

3745-57-73 Temporary units.

- (A) For temporary tanks and container storage areas used to treat or store hazardous remediation wastes during remedial activities required under rule 3745-54-101 of the Administrative Code, section 3734.20 of the Revised Code, or RCRA section 3008(h), or at a permitted facility that is not subject to rule 3745-54-101 of the Administrative Code, the director may designate a unit at the facility as a temporary unit. A temporary unit must be located within the contiguous property under the control of the owner/operator where the wastes to be managed in the temporary unit originated. For temporary units, the director may replace the design, operating, or closure standard applicable to these units under Chapters 3745-54 to 3745-57 and 3745-205, or 3745-65 to 3745-69 and 3745-256 of the Administrative Code with alternate requirements which protect human health and the environment.
- (B) Any temporary unit to which alternative requirements are applied in accordance with paragraph (A) of this rule must be:
 - (1) Located within the facility boundary; and
 - (2) Used only for treatment or storage of remediation wastes.
- (C) In establishing standards to be applied to a temporary unit, the director will consider the following factors:
 - (1) Length of time such unit will be in operation;
 - (2) Type of unit;
 - (3) Volumes of wastes to be managed;
 - (4) Physical and chemical characteristics of the wastes to be managed in the unit;
 - (5) Potential for releases from the unit;
 - (6) Hydrogeological and other relevant environmental conditions at the facility which may influence the migration of any potential releases; and
 - (7) Potential for exposure of humans and environmental receptors if releases were to occur from the unit.
- (D) The director will specify in the permit or order the length of time a temporary unit will be allowed to operate, to be no longer than one year. The director will also specify the design, operating, and closure requirements for the unit.
- (E) The director may extend the operational period of a temporary unit once for no longer than a one year beyond that originally specified in the permit or order, if the director determines that:

- (1) Continued operation of the unit will not pose a threat to human health and the environment; and
 - (2) Continued operation of the unit is necessary to ensure timely and efficient implementation of remedial actions at the facility.
- (F) Incorporation of a temporary unit or a time extension for a temporary unit into an existing permit must be:
- (1) Approved in accordance with the procedures for agency-initiated permit modifications in rule 3745-50-51 of the Administrative Code; or
 - (2) Requested by the owner/operator as a Class 2 modification according to the procedures in rule 3745-50-51 of the Administrative Code.
- (G) The director will document the rationale for designating a temporary unit and for granting time extensions for temporary units, and will make such documentation available to the public.

[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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