

3745-50-10

Definitions and computation of time.

(A) As used in the hazardous waste rules:

- (1) "Aboveground tank" means a device meeting 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) "Administrator" means the administrator of the U.S. EPA, or ~~his designee~~ the administrator's authorized representative.
- (5) "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 its point of generation to a storage or treatment ~~tank(s)~~ 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.
- (6) "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 ~~et seq.~~; ~~the~~ Safe Drinking Water Act, 42 U.S.C. ~~300f et seq.~~; the Clean Water Act, and the Clean Air Act, 42 U.S.C. ~~7401~~ ~~et seq.~~; and the regulations of the administrator promulgated thereunder.
- (7) "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.

- (8) "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.
- (9) "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.
- (10) "Boiler" means an enclosed device using controlled flame combustion and having either of the following characteristics:
- (a) The unit shall:
- (i) ~~The unit must have~~Have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases;~~and.~~
- (ii) ~~The unit's~~Have a combustion chamber and primary energy recovery ~~section(s) must be~~sections that are of integral design. To be of integral design the combustion chamber and the primary energy recovery ~~section(s)~~section (such as waterwalls and superheaters) ~~must~~shall be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery ~~section(s)~~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 ~~they~~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, ~~the unit must~~ 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) ~~The unit must export~~ 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 ~~has determined,~~ on a case-by-case basis, ~~to be a boiler~~ and after considering the standards in rule 3745-50-25 of the Administrative Code, has determined to be a boiler.
- (11) "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.
- ~~(11)~~(12) "Carbon regeneration unit" means any enclosed thermal treatment device used to regenerate spent activated carbon.
- ~~(12)~~(13) "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601 ~~et seq.~~ as amended through the date specified in rule 3745-50-11 of the Administrative Code.
- ~~(13)~~(14) "Certification" means a statement of professional opinion based upon knowledge and belief.
- ~~(14)~~(15) "Clean Water Act" or "Clean Water Act of 1977" means the Federal Water Pollution Control Act Amendments of 1972, 86 Stat. 886 ~~et seq.~~, 33 U.S.C. 1251 ~~et seq.~~, 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 et seq., 33 U.S.C. 1251 et seq., as amended through the date specified in rule 3745-50-11 of the Administrative Code.
- ~~(15)~~(16) "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.")
- ~~(16)~~(17) "Component" means either the tank or ancillary equipment of a tank system.

- ~~(17)~~(18) "Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined ground water.
- ~~(18)~~(19) "Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.
- ~~(19)~~(20) "Containment building" means a hazardous waste management unit that is used to store or treat hazardous waste under ~~the provisions of~~ rules 3745-205-100 to 3745-205-102 or 3745-256-100 to 3745-256-102 of the Administrative Code.
- ~~(20)~~(21) "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.
- ~~(21)~~(22) "Corrosion expert" means a person who, by reason of ~~his~~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 ~~must~~shall be certified as being qualified by the "National Association of Corrosion Engineers (NACE)" or be a 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.
- ~~(22)~~(23) "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 whose vacuum has not been released. A "used, broken CRT" means glass removed from its housing or casing whose vacuum has been released. Used CRTs are "spent materials" as defined in rule 3745-51-01 of the Administrative Code.
- ~~(23)~~(24) "CRT collector" means a person who receives used, intact CRTs for recycling, repair, resale, or donation.
- (25) Reserved.
- ~~(24)~~(26) "CRT glass manufacturer" means an operation or part of an operation that uses a furnace to manufacture CRT glass.

~~(25)~~(27) "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.

~~(26)~~(28) "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 its 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 ~~must~~is required to be a facility allowed by the receiving state to accept such waste.

~~(27)~~(29) "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) of rule 3745-273-13 and paragraphs (A) and (C) 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.

~~(28)~~(30) "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.

~~(29)~~(31) "Dioxins and furans" or "(D/F)" means tetra-, penta-, hexa-, hepta-, and octa-chlorinated dibenzo dioxins and furans.

~~(30)~~(32) "Director" means the director of Ohio EPA, or ~~his designee~~ the director's authorized representative.

~~(31)~~(33) "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.

~~(32)~~(34) "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.

~~(33)~~(35) "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.

~~(34)~~(36) "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.

~~(35)~~(37) "Elementary neutralization unit" means a device which both:

(a) Is used for neutralizing wastes that are hazardous only because ~~they~~the wastes exhibit the characteristic of corrosivity ~~characteristic defined~~identified in rule 3745-51-22 of the Administrative Code, or ~~they~~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.

~~(36)~~(38) "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.

~~(37)~~(39) "Equivalent method" means any testing or analytical method approved by the administrator under 40 CFR 260.20 and 40 CFR 260.21.

~~(38)~~(40) "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/operator~~owner or operator of the facility subject to hazardous waste permitting requirements. The ~~owner/operator~~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) The owner or operator has obtained the federal state, and local approvals or permits necessary to begin physical construction; and either~~

~~(b)~~

~~(i) A continuous, on-site, physical construction program has begun; or~~

~~(ii) 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.~~

(a) A continuous, on-site, physical construction program has begun.

(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.

~~(39)~~(41) "Existing portion" means that waste management unit into which wastes have been placed prior to final administrative disposition of the permit pursuant to the "Part B" permit requirements.

~~(40)~~(42) "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.

~~(41)~~(43) "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.

~~(42)~~(44) "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, ~~and/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.

~~(43)~~(45) "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.

~~(44)~~(46) "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 them).
- (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 ~~Section 3008(h)~~ or section 3734.20 of the Revised Code.
- (c) Notwithstanding ~~paragraph (A)(39)(b)~~ subparagraph (b) of this ~~rule definition~~, 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.

~~(45)~~(47) "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.

~~(46)~~(48) "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 ~~the provisions in~~ rule 3745-52-34 of the Administrative Code.

- ~~(47)~~(49) "Food-chain crops" means tobacco, crops grown for human consumption, and crops grown for feed for animals whose products are consumed by humans.
- ~~(48)~~(50) "Freeboard" means the vertical distance between the top of a tank or surface impoundment dike, and the surface of the waste contained therein.
- ~~(49)~~(51) "Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.
- ~~(50)~~(52) "~~Gasification.~~" ~~For the purpose of complying with paragraph (A)(12)(a) of rule 3745-51-04 of the Administrative Code, gasification is a process, conducted in an enclosed device or system, designed and operated to process petroleum feedstock, including oil-bearing hazardous secondary materials through a series of highly controlled steps utilizing thermal decomposition, limited oxidation, and gas cleaning to yield a synthesis gas composed primarily of hydrogen and carbon monoxide gas.~~Reserved.
- ~~(51)~~(53) "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.
- ~~(52)~~(54) "Ground water" means water below the land surface in a zone of saturation.
- ~~(53)~~(55) "Hazardous constituents" means those constituents listed in the appendix to rule 3745-51-11 of the Administrative Code.
- ~~(54)~~(56) "Hazardous waste" means a "hazardous waste" as defined in rule 3745-51-03 of the Administrative Code.
- ~~(55)~~(57) "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.

~~(56)~~(58) "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 its 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 ~~they~~the containers are placed.

~~(57)~~(59) "Hazardous waste rules" means the rules ~~set forth~~ 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.

~~(58)~~(60) "Inactive portion" means that portion of a facility which is not operated after April 15, 1981. (See also "active portion" and "closed portion.")

~~(59)~~(61) "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.

~~(60)~~(62) "Incompatible waste" means a hazardous waste which is unsuitable for either:

- (a) Placement in a particular device or facility because it 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 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.)

~~(61)~~(63) "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.

~~(62)~~(64) "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; ~~and~~

- (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, 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.
- ~~(63)~~(65) "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.
- ~~(64)~~(66) "Inground tank" means a device meeting 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.
- ~~(65)~~(67) "In operation" refers to a facility which is treating, storing, or disposing of hazardous waste.

~~(66)~~(68) "Injection well" means a well into which fluids are injected. (See also "underground injection.")

~~(67)~~(69) "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.

~~(68)~~(70) "Installation inspector" means a person who, by reason of ~~his~~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.

~~(69)~~(71) "International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

~~(70)~~(72) "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.

~~(71)~~(73) "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.

~~(72)~~(74) "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.

~~(73)~~(75) "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.

~~(74)~~(76) "Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

- ~~(75)~~(77) "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 ~~must~~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.
- ~~(76)~~(78) "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.
- ~~(77)~~(79) "Management" or "hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.
- ~~(78)~~(80) "Manifest" means the shipping document U.S. EPA form 8700-22 and, if necessary, U.S. EPA form 8700-22A, originated and signed by the generator or offeror which contains the information required by Chapter 3745-52 of the Administrative Code.
- ~~(79)~~(81) "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.
- ~~(80)~~(82) "Mercury-containing equipment" means a device or part of a device (including thermostats, but excluding batteries and lamps) that contains elemental mercury integral to its function. 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.
- ~~(81)~~(83) "Military munitions" means all ammunition products and components produced or used by or for the U.S. department of defense (DOD) or the U.S. armed services for national defense and security, including military munitions under the control of the department of defense, the U.S. coast guard, the U.S. 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.

~~(82)~~(84) "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.

~~(83)~~(85) "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.

~~(84)~~(86) "Movement" means that hazardous waste transported to a facility in an individual vehicle.

~~(85)~~(87) "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.")

(88) "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.

~~(86)~~(89) "Ohio EPA" means the Ohio environmental protection agency.

~~(87)~~(90) "On ground tank" means a device meeting 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.

~~(88)~~(91) "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 ~~hethat person~~ controls and to which the public does not have access are also considered on-site property.

~~(89)~~(92) "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.")

~~(90)~~(93) "Operator" means the person responsible for the overall operation of a facility.

~~(91)~~(94) "Owner" means the person who owns a facility or part of a facility.

~~(92)~~(95) "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 its 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.

~~(93)~~(96) "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.

~~(94)~~(97) "Permitted facility" means a facility that has possession of a current Ohio hazardous waste permit.

~~(95)~~(98) "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.

~~(96)~~(99) "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 ~~the requirements of~~ Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, and 3745-256 of the Administrative Code.

~~(97)~~(100) "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~~An new animal drug under Section 201(v) of the Federal Food, Drug, and Cosmetic Act (FFDCA) ~~Section 201(w), or,~~

(b) ~~Is an~~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) ~~Is an~~An animal feed under Section 201(w) of the FFDC Act ~~Section 201(x)~~ that bears or contains any substances described by any portion of the definition of "pesticide" in this rule.

~~(98)~~(101) "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.

~~(99)~~(102) "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.

~~(100)~~(103) "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.

~~(101)~~(104) "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 ~~by~~in Section 502(4) of the Clean Water Act]. This definition includes sewers, pipes, or other conveyances only if ~~they~~such sewers, pipes, or other conveyances convey wastewater to a POTW providing treatment.

~~(102)~~(105) "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.

~~(103)~~(106) "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.

~~(104)~~(107) "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.

~~(105)~~(108) "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.

~~(106)~~(109) "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.

~~(107)~~(110) "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 ~~et seq.~~

~~(108)~~(111) "Run-off" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

~~(109)~~(112) "Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

~~(110)~~(113) "Saturated zone" or "zone of saturation" means that part of the earth's crust in which all voids are filled with water.

- ~~(111)~~(114) "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.
- ~~(112)~~(115) "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 itself, of two thousand five hundred British thermal units (Btu) per pound of sludge treated on a wet-weight basis.
- ~~(113)~~(116) "Small quantity generator" means a generator who generates less than one thousand kilograms of hazardous waste in a calendar month.
- ~~(114)~~(117) "Solid wastes" has the same meaning as ~~defined~~ in rule 3745-27-01 of the Administrative Code.
- (118) "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:
- (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.
- (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.
- (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.

- (115)(119) "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.
- (116)(120) "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 ~~must~~shall be designated by the director according to ~~the requirements of rule 3745-57-74 of the Administrative Code.~~
- (117)(121) "State" means the state of Ohio.
- (118)(122) "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.
- (119)(123) "Sump" means any pit or reservoir that meets the definition of "tank" in this rule and those troughs/trenches ~~troughs or trenches~~ connected to ~~it~~such pit or reservoir that ~~serve~~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.
- (120)(124) "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 it 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 impoundments include, but are not limited to, holding, storage, settling, and aeration pits, ponds, and lagoons.
- (121)(125) "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.
- (122)(126) "Tank system" means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

- ~~(123)~~(127) "TEQ" means toxicity equivalence, the international method of relating the toxicity of various dioxin/furan congeners to the toxicity of 2,3,7,8-tetrachlorodibenzo-p-dioxin.
- ~~(124)~~(128) "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 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.")
- ~~(125)~~(129) "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 ~~the requirements of~~ paragraph (C)(2) of rule 3745-273-13 or paragraph (C)(2) of rule 3745-273-33 of the Administrative Code.
- ~~(126)~~(130) "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.
- ~~(127)~~(131) "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 it to fabricate, produce, or compound an article, trade, or service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.
- ~~(128)~~(132) "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.
- ~~(129)~~(133) "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.

~~(130)~~(134) "Transportation" means the movement of hazardous waste by air, rail, highway, or water.

~~(131)~~(135) "Transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

~~(132)~~(136) "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;
- (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.

~~(133)~~(137) "Treat" or "treatment" means any method, technique, or process; ~~including neutralization,~~ designed to change the physical, chemical, or biological ~~character~~characteristics or composition of any hazardous waste; ~~so~~ as to neutralize the waste; ~~or so as~~ to recover energy or material resources from the waste; ~~or so as~~ to render the waste non-hazardous; or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, ~~amenable for~~ storage, ~~amenable for~~ further treatment, or ~~amenable for~~ disposal; or to reduce the volume of the waste.

~~(134)~~(138) "Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed, or immobilized.

~~(135)~~(139) "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.")

~~(136)~~(140) "Underground source of drinking water" means ~~an aquifer or its portion~~ which:

(a) An aquifer or its portion which either:

(i) Supplies any "public water system" as defined in Chapter 3745-81 of the Administrative Code; ~~or,~~

(ii) 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 not an exempted aquifer.

~~(137)~~(141) "Underground tank" means a device meeting the definition of "tank" in this rule whose entire surface area is totally below the surface of and covered by the ground.

~~(138)~~(142) "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.

~~(139)~~(143) "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; ~~and,~~

(b) Pesticides as described in rule 3745-273-03 of the Administrative Code; ~~and,~~

(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.

~~(140)~~(144) "Universal waste handler":

(a) Means either:

(i) A "generator" (as defined in this rule) of universal waste;

(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:

(i) A person who treats [except under the provisions of paragraph (A) or (C) of rule 3745-273-13 of the Administrative Code, or paragraph (A) or (C) of rule 3745-273-33 of the Administrative Code], disposes of, or recycles universal waste;

(ii) A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

~~(141)~~(145) "Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

~~(142)~~(146) "Unsaturated zone" or "zone of aeration" means the zone between the land surface and the water table.

~~(143)~~(147) "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.

(144)(148) "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.

(145)(149) "U.S. EPA" means United States environmental protection agency.

(146)(150) "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.

(147)(151) "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.

(148)(152) "Vessel" includes every description of watercraft, used or capable of being used as a means of transportation on the water.

(149)(153) "Waste" has the same meaning as ~~defined~~ in rule 3745-51-02 of the Administrative Code.

(150)(154) "Waste management unit" means any discernible unit at which ~~solid waste, hazardous waste, infectious waste~~ "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 ~~wastewastes~~" (as those terms are defined in Chapter 6111. of the Revised Code) ~~has~~ 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.

(151)(155) "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 ~~by~~in rule 3745-51-03 of the Administrative Code, or treats or stores a wastewater treatment sludge which is a "hazardous waste" as defined ~~by~~in rule 3745-51-03 of the Administrative Code; ~~and~~.

(c) Meets the definition of "tank" or "tank system" in this rule.

~~(152)~~(156) "Water (bulk shipment)" means the bulk transportation of hazardous waste which is loaded or carried on board a vessel without containers or labels.

~~(153)~~(157) "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.

~~(154)~~(158) "Well injection": see "underground injection."

(159) "Wipe" means a woven or non-woven shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material.

~~(155)~~(160) "Zone of engineering control" means an area under the control of the ~~owner/operator~~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.

(B) As used in the hazardous waste rules, unless the context otherwise requires, the time within which an act is required to be performed ~~must~~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."]

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