEMP) installation in order to determine the facility's compliance with applicable state and federal hazardous waste regulations. The physical inspection of the facility was conducted on June 16 and 17. During this time, we inspected a substantial number of the hazardous waste management units (HWMUs) identified at the DOE-FEMP. The inspection was continued on June 23 in order for us to conduct the site specific paperwork review.

During the inspection, we were accompanied by John Sattler and Ed Skintik of the Department of Energy (DOE). Representatives of the Fernald Environmental Restoration Management Corporation (FERMCO) also joined us through various portions of the inspection. For your information, a copy of the inspection checklists have been enclosed.

The results of the inspection are as follows, please note that any documented violations are prefaced with the appropriate Ohio Administrative Code (OAC) citation:

VIOLATION

1. OAC 3745-59-50 Prohibitions on Storage of Restricted Wastes

The U.S. DOE-FEMP has stored wastes restricted from land disposal for a period of time greater than that allowed by law. The facility is therefore in violation of OAC 3745-59-50(B).

Mr. Raymond J. Hansen
Page 2
July 19, 1993

The Ohio EPA recognizes that the lack of national treatment capacity has caused the need for long term storage of land disposal restricted (LDR) wastes at the facility.

Although the violation of OAC 3745-59-50 is noted, we are aware that the passage of the Federal Facility Compliance Act (FFCA) provides that the fines and penalties for violations relating to the storage of mixed wastes do not apply for three years (from October, 1992), provided DOE complies with all applicable requirements.

Other than the technical LDR storage violation, DOE-FEMP appears to be in substantial compliance with applicable regulations and/or the Consent Decree with respect to storage of hazardous wastes.

AREA OF CONCERN

During our paperwork review at the U.S. DOE-FEMP, we discovered two manifests that listed the 7400 Willey Rd. facility as the generator of a waste collected from a photoprocessing facility in Fairfield, Ohio. OAC 3745-50-10(A)(38) provides the following definition of generator: "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."

Even though the waste was generated while processing photos for the U.S. DOE-FEMP Willey Rd. site, the generator name on the manifest must be site specific. Please refrain from this practice in the future in order to alleviate any confusion it might cause in the manifesting system.

Failure to cite specific violations in this correspondence does not relieve U.S. DOE-FEMP from complying with all applicable regulations, nor does it preclude the Ohio EPA from citing these violation in the future.

Mr. Raymond J. Hansen
Page 3
July 19, 1993

Should you have any questions concerning this inspection, please feel free to contact Phil Harris or me at 513-285-6357.

Sincerely,



Robin Fisher
Division of Hazardous Waste Management

Enclosures

cc: Laurie Stevenson, DHWM, CO

RCRA HAZARDOUS WASTE FACILITY
COMPLIANCE EVALUATION INSPECTION CHECKLIST

Facility: U.S. DOE - FEMP

USEPA I.D.: OH6890008976 HWFB No.: _____

Street: 7400 WILEY RD. / MAILING: P.O. BOX 398705
CINCINNATI, OH. 45239-8705

City: FERNALD State: OHIO Zip: _____

County: HAMILTON Telephone: (513) 738-6322

Fax No: _____ PUCO No.: _____

Owner/Operator: OWNER: U.S. DOE. / CO-OP: D.O.E. & FLUOR DANIEL

Street: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Inspection Date: 6/11/93 Time: 0930-1515
6/17/93 Time: 1040-1520
6/23/93

Advance notice of inspection given? (yes) _____ (no)

If so, how far in advance? _____

	<u>Name</u>	<u>Agency/Title</u>	<u>Phone</u>
Inspectors:	<u>PHIL HARRIS, OEPA SWDO/ESII</u>	<u>(513) 285-6090</u>	
	<u>ROBIN FISHER, OEPA SWDO/ESII</u>	<u>(513) 285-6357</u>	
Facility Representative:	<u>JOHN SATTLER, U.S. D.O.E.</u>	<u>(513) 648-3145</u>	
	<u>ED SKINTIK, U.S. D.O.E.</u>	<u>(513) 648-6660</u>	

STATUS

Cond. Ex. SQG _____ SQG _____ Large Quantity Generator

Treatment _____ Storage Disposal _____ Transporter _____

Part A Permit: (yes) (no) _____ Part B Permit: * APPLICATION IN REVIEW (yes) _____ (no) _____

LDR Checklist Attached: (yes) (no) _____

ACTIVITIES

Containers Used oil burner _____

Tanks * _____ Hazardous waste fuel burner/blender _____

Wastepile _____ Incineration/Thermal treatment *

Landfill * _____ Land treatment _____

Surface Impoundment _____ Groundwater monitoring _____

* UNITS NO LONGER ACTIVE

REMARKS - GENERAL INFORMATION

Include a list of wastes being managed at the site and a brief description of site activity and waste handling procedures:

PART A WASTE CODES ATTACHED.

U.S. DOE-FEMP IS A FORMER URANIUM PROCESSING PLANT OWNED BY THE DEPARTMENT OF ENERGY. FACILITY ACTIVITY IS WHOLLY RELATED TO ENVIRONMENTAL CLEAN-UP AND REMEDIATION.

DOE-FEMP GENERATED MIXED WASTES ARE STORED ON-SITE AWAITING CERCLA DECISIONS AND/OR SUFFICIENT NATIONAL CAPACITY FOR MIXED WASTE.

DOE-FEMP HAS SUBMITTED A PART B APPLICATION FOR STORAGE OF HAZARDOUS WASTE. THE APPLICATION IS IN THE REVIEW PROCESS.

PERMIT STATUS

GENERAL REQUIREMENTS

Y/N/NA RMK #

1. Has the owner/operator submitted a Part A application to Ohio EPA in accordance with OAC 3745-50-40?

Y _____

When was the owner/operator's Part A submitted:

PART A SUBMITTED

2. Is the owner/operator operating in compliance with the terms and conditions of its HWFB permit?

NA _____

If not, has a Permit Change Request (PCR) been submitted in accordance with 3745-50-51?

|

|

If yes, what date was the PCR submitted? _____

3. Has the owner/operator submitted a Part B?

Y _____ C/TA RND 1 COMPLETED

PERMIT BY RULE REQUIREMENTS

4. Has there been a rule or statute change which has caused the owner/operator to become subject to Ohio's hazardous waste facility permitting requirements?

NA _____

a. If so, please describe the rule change below:

b. What was the effective date of the rule or statute change in Ohio?

c. Did the owner/operator submit a Part A to the Director in accordance with the requirements of OAC rule 3745-50-40 (C) (D)?

|

|

|

NOTE: In accordance with 3745-50-40(D), owners/operators are required to submit the Part A within 30 days after the date they first become subject to Ohio's TSD facility standards. Small quantity generators who treat, store or dispose of wastes were required to submit a Part A by the effective date OAC Rule 3745-50-40. [See OAC Rule 3745-50-40]

d. Did the owner/operator notify the US EPA of its hazardous waste activity? [3745-50-40(C) (1) (a)]

|

i. What was the date of notification? _____

007

OAC 3745-65-et seq. GENERAL FACILITY STANDARDS

IDENTIFICATION NUMBER (OAC 3745-65-11)

Y/N/NA RMK #

- 1. Has the facility owner/operator received an identification number from Ohio EPA (or US EPA) as required by OAC 3745-65-11?

Y _____

ANNUAL REPORT REQUIREMENT (OAC 3745-65-75)

- 2. Has the owner/operator submitted an annual Treatment-Storage-Disposal report to the Director of Ohio EPA by March 1st of each calendar year? [3745-65-75]

Y _____

WASTE ANALYSIS/WASTE ANALYSIS PLAN (OAC 3745-65-13)

- 3. Does the owner/operator (o/o) have a detailed chemical and physical analysis of the waste material containing all of the information which must be known to properly treat, store or dispose of the waste as required by 3745-65-13 (A) (1)?

Y _____

- 4. Is the waste analysis repeated when a process or operation generating hazardous waste changes? [3745-65-13 (A) (3) (a)]

NA _____

- 5. For off-site facilities; Is the waste analysis repeated when results of inspections under 3745-65-13 (A) (4) reveal hazardous waste received at the facility does not match the waste designated on the accompanying manifest? [3745-65-13 (A) (3) (b)]

NA _____

- 6. Does o/o have a written waste analysis plan which includes the following information [3745-65-13 (B) (1) through (6)]:

- a. The parameters for which each hazardous waste will be analyzed and rationale for the selection of these parameters? [3745-65-13 (B) (1)]

Y _____

- b. The test methods to be used? [3745-65-13 (B) (2)]

- c. The sampling method which will be used, either one of the sampling methods described in Appendix I of 3745-51-20 or an equivalent method as defined in OAC 3745-50-10? [3745-65-13 (B) (3) (a) (b)]

- d. The frequency with which the initial analysis of the waste will be reviewed/repeated to ensure that the analysis is accurate and up-to-date? [3745-65-13 (B) (4)]

Y _____

- e. FOR OFF-SITE FACILITIES: The waste analysis that hazardous waste generators have agreed to supply? [3745-65-13 (B) (5)]

NA _____

008

f. **FOR OFF-SITE FACILITIES:** The sampling methods and procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identification of the waste on the manifest [3745-65-13(C)]?

NA

g. **FOR FACILITIES OPERATING SURFACE IMPOUNDMENTS EXEMPT FROM LAND DISPOSAL RESTRICTIONS UNDER 3745-59-04(A):**

Does the waste analysis plan include procedures and schedules for:

- i. The sampling of impoundment contents? [3745-65-13(B)(7)]
- ii. The analysis of test data? [3745-65-13(B)(7)]
- iii. The annual removal of residues which are not delisted or which exhibit the characteristic of a hazardous waste and either do not meet treatment standards (3745-59-44) or where no treatment standards have been established? [3745-65-13(B)(7)]

h. **Where applicable:** The methods which will be used to meet the additional waste analysis requirements of rules 3745-59-07, 3745-67-25, 3745-67-52, 3745-67-73, 3745-68-14, 3745-68-41, 3745-68-75 and 3745-69-02 of the OAC? [3745-65-13(B)(6)]

WASTE ANALYSIS PLAN - LDR REQUIREMENTS

NOTE: The following requirements identified in Question #7 apply to both on-site and off-site TSD facilities.

7. In accordance with OAC Rule 3745-65-13(B)(6), does the the facility's waste analysis plan includes analytical procedures necessary to ensure compliance with the land disposal restriction requirements of Chapter 3745-59, including:

- a. Procedures for conducting the TCLP for wastes which have a CCWE treatment standard?
- b. Procedures for conducting a total constituent analysis for wastes which have a CCWE treatment standard?

Y

Y

2. Does the operating record include documentation required to be maintained under the land disposal restriction requirements of Chapter 3745-59? [3745-65-73(b) (9) through (14)]

Y _____

NOTE: The following recordkeeping requirements are applicable only to off-site TSDS.

3. Are manifests received by the facility signed and dated? [3745-65-71(A) (1)]

NA _____

4. Is one copy given to the transporter, one copy sent to the generator within 30 days and one copy kept for at least 3 years? [3745-65-71(A)]

- a. If shipping papers are used in lieu of manifests (bulk shipments, etc.), are the same requirements met [3745-65-71(B)]?

- b. Are any significant discrepancies in the manifest, as defined in 3745-65-72(A) noted in writing on the manifest document?

5. Have any manifest discrepancies been reconciled within 15 days as required by 3745-65-72(B) or has the o/o submitted the required information to the Director?

6. If the facility has accepted any unmanifested hazardous wastes from off-site sources for treatment, storage, or disposal, has an unmanifested waste report containing all the information required by 3745-65-76(A) been submitted to the Director within 15 days?

REMARKS - OPERATING RECORD REQUIREMENTS

PERSONNEL TRAINING (OAC 3745-65-16)

Y/N/NA RMK #

- 1. Does the facility provide a personnel training program in compliance with 3745-65-16(A) (B) (C) including instruction in safe equipment operation and emergency procedures, and implementation of the contingency plan?
- 2. Does the facility provide personnel training to new employees within 6 months after the date of their employment as required by 3745-65-16(B)?
- 3. Does the facility provide an annual training program refresher course as required by 3745-65-16(B)?
- 4. Does the facility keep all of the records required by 3745-65-16(D) (E) including written job titles, job descriptions and documented employee training records?

Y	
V	

REMARKS - PERSONNEL TRAINING

CONTINGENCY PLAN (OAC 3745-65-50 THROUGH 3745-65-56)

Y/N/NA RMK #

- | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|------------------------------------------------------------------|
| <p>1. Does the o/o have a written contingency plan which contains the following [3745-65-52 (A) (B) (C) (D) (E)]:</p> <p>a. Actions to be taken by personnel in the event of an emergency?</p> <p>b. Arrangements or agreements with local or state emergency authorities?</p> <p>c. Names, addresses and telephone numbers of all persons qualified to act as emergency coordinator?</p> <p>d. A list of all emergency equipment including location, physical description and outline of capabilities?</p> <p>e. If required due to the actual hazards associated with the waste handled, an evacuation plan for facility personnel? [3745-65-52 (F)]?</p> | <p>Y</p> <hr/> <hr/> <hr/> <hr/> <hr/> | <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> |
| <p>2. Is the contingency plan designed to minimize hazards to human health or the environment from fires, explosions or any unplanned release of hazardous waste or hazardous waste constituents to air, soil or surface water? [3745-65-51 (A)]</p> | <hr/> | <p>_____</p> |
| <p>3. Is a copy of the contingency plan and any plan revisions maintained on-site and has it been submitted to all local and state emergency service authorities that might be required to participate in execution of the plan? [3745-65-53 (A) (B)]</p> | <hr/> | <p>_____</p> |
| <p>4. Is the plan revised in response to rule changes, facility, equipment and personnel changes or failure of the plan? [3745-65-54]</p> | <hr/> | <p>_____</p> |
| <p>5. Is an emergency coordinator who is familiar with all aspects of site operation and emergency procedures who has the authority to implement all aspects of the contingency plan designated at all times (on-site or on-call)? [3745-65-55]</p> | <p>✓</p> <hr/> | <p>_____</p> |
| <p>6. If an emergency situation has occurred, has the emergency coordinator implemented all or part of the contingency plan and taken all of the actions and made all of the notifications necessary under 3745-65-56 (A-J)?</p> | <p>NA</p> <hr/> | <p>_____</p> |

015

Y/N/NA RMK #

8. Where state and local emergency service authorities have declined to enter into any proposed special arrangements or agreements, has the refusal been documented?
[OAC 3745-65-37(B)]

NA _____

REMARKS - CONTINGENCY PLAN/PREPAREDNESS AND PREVENTION REQUIREMENTS

017

USE AND MANAGEMENT OF CONTAINERS (OAC 3745-66-70 TO 3745-66-77) Y/N/NA RMK #

- 1. Are hazardous wastes stored in containers which are:
 - a. Closed? [3745-66-73(A)] Y
 - b. In good condition? [3745-66-71] ↓
 - c. Compatible with wastes stored in them? [3745-66-72] ↓
- 2. Are containers stored closed except when it is necessary to add or remove wastes? [3745-66-73(A)] Y
- 3. Are hazardous waste containers stored, handled and opened in a manner which prevents container rupture or leakage? [3745-66-73(B)] Y
- 4. Is the area where containers are stored inspected for evidence of leaks or corrosion at least weekly? [3745-66-74] Y
- 5. Is the facility recording inspections described in Question #4 in an inspection log or inspection summary as required by OAC 3745-66-74(B) which contains the following information:
 - a. Date and time of inspections? Y
 - b. Name of inspector? ↓
 - c. Notation of observations made during the inspection? ↓
 - d. The date and nature of any repairs or other remedial action? ↓
- 6. Are ignitable and/or reactive hazardous waste(s) being managed at the facility? If so,
 - a. Are containers holding ignitable or reactive waste located at least 50 feet (15 meters) from the facility's property line? [3745-66-76] Y

NOTE: OAC Rule 3745-66-76 as referenced in Question 6.a. does not apply to Small Quantity Generators (except for wastes accumulated in a satellite accumulation area). [See OAC Rules 3745-52-34(D) (2) and (C) (1) (a)]

- b. Are containers holding hazardous wastes stored separately from other materials which may interact with the waste in a hazardous manner? [3745-66-77(C)] ↓

000018

SPECIAL REQUIREMENTS FOR IGNITABLE/REACTIVE/INCOMPATIBLE
WASTES (OAC 3745-65-17)

Y/N/NA RMK #

NOTE: The following requirements are generally applicable to TSD facilities only. See OAC Rule 3745-66-992(F) (2) for applicability of ignitable/reactive/incompatible waste requirements for SQGs accumulating hazardous waste in tanks.

1. If ignitable, reactive or incompatible wastes are handled, does the facility meet the following requirements?
[3745-65-17]

- a. Wastes are protected from sources of ignition and/or reaction?
- b. Physical separation of incompatible waste materials?
- c. "No Smoking" or "No Open Flames" signs are placed near areas where ignitable or reactive wastes are handled?
- d. Commingling of waste materials is done in a controlled, safe manner as prescribed by 3745-65-17(B)?

Y	_____

V	_____
NA	_____

REMARKS - IGNITABLE/REACTIVE/INCOMPATIBLE WASTE REQUIREMENTS

019

OAC 3745-66 CLOSURE AND POST CLOSURE

Y/N/NA RMK #

- | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----|
| 1. Is a written closure plan on file at the facility which contains the following elements: [3745-66-12]? | N* | #1 |
| a. A description of how each hazardous waste management unit will be closed in accordance with 3745-66-11? | N | |
| b. A description of how final closure will meet the requirements of 3745-66-11? | N | |
| c. An estimate of the maximum amount of hazardous waste ever in inventory? | Y | |
| d. A description of steps taken to remove or decontaminate facility equipment containment systems, structures, soils, and all hazardous waste residues? | Y | |
| e. The year closure is expected to begin and a schedule for the various phases of closure? | N | |
| f. A description of other activities necessary to ensure closure with the performance standards including ground water monitoring, leachate collection, and run-off control? | Y | |
| 2. Has the closure plan (and post-closure plan, if applicable) been amended 60 days prior to any changes in facility design, processes, or closure dates or 60 days after an unexpected event occurs which affects the closure plan? [3745-66-12(C)] | NA | |
| 3. Has the closure plan (and post-closure plan, if applicable) for surface impoundment, waste pile, land treatment or landfill units been submitted to the Director 180 days prior to beginning the closure process? [3745-66-12(D)] | NA | |
| 4. Has the closure plan (and post-closure plan, if applicable) for any non land disposal unit(s) been submitted to the Director 45 days prior to beginning the closure process? [3745-66-12(D)] | Y | |
| 5. Within 90 days of receipt of the final volume of waste or Director's plan approval, if that is later, was all hazardous waste treated, removed, or disposed in accordance with the approved plan? [3745-66-13(A)] | NA | |
| 6. Was closure completed in accordance with the approved plan within 180 days after receipt of final volume of waste or approval of the plan, if that is later? [3745-66-13(B)] | NA | |
| 7. Did the owner/operator submit to the Director, within sixty (60) days after completion of closure, certification by both the owner/operator and an independent registered professional engineer that the facility has been closed in accordance with the approved closure plan? [3745-66-15] | NA | 199 |

8. Did the owner/operator submit to the local zoning authority and the Director a survey plat in accordance with OAC 3745-66-16?

NA

9. What permitted units at the facility have been closed in accordance with an approved closure plan?

NA, NO UNITS HAVE BEEN PERMITTED TO DATE.

HWMU'S CLOSED: BaCl₂ STORAGE TANKS; WASTE PIT #4

10. If closure was partial, list the regulated units which remain in use at the facility:

APPX. 40 INACTIVE HWMU'S AND

7 ACTIVE HWMU'S (CONTAINER STORAGE).

11. If required, has the facility prepared a written post-closure plan? [3745-66-18]

NA * 1

If so, does the post-closure plan include:

a. A description of proposed ground water monitoring?

b. A description of planned maintenance activities?

c. The name, address and phone number of person/office to contact during the post-closure period?

12. For disposal facilities; has the owner/operator submitted to local land authorities and the Director a survey plat within 60 days after certification of closure? [3745-66-19]

NA

13. Has the owner of the property on which a disposal unit is located recorded on the deed that:

a. The land has been used to manage hazardous waste and the type, quantity and location of waste?

NA

b. Land use is restricted under closure and post-closure rules? [3745-66-19]

NA

REMARKS - CLOSURE/POST CLOSURE REQUIREMENTS

* 1) FACILITY SUBJECT TO CERCLA PROCESS. RCRA CLOSURES FOR HWMU'S SUBMITTED PER CONSENT DECREE SCHEDULES. FINAL FACILITY CLOSURE SUBJECT TO CERCLA PROCESS.

021

GENERATOR CLASSIFICATION (OAC 3745-52-34)

Does the facility:

1. Generate < 100 Kg (25-30 gallons) of hazardous waste in a calendar month?

(yes) _____ (no)

If so, the facility is classified as a Conditionally Exempt Small Quantity Generator, unless 3.b. applies. Please complete the Conditionally Exempt Small Quantity Generator Requirements checklist.

2. Generate between 100 and 1000 Kg of hazardous waste in a calendar month? (about 25 to under 300 gallons)

(yes) _____ (no)

If so, the facility is classified as a Small Quantity Generator, unless 3.b. applies. Please stop here and complete the Small Quantity Generator Requirements checklist.

3. a. Generate > 1000 Kg (~ 300 gallons) of hazardous waste in a calendar month?

(yes) (no) _____

or;

- b. Generate > 1 Kg of acutely hazardous waste in a calendar month?

(yes) _____ (no) _____

If so, the facility is classified as a Large Quantity Generator. Please complete the Large Quantity Generator Requirements checklist.

REMARKS - GENERATOR CLASSIFICATION

OAC 3745-52 - LARGE QUANTITY GENERATOR REQUIREMENTS

WASTE EVALUATION (OAC 3745-52-11)

Y/N/NA RMK #

1. Have wastes generated at the facility been evaluated in compliance with the waste evaluation requirements of OAC rule 3745-52-11(A) (B) and (C)?

* on-going program of characterization per Consent Decree
Y _____

(a) Has the generator's evaluation identified in Question #1 included an evaluation for the (TC) Toxicity Characteristics identified in 3745-51-24? [3745-52-11(C)]

Y _____

NOTE: The TC rule requirement noted above must include an evaluation of the metal as well as organic TC constituents identified in 3745-51-24.

If not, specify those waste streams which the generator has failed to adequately evaluate:

2. Are any wastes generated at the facility identified by the generator as being excluded from regulation under Rule 3745-51-04?

* N _____

If so, specify those waste streams identified by the generator as being excluded under 3745-51-04:

* Facility stores regulated material under AEC/NRC/DOE

3. Is the facility generating any wastes which are identified as recyclable materials as defined in OAC 3745-51-06(A)?

N _____

If so, please identify these waste streams below:

024

HAZARDOUS WASTE IMPORT/EXPORT (OAC 3745-52-50 TO 3745-52-57 AND OAC 3745-52-60)

Y/N/NA RMK #

- 8. Does the generator import or export hazardous waste? N/
- If so, are the wastes handled in accordance with the requirements of 3745-52-50 through 3745-52-57 and 3745-52-60? _____

REMARKS - HAZARDOUS WASTE IMPORT/EXPORT

PRE-TRANSPORT REQUIREMENTS (OAC 3745-52-30 TO 3745-52-33)

- 9. Does the generator meet the following pre-transport requirements prior to offering hazardous wastes for transport off-site:
 - a. The waste material is packaged, labeled, and marked in accordance with the applicable DOT regulations [3745-52-30, 3745-52-31, and 3745-52-32(A)]? * Y
 - b. Each container with a capacity of 110 gallons or less is affixed with a completed hazardous waste label as required by 3745-52-32(B)? ↓
 - c. Before transporting hazardous wastes off-site or offering hazardous wastes for transportation off-site, does the generator placard or offer the appropriate DOT placards to the initial transporter in compliance with 3745-52-33? ↓

REMARKS - PRETRANSPORT REQUIREMENTS

* No hazardous waste/mixed waste shipped off-site for disposal.

026

GENERATOR ACCUMULATION IN CONTAINERS AND TANKS
(OAC 3745-52-34)

Y/N/NA RMK #

1. If the generator elects to accumulate ~~hazardous waste~~ *
on-site in containers or tanks for 90 days or less
without a permit as provided under 3745-52-34, are the
following requirements met:

- a. The containers or tanks are clearly marked with the
words "Hazardous Waste?" [3745-52-34(A)(3)] Y _____
- b. The date that accumulation began is clearly marked on
each container? [3745-52-34(A)(2)] Y _____

In addition, OAC 3745-52-34(A)(1) also requires generators accumulating hazardous
waste(s) in containers < 90 days to comply with the "Container Management" Rules
of OAC 3745-66-70 to 3745-66-77. If the generator is accumulating hazardous
waste(s) in containers, please complete Management of Containers checklist to
document compliance with these requirements.

2. Is the generator accumulating hazardous waste(s) in tanks? N _____

If so, OAC 3745-52-34(A)(1) requires generators to comply with
rules 3745-66-90 to 3745-66-992 except paragraph (C) of rule
3745-66-97 and rule 3745-66-991.

If the generator is accumulating hazardous waste(s) in tanks, complete
the Tank System Requirements checklist to document compliance with
these requirements.

3. Has the generator accumulated hazardous wastes in excess *
of ninety (90) days? Y _____

a. If so, has the generator been granted an extension by
the Director for accumulation in excess of (90) days? NA _____

REMARKS - GENERATOR ACCUMULATION REQUIREMENTS

* GENERATOR IS TSDF STORING MIXED WASTES

GENERATOR CLOSURE REQUIREMENTS (3745-52-34)

Y/N/NA RMK #

- 1. Has the generator closed any < 90-day accumulation unit(s) since date of last inspection?

N _____

If so, describe the unit(s) which the generator has closed:

- 2. If the generator has closed any < 90-day accumulation unit(s) as described in Question #1, was closure completed to meet the closure performance standard of 3745-66-11? [3745-52-34 (A) (1)]

NA _____

Please provide a description of the type of documentation provided by the generator to confirm that closure was completed in accordance with the closure performance standard:

- 3. If the < 90 day unit closed was a tank system, did the generator also complete closure in accordance with the tank system closure requirements of 3745-66-97(A) and (B)? [3745-52-34 (A) (1)]

NA _____

REMARKS - GENERATOR CLOSURE REQUIREMENTS

SATELLITE ACCUMULATION AREA REQUIREMENTS
(OAC 3745-52-34(C))

Y/N/NA RMK #

1. Has the facility elected to accumulate hazardous waste at or near a point of generation which is under the control of the operator of the process generating the waste? (defined as satellite accumulation)

Y

If so, are the following requirements of OAC 3745-52-34(C) being met:

- a. Quantities of waste accumulated do not exceed 55 gallons at any time?
- b. Quantities of acutely hazardous waste accumulated do not exceed 1 quart at any one time?
- c. The generator has marked the containers with words "Hazardous Waste" or with other words identifying the contents of the container?

NR
↓
✓

If the facility is maintaining satellite accumulation areas as identified in 1.a. and 1.b. above, OAC 3745-52-34(C) also requires that the container(s) in these areas be managed in compliance with the "Container Management" requirements of OAC 3745-66-71, 3745-66-72, 3745-66-73(A), 3745-66-76 and 3745-66-77. Please complete the Use and Management of Containers checklist to document compliance with these requirements.

2. Is the facility accumulating hazardous waste(s) in excess of the amounts listed in either 1.a or 1.b?

NR

- a. If so, did the generator comply with 3745-52-34(A) within three (3) days? and;
- b. Upon accumulating > 55-gallons of waste, did the generator mark the container holding the excess hazardous waste with the date the excess began accumulating?

↓
✓

REMARKS - SATELLITE ACCUMULATION REQUIREMENTS

see TSD Checklist

USE AND MANAGEMENT OF CONTAINERS (OAC 3745-66-70 TO 3745-66-77) Y/N/NA RMK #

- 1. Are hazardous wastes stored in containers which are:
 - a. Closed? [3745-66-73(A)] _____
 - b. In good condition? [3745-66-71] _____
 - c. Compatible with wastes stored in them? [3745-66-72] _____
- 2. Are containers stored closed except when it is necessary to add or remove wastes? [3745-66-73(A)] _____
- 3. Are hazardous waste containers stored, handled and opened in a manner which prevents container rupture or leakage? [3745-66-73(B)] _____
- 4. Is the area where containers are stored inspected for evidence of leaks or corrosion at least weekly? [3745-66-74] _____
- 5. Is the facility recording inspections described in Question #4 in an inspection log or inspection summary as required by OAC 3745-66-74(B) which contains the following information:
 - a. Date and time of inspections? _____
 - b. Name of inspector? _____
 - c. Notation of observations made during the inspection? _____
 - d. The date and nature of any repairs or other remedial action? _____
- 6. Are ignitable and/or reactive hazardous waste(s) being managed at the facility? If so,
 - a. Are containers holding ignitable or reactive waste located at least 50 feet (15 meters) from the facility's property line? [3745-66-76] _____
 - b. Are containers holding hazardous wastes stored separately from other materials which may interact with the waste in a hazardous manner? [3745-66-77(C)] _____

NOTE: Small Quantity Generators are not required to comply with OAC Rule 3745-66-67 (except for wastes being accumulated in satellite accumulation areas). [See OAC Rules 3745-52-34(D) (2) and (C) (1) (a)]

031

OAC CHAPTER 3745-59 - LDR GENERAL REQUIREMENTS

CASE-BY-CASE EXTENSIONS

Y/N/NA RMK#

1. Has the entity received an extension for compliance with land disposal restrictions from US EPA pursuant to 40 CFR 268.5? If yes,

N _____

(a) List the waste(s) affected:

(b) Has the extension been recognized by the Director of Ohio EPA? [O.A.C. Rule 3745-59-05(C)]

NA _____

(c) When does the extension expire? _____

NOTE: A case-by-case extension can be granted for up to one year. The extension is renewable once (by US EPA) for an additional year. Until receiving approval of the extension by US EPA and recognition of the extension by the Director of Ohio EPA, the entity must continue to manage the waste in accordance with all applicable LDR requirements.

VARIANCE FROM A TREATMENT STANDARD

2. Has the entity been granted a variance from a treatment standard by US EPA pursuant to 40 CFR 268.44? If yes,

NA _____

(a) List the waste(s) affected:

(b) Has the variance been recognized by the Director of Ohio EPA? [O.A.C. Rule 3745-59-44(C)]

NA _____

NOTE: Until the variance has been approved by US EPA and recognized by the Director of Ohio EPA, the entity must continue to manage the waste in compliance with the LDR requirements.

NO MIGRATION PETITION

Y/N/NA RMK#

3. Has the entity received a variance from US EPA to allow for continued land disposal of untreated LDR wastes based upon a demonstration that there will be no migration from the disposal unit pursuant to 40 CFR 268.6? If yes,
- (a) List the waste(s) affected:
 - (b) Has the entity's "no migration" demonstration been recognized by the Director of Ohio EPA? [O.A.C. Rule 3745-59-06(C)]

NA

↓

NOTE: Until the no migration petition has been approved by US EPA and recognized by the Director of Ohio EPA, the entity must continue to manage the waste in compliance with the LDR requirements.

PROHIBITION AGAINST DILUTION

4. Does the entity dilute a restricted waste or a treatment residue from a restricted waste: [O.A.C. Rule 3745-59-03; 40 CFR 268.3]
- (a) As a substitute for adequate treatment to achieve compliance with LDR treatment standards?
 - (b) To circumvent the effective date of a prohibition (e.g. to dilute a "non-wastewater" waste to a "wastewater" to avoid complying with the "non-wastewater" treatment standard)?
 - (c) To otherwise avoid a prohibition in O.A.C. Rules 3745-59-30 through 3745-59-35 (40 CFR 268.30 through 268.35)?
 - (d) To otherwise avoid a prohibition imposed by Section 3004 of RCRA?

N

↓

↓

NOTE: If the answer to any of the Questions 4(a) through 4(d) above is yes, the entity is impermissibly diluting a restricted waste and is in violation of O.A.C. Rule 3745-59-03 (40 CFR 268.3).

NOTE: Dilution of wastes is permissible under some conditions. See O.A.C. Rule 3745-59-03(B) (40 CFR 268.3) and the Third Third final rule preamble for additional information.

33

STORAGE OF LAND DISPOSAL RESTRICTED WASTES

NOTE: The following questions apply to operators of treatment, storage or disposal (TSD) facilities that accumulate Land Disposal Restricted wastes that do not meet treatment standards in tanks or containers. A large quantity generator who stores LDR wastes on-site for greater than 90 days becomes an operator of a storage facility and must comply with all applicable TSD requirements. SQGs become owners/operators of storage facilities if storage of LDR wastes exceeds 6,000 kg. or 180/270 days.

NOTE: The LDR storage prohibition does not apply to wastes which are subject to a national capacity variance, variance from the treatment standard or case-by-case extension during the period of extension/variance. The LDR storage prohibition also does not apply to wastes subject to a no-migration petition or to wastes which meet treatment standards. [O.A.C. Rule 3745-59-50(E); 40 CFR 268.50(e)]

Y/N/NA RMK#

1. Is the owner/operator storing land disposal restricted wastes in containers? If so, is each container marked with the following information in accordance with O.A.C. Rule 3745-59-50(A)(2)(a) (40 CFR 268.50(a)(2)(i)):

Y
|
J

(a) The identification of the contents?

(b) The date which accumulation began?

2. Is the owner/operator storing land disposal restricted wastes in tanks? If so, is each tank marked with the following information in accordance with O.A.C. Rule 3745-59-50(A)(2)(b) (40 CFR 268.50(a)(2)(ii)):

N

(a) A description of its contents?

NA

(b) The quantity of each hazardous waste received?

|

(c) The date each period of accumulation begins? or;

J

(d) Is the information required by 2(a), 2(b) and 2(c) being recorded and maintained in the facility's operating record? [O.A.C. Rule 3745-59-50(A)(2)(b); 40 CFR 268.50(a)(2)(ii)]

J

3. Are land disposal restricted wastes being stored at the facility for greater than one year? If so,

Y *

(a) Has the owner/operator demonstrated that such storage is being conducted solely for the purpose of accumulating sufficient quantities of wastes necessary to facilitate proper recovery, treatment or disposal? [O.A.C. Rule 3745-59-50(A)(1); 40 CFR 268.50(a)(1)]

N

034

NOTE: A TSD facility may store Land Disposal Restricted wastes on-site for the purpose of accumulating a sufficient amount of waste for proper recovery, treatment or disposal. [O.A.C. Rule 3745-59-50(B)] During the first of storage, the burden of proof is on Ohio EPA to demonstrate that such storage is not necessary by the facility. Following one year, the burden of proof shifts to the storage facility to demonstrate that such storage of LDR wastes is necessary to facilitate proper recovery, treatment or disposal.

The requirements of O.A.C. Rule 3745-59-50(C) (40 CFR 268.50(c)) found in Question #3 do not apply to those facilities that store hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm. Please go to Question #4 for applicable requirements.

Y/N/NA RMK#

4. Does the owner/operator store liquid hazardous wastes which also contain PCBs at concentrations greater than or equal to 50 ppm for greater than 90 days (180/270 days if SQG)?
If so,

Y *

(a) Does the facility remove from storage and treat or dispose of such PCB hazardous wastes within one year from the date that the wastes were initially placed in storage? [O.A.C. Rule 3745-59-50(F); 40 CFR 268.50(f)]

N

NOTE: In addition to complying with the requirement found in Question 4(a), the facility must also meet the requirements of 40 CFR 761.65(b). [O.A.C. Rule 3745-59-50(F); 40 CFR 268.50(f)]

REMARKS

* FACILITY STORING MIXED/TSCA WASTES
BECAUSE OF LACK OF NATIONAL TREATMENT
CAPACITY.

LDR - GENERATOR REQUIREMENTS

NOTE: The following requirements apply only to large quantity generators and small quantity generators. Conditionally exempt small quantity generators are exempt from land disposal restriction requirements as referenced in O.A.C. Rules 3745-59-01(E) (1) (40 CFR 268.1(e) (1)) and 3745-51-05(B) (40 CFR 261.5(b)).

EVALUATION OF WASTES/DETERMINING APPROPRIATE TREATMENT STANDARDS Y/N/NA RMK#

- 1. Has the generator adequately evaluated all wastes to determine if they are restricted from land disposal? [O.A.C. Rule 3745-59-07(A); 40 CFR 268.7(a)]
 - (a) For determinations based solely on knowledge of the waste: Is supporting data used to make this determination being retained on-site? [O.A.C. Rule 3745-59-07(A) (5); 40 CFR 268.7(a) (5)]
 - (b) For determinations based upon analytical testing: Is a copy of waste analysis data being retained on-site? [O.A.C. Rule 3745-59-07(A) (5); 40 CFR 268.7(a) (5)]
- 2. Has the generator determined the correct "treatability group" for each waste restricted from land disposal (e.g. wastewater, non-wastewater, high arsenic, low arsenic, high zinc, low zinc, etc.)? [O.A.C. Rule 3745-59-07(A); 40 CFR 268.7(a)]
- 3. Has the generator correctly determined if restricted wastes meet or exceed treatment standards? [O.A.C. Rule 3745-59-07(A); 40 CFR 268.7(a)]
- 4. Does the entity generate any listed waste(s) which are restricted from land disposal? If so,
 - (a) Do such wastes also exhibit hazardous waste characteristics as identified in O.A.C. Rules 3745-51-20 to 3745-52-24? (40 CFR 261.20 through 261.24)?
 - (b) For listed wastes which also exhibit a characteristic: Does the generator also identify the appropriate treatment standard for the constituent(s) which cause the waste to exhibit the characteristic(s)? [O.A.C. Rule 3745-59-09(A); 40 CFR 268.9(a)]

NOTE: The generator is not required to identify the treatment standard for the characteristic if the listing covers the associated characteristic (e.g. a F019/D007 hazardous waste - F019 being listed due to chromium content and D007 being the characteristic waste code for chromium). [See O.A.C. Rule 3745-59-09(B); 40 CFR 268.9(b)]

9. Is the notification/certification identified in Question #8 submitted with each shipment of waste? [O.A.C. 3745-59-07 (A) (2); 40 CFR 268.7(a) (2)]

Y _____

10. For wastes subject to a case-by-case extension, exemption or a variance: Does the generator provide written notice to the facility receiving the waste that the waste is not prohibited from land disposal? [O.A.C. Rule 3745-59-07 (A) (3); 40 CFR 268.7(a) (3)]

N/A _____

If so, does the notice contain the following information:

(a) EPA hazardous waste number? [O.A.C. Rule 3745-59-07 (A) (3) (a); 40 CFR 268.7(a) (3) (i)]

(b) The corresponding treatment standard and applicable prohibitions? [O.A.C. Rule 3745-59-07(A) (3) (b); 40 CFR 268.7(a) (3) (ii)]

(c) The manifest number associated with the shipment of waste? [O.A.C. Rule 3745-59-07(A) (3) (c); 40 CFR 268.7(a) (3) (iii)]

(d) Waste analysis data, where available? [O.A.C. Rule 3745-59-07(A) (3) (d); 40 CFR 268.6(a) (3) (iv)]

(e) The date the waste is subject to the prohibitions? [O.A.C. Rule 3745-59-07(A) (3) (e); 40 CFR 268.7(a) (3) (v)]

✓ _____

11. Does the generator retain on-site a copy of all notices, certifications, demonstrations and waste analysis data for at least five years? [O.A.C. Rule 3745-59-07(A) (6); 40 CFR 268.7(a) (7)]

Y _____

REMARKS