

3745-50-58

**Conditions applicable to all permits.**

The following conditions apply to all Ohio hazardous waste permits issued pursuant to a review of a "Part B" application, and must be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to hazardous waste management rules will be given in the permit.

- (A) Duty to comply. The permittee must comply with all conditions of this permit except that the permittee need not comply with the conditions of this permit to the extent and for the duration such noncompliance is authorized in an emergency permit. (See rule 3745-50-57 of the Administrative Code.) Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of Chapter 3734. of the Revised Code and is grounds for enforcement action; for permit revocation or modification; or for denial of a permit renewal application.
- (B) Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.
- (C) Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (D) The permittee must take all reasonable steps to minimize releases to the environment, and must carry out such measures as are reasonable to prevent significant adverse impact on human health or the environment resulting from noncompliance with this permit.
- (E) Proper operation and maintenance. The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.
- (F) Permit actions. This permit may be modified or revoked for cause. The filing of a request by the permittee for a permit modification or revocation, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

- (G) Property rights. The permit does not convey any property rights of any sort, or any exclusive privilege.
- (H) Duty to provide information. The permittee must furnish to the director, within a reasonable time, any relevant information which the director may request to determine whether cause exists for modifying or revoking, or to determine compliance with, this permit. The permittee must also furnish to the director, upon request, copies of records required to be kept by this permit.
- (I) Inspection and entry. The permittee must allow the director, or an authorized representative, upon proper identification and upon stating the purpose and necessity of an inspection, to:
- (1) Enter at reasonable times upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
  - (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  - (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
  - (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by Chapter 3734. of the Revised Code, any substances or parameters at any location.
- (J) Monitoring and records.
- (1) Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.
  - (2) The permittee must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, the certification required by paragraph (B)(9) of rule 3745-54-73 of the Administrative Code, and records of all data used to complete the application for this permit, for a period of at least three years ~~from~~after the date of the sample, measurement, report, certification, or application. This period may be extended by request of the director at any time. The permittee

must maintain records from all ground water monitoring wells and associated ground water surface elevations for the active life of the facility, and for disposal facilities for the post-closure care period as well.

(3) Records for monitoring information must include:

- (a) The date, exact place, and time of sampling or measurements;
- (b) The individual(s) who performed the sampling or measurements;
- (c) The date(s) analyses were performed;
- (d) The individual(s) who performed the analyses;
- (e) The analytical techniques or methods used; and
- (f) The results of such analyses.

(K) Signatory requirements. All applications, reports, or information submitted to the director must be signed and certified (see rule 3745-50-42 of the Administrative Code).

(L) Reporting requirements.

- (1) Planned changes. The permittee must give notice to the director as soon as possible of any planned physical alterations or additions to the permitted facility.
- (2) Anticipated noncompliance. The permittee must give advance notice to the director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. For a new facility, the permittee may not treat, store, or dispose of hazardous waste; and for a facility being modified, the permittee may not treat, store, or dispose of hazardous waste in the modified portion of the facility except as provided in rule 3745-50-51 of the Administrative Code, until:
  - (a) The permittee has submitted to the director by certified mail or hand delivery a letter signed by the permittee and a professional engineer stating that the facility has been constructed or modified in compliance with the permit; and

- (b) The director has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or
  - (c) Within fifteen days ~~of~~after the date of submittal of the letter in paragraph (L)(2)(a) of this rule, the permittee has not received notice from the director of intent to inspect, prior inspection is waived and the permittee may commence treatment, storage, or disposal of hazardous waste.
- (3) Transfers. This permit is not transferable to any person except after notice to the director. The director may require modification of the permit to change the owner and operator of the facility and incorporate such other requirements as may be necessary under Chapter 3734. of the Revised Code. (See rule 3745-50-52 of the Administrative Code.)
- (4) Monitoring reports. Monitoring results must be reported at the intervals specified elsewhere in this permit.
- (5) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted not later than fourteen days following each schedule date.
- (6) Twenty-four hour reporting.
- (a) The permittee must report orally to Ohio EPA any noncompliance which may endanger health or the environment within twenty-four hours ~~from~~after the time the permittee becomes aware of the circumstances, including:
    - (i) Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies; and
    - (ii) Any information of a release or discharge of hazardous waste or of a fire or explosion from the hazardous waste management facility which could threaten the environment or human health outside the facility.
  - (b) The description of the occurrence and its cause must include:
    - (i) Name, address, and telephone number of the owner or operator;

- (ii) Name, address, and telephone number of the facility;
  - (iii) Date, time, and type of incident;
  - (iv) Name and quantity of material(s) involved;
  - (v) The extent of injuries, if any;
  - (vi) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
  - (vii) Estimated quantity and disposition of recovered material that resulted from the incident.
- (c) A written submittal must also be provided within five days ~~of~~after the time the permittee becomes aware of the circumstances. The written submittal must contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The director may waive the five-day written notice requirement in favor of a written report within fifteen days.
- (7) Manifest discrepancy report. If a significant discrepancy in a manifest is discovered, the permittee must attempt to reconcile the discrepancy. If not resolved within fifteen days, the permittee must submit a report, including a copy of the manifest, to the director. (See rule 3745-54-72 of the Administrative Code.)
- (8) Unmanifested waste report. This report must be submitted to the director within fifteen days ~~of~~after receipt of unmanifested waste. (See rule 3745-54-76 of the Administrative Code.)
- (9) ~~Annual~~Biennial report. ~~An annual~~A biennial report must be submitted to the director covering facility activities during the odd numbered calendar ~~year~~years. (See rule 3745-54-75 of the Administrative Code.)

- (10) Other noncompliance. The permittee must report all instances of noncompliance not reported under paragraphs (L)(4), (L)(5), and (L)(6) of this rule at the time monitoring reports are submitted. The reports must contain the information listed in paragraph (L)(6) of this rule.
- (11) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the director, it must promptly submit such facts or information.
- (M) Information repository. The director may require the permittee to establish and maintain an information repository at any time, based on the factors set forth in paragraph (C)(2) of rule 3745-50-39 of the Administrative Code. The information repository will be governed by the provisions in paragraphs (C)(3) to (C)(6) of rule 3745-50-39 of the Administrative Code.
- (N) The retention period for all records required under this rule is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the director.

Effective: 02/05/2013

R.C. 119.032 review dates: 11/15/2012 and 08/25/2017

CERTIFIED ELECTRONICALLY

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Certification

01/24/2013

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Date

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Rule Amplifies: 3734.12  
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