

3745-54-18

Location standards.**(A) Seismic considerations.**

(1) Portions of new facilities where treatment, storage, or disposal of hazardous waste will be conducted must not be located within sixty-one meters (two hundred feet) of a fault which has had displacement in Holocene time.

(2) As used in paragraph (A)(1) of this rule:

- (a) "Fault" means a fracture along which rocks on one side have been displaced with respect to those on the other side.
- (b) "Displacement" means the relative movement of any two sides of a fault measured in any direction.
- (c) "Holocene" means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene to the present.

[Comment: Procedures for demonstrating compliance with this standard in the hazardous waste permit application are specified in paragraphs (A)(11) to (A)(11)(e) of rule 3745-50-44 of the Administrative Code. Facilities which are located in political jurisdictions other than those listed in 40 CFR ~~Appendix VI~~ of Part 264 appendix VI are assumed to be in compliance with this requirement.]

(B) Floodplains.

(1) A facility located in a one-hundred-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any hazardous waste by a one-hundred-year flood unless the owner or operator can demonstrate in the permit application that:

- (a) Procedures are in effect which will cause the waste to be removed safely, before flood waters can reach the facility, to a location where the wastes will not be vulnerable to floodwaters; or
- (b) For existing surface impoundments, waste piles, land treatment units, landfills, and miscellaneous units, no adverse effects on human health or the environment will result if washout occurs, considering:

(i) The volume and physical and chemical characteristics of the waste in the facility;

- (ii) The concentration of hazardous constituents that would potentially affect surface waters as a result of washout;
- (iii) The impact of such concentrations on the current or potential uses of and water quality standards established for the affected surface waters; and
- (iv) The impact of hazardous constituents on the sediments of affected surface waters or the soils of the one-hundred-year floodplain that could result from washout.

[Comment: The location where wastes are moved must be a facility which is either permitted by the state of Ohio, authorized to manage hazardous waste by a state with a hazardous waste management program authorized under 40 CFR Part 271, or subject to rules 3745-50-40 to ~~3745-50-66~~3745-50-235 and Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code.]

(2) As used in paragraph (B)(1) of this rule:

- (a) "One-hundred-year floodplain" means any land area which is subject to a one per cent or greater chance of flooding in any given year from any source.
- (b) "Washout" means the movement of hazardous waste from the active portion of the facility as a result of flooding.
- (c) "One-hundred-year flood" means a flood that has a one per cent chance of being equalled or exceeded in any given year.

[Comment: Requirements pertaining to other federal laws which affect the location and permitting of facilities are found in 40 CFR 270.3. For details relative to these laws, see U.S. EPA's manual for SEA (Special Environmental Area) requirements for hazardous waste facility permits. Though U.S. EPA is responsible for complying with these requirements, applicants are advised to consider them in planning the location of a facility to help prevent subsequent project delays.]

- (C) Salt dome formations, salt bed formations, underground mines and caves. The placement of any noncontainerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine or cave is prohibited.

[Comment 1: There are additional requirements for location of hazardous waste facilities in division (D) of section 3734.05 of the Revised Code.]

[Comment 2: 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."]

Effective: 02/16/2009

R.C. 119.032 review dates: 08/06/2008 and 08/25/2012

CERTIFIED ELECTRONICALLY

Certification

01/13/2009

Date

Promulgated Under: 119.03
Statutory Authority: 3734.12
Rule Amplifies: 3734.12
Prior Effective Dates: 01/07/1983, 12/30/1989, 02/14/1995, 12/07/2000,
12/07/2004