

3745-266-220 Storage and treatment conditional exemption and eligibility.

- (A) What does a storage and treatment conditional exemption do? The storage and treatment conditional exemption exempts your LLMW from the regulatory definition of hazardous waste in rule 3745-51-03 of the Administrative Code if your waste meets the eligibility criteria in paragraph (B) of this rule and you meet the conditions in paragraphs (C) to (C)(2)(e) of this rule.
- (B) What wastes are eligible for the storage and treatment conditional exemption? LLMW is eligible for this conditional exemption if it is generated and managed by you under a single NRC or NRC agreement state license. (Mixed waste generated at a facility with a different license number and shipped to your facility for storage or treatment requires a permit and is ineligible for this exemption. In addition, NARM waste is ineligible for this exemption.)
- (C) What conditions must you meet for your LLMW to qualify for and maintain a storage and treatment exemption?
- (1) For your LLMW to qualify for the exemption you must notify us in writing by certified delivery that you are claiming a conditional exemption for the LLMW stored on your facility. The dated notification must include your name, address, U.S. EPA identification number, NRC or NRC agreement state license number, the waste code(s) and storage unit(s) for which you are seeking an exemption, and a statement that you meet the conditions of rules 3745-266-210 to 3745-266-355 of the Administrative Code. Your notification must be signed by your authorized representative who certifies that the information in the notification is true, accurate, and complete. You must notify us of your claim either within ninety days of the first effective date of this rule, or within ninety days of when a storage unit is first used to store conditionally exempt LLMW.
- (2) To qualify for and maintain an exemption for your LLMW you must:
- (a) Store your LLMW in tanks or containers in compliance with the requirements of your license that apply to the proper storage of LLW (not including those license requirements that relate solely to recordkeeping);
- (b) Store your LLMW in tanks or containers in compliance with chemical compatibility requirements of a tank or container in rule 3745-55-77 or 3745-55-99 of the Administrative Code, or rule 3745-66-77 or 3745-66-99 of the Administrative Code;
- (c) Certify that facility personnel who manage stored conditionally exempt LLMW are trained in a manner that ensures that the conditionally exempt waste is safely managed and includes training in chemical waste management and hazardous materials incidents response that meets the personnel training standards found in paragraph (A)(3) of rule 3745-65-16 of the Administrative Code;

- (d) Conduct an inventory of your stored conditionally exempt LLMW at least annually and inspect it at least quarterly for compliance with rules 3745-266-210 to 3745-266-355 of the Administrative Code; and
- (e) Maintain an accurate emergency plan and provide it to all local authorities who may have to respond to a fire, explosion, or release of hazardous waste or hazardous constituents. Your plan must describe emergency response arrangements with local authorities; describe evacuation plans; list the names, addresses, and telephone numbers of all facility personnel qualified to work with local authorities as emergency coordinators; and list emergency equipment.

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