

OAC Rule #	Paragraph	Restriction	Description/Quotation	Statutory Authority	State or Fed Law?	If Fed, crosswalk?	Federally delegated program?	Removal would require state or federal law change?	Requirement on the agency or director?
3745-50-10	(A)(12)(a) boiler	shall	The unit shall:	3734.12	state required, federal required	40 CFR 260.10 Boiler (1)(i)	yes	both	no
3745-50-10	(A)(12)(a)(ii)	shall	To be of integral design the combustion chamber and the primary energy recovery section (such as waterwalls and superheaters) shall be physically formed into one manufactured or assembled unit.	3734.12	state required, federal required	40 CFR 260.10 Boiler (1)(ii)	yes	both	no
3745-50-10	(A)(12)(a)(iv)	shall	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).	3734.12	state required, federal required	40 CFR 260.10 Boiler (1)(iv)	yes	both	no
3745-50-10	(A)(24) corrosion expert	shall	Such a person 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.	3734.12	state required, federal required	40 CFR 260.10 Corrosion expert	yes	both	no
3745-50-10	(A)(30)(c) designated facility	required	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 is required to be a facility allowed by the receiving state to accept such waste.	3734.12	state required, federal required	40 CFR 260.10 Designated facility (3)	yes	both	no
3745-50-10	(A)(45) explosive or munitions emergency	require	Such situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.	3734.12	state required, federal required	40 CFR 260.10 Explosives or munitions emergency	yes	both	no
3745-50-10	(A)(79) leak detection system	shall	Such a system 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.	3734.12	state required, federal required	40 CFR 260.10 Leak- detection system	yes	both	no
3745-50-10	(A)(82) manifest	required	"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.	3734.12	state required, federal required	40 CFR 260.10 Manifest, 40 CFR 270.2 Manifest	yes	both	no
3745-50-10	(A)(85)(b) military munitions	required	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.	3734.12	state required, federal required	40 CFR 260.10 Military munitions	yes	both	no
3745-50-10	(A)(90) no free liquids	may not	"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.	3734.12	state required, federal required	40 CFR 260.10 No free liquids	yes	both	no
3745-50-10	(A)(125) staging pile	shall	Staging piles shall be designated by the director according to rule 3745-57-74 of the Administrative Code.	3734.12	state required, federal required	40 CFR 260.10 Staging pile	yes	both	yes- director
3745-50-10	(A)(141)(b) treatability study	required	What pretreatment (if any) is required.	3734.12	state required, federal required	40 CFR 260.10 Treatability study (2)	yes	both	no
3745-50-10	(B)	requires	As used in the hazardous waste rules, unless the context otherwise requires, the time within which an act is required to be performed shall be computed pursuant to section 1.14 of the Revised Code.	3734.12	state- ORC 1.14	no	yes	both	no

3745-50-10	(B)	required	As used in the hazardous waste rules, unless the context otherwise requires, the time within which an act is required to be performed shall be computed pursuant to section 1.14 of the Revised Code.	3734.12	state- ORC 1.14	no	yes	both	no
3745-50-10	(B)	shall	As used in the hazardous waste rules, unless the context otherwise requires, the time within which an act is required to be performed shall be computed pursuant to section 1.14 of the Revised Code.	3734.12	state- ORC 1.14	no	yes	both	no
3745-50-20	(B)	shall	To be successful, the petitioner shall demonstrate all of the following to the satisfaction of the director that regulation under Chapter 3745-273 of the Administrative Code:	3734.12	state required, federal required	40 CFR 260.23 (b)	yes	both	no
3745-50-20	(B)(4)	shall	The petition shall include all of the following information:	3734.12	state required, federal required	40 CFR 260.20 (b)	yes	both	no
3745-50-21	(A)	shall	Upon receipt of a complete application, the director shall decide whether to prepare a draft permit or issue a notice of intent to deny the permit application for "Class 3" modifications, new facility permits, or renewal permits.	3734.05, 3734.12	state required, federal required	40 CFR 124.6 (a)	yes	both	yes- director
3745-50-21	(C)	shall	If the director tentatively decides to deny a "Class 3" modification application or renewal application, the director shall issue a notice of intent to deny.	3734.05, 3734.12	state required, federal required	40 CFR 124.6 (b)	yes	both	yes- director
3745-50-21	(C)	shall	If the director subsequently decides that the tentative decision to deny the new facility or renewal permit application or the "Class 3" modification application was incorrect, the director shall withdraw the notice of intent to deny and prepare a draft permit under paragraph (D) of this rule.	3734.05, 3734.12	state required, federal required	40 CFR 124.6 (b)	yes	both	yes- director
3745-50-21	(D)	shall	If the director decides to prepare a draft permit, the director shall prepare a draft permit that contains the following information to the extent applicable:	3734.05, 3734.12	state required, federal required	40 CFR 124.6 (d)	yes	both	yes- director
3745-50-21	(E)	shall	Draft permits shall be accompanied by a fact sheet (see rule 3745-50-22 of the Administrative Code).	3734.05, 3734.12	state required, federal required	40 CFR 124.6 (e)	yes	both	no
3745-50-23	(C)	require	Materials that have been reclaimed but require further reclamation before the materials are completely recovered.	3734.12	state required, federal required	40 CFR 260.30 (c)	yes	both	no
3745-50-28	(A)	shall	If a generator is accumulating the waste, the director will issue a notice setting forth the factual basis for the decision and stating that the person shall comply with the applicable requirements for generators of hazardous waste in rules 3745-52-10 to 3745-52-12, 3745-52-30 to 3745-52-34, 3745-52-40 to 3745-52-44, and 3745-52-50 of the Administrative Code.	3734.12	state required, federal required	40 CFR 260.41 (a)	yes	both	yes- director
3745-50-28	(A)	required	The director will issue a final order after the hearing stating whether or not compliance with Chapter 3745-52 of the Administrative Code is required.	3734.12	state required, federal required	40 CFR 260.41 (a)	yes	both	yes- director
3745-50-28	(B)	shall	If the person is accumulating the recyclable material as a storage facility, the notice will state that the person shall obtain a permit in accordance with all applicable provisions in rules 3745-50-40 to 3745-50-235 of the Administrative Code and Chapter 3734. of the Revised Code.	3734.12	state required, federal required	40 CFR 260.41 (b)	yes	both	yes- director
3745-50-28	(B)	shall	The owner or operator of the facility shall apply for a permit within no less than sixty days and no more than six months after notice, as specified in the notice.	3734.12	state required, federal required	40 C.FR 260.41 (b)	yes	both	no
3745-50-31	(A)	shall	Such an exemption shall be consistent with and equivalent to any regulations adopted by the administrator under the Resource Conservation and Recovery Act of 1976, 90 stat. 2806, 42 U.S.C.A. 6921, except as otherwise provided in Chapter 3734. of the Revised Code.	3734.02	state required	none	yes	both	no
3745-50-31	(B)	shall	Applications for exemptions shall contain such detail plans, specifications and information regarding objectives, procedures, controls, and other pertinent data as are necessary to satisfactorily demonstrate to the director that the issuance of the exemption will not adversely affect public health or safety or the environment.	3734.02	state required	none	yes	both	no
3745-50-31	(B)	require	The director may require such additional information as the director deems necessary.	3734.02	state required	none	yes	both	yes- director
3745-50-33	(A)	shall	Owners or operators of disposal facilities that are "off-site facilities," as defined in rule 3745-50-32 of the Administrative Code, and which hold a permit, shall collect fees on the disposal of hazardous waste as follows:	3734.02, 3734.18	state required	none	yes	state	no
3745-50-33	(B)	shall	The owner or operator of the hazardous waste facility shall prepare and file with the director monthly returns showing the total tonnage received for disposal at the gate of the facility, and the total amount of the fee to be submitted to the director.	3734.02, 3734.18	state required	none	yes	state	no

3745-50-33	(B)	shall	Each such return shall be filed by mailing the same to the director with payment of the amount of the fee shown to be due therein.	3734.02, 3734.18	state required	none	yes	state	no
3745-50-33	(B)	shall	Each such return shall be filed on or before the fortieth day after the end of the month to which the return applies.	3734.02, 3734.18	state required	none	yes	state	no
3745-50-33	(C)	required	The time within which the owner or operator is required to file the return in paragraph (B) of this rule may be extended not more than thirty days, provided an application requesting such extension, with an accompanying detailed description as to why such extension is requested, is filed in writing and has been received by the director to be filed, and such application has been approved by the director.	3734.02, 3734.18	state required	none	yes	state	no
3745-50-33	(D)	shall	The owner or operator of the hazardous waste facility shall keep at the facility a daily log containing the information required to be in the return filed with the director pursuant to paragraph (B) of this rule.	3734.02, 3734.18	state required	none	yes	state	no
3745-50-33	(D)	required	The owner or operator of the hazardous waste facility shall keep at the facility a daily log containing the information required to be in the return filed with the director pursuant to paragraph (B) of this rule.	3734.02, 3734.18	state required	none	yes	state	no
3745-50-33	(D)	shall	The daily log shall be available for viewing by the director or the director's authorized representative during normal operating hours.	3734.02, 3734.18	state required	none	yes	state	no
3745-50-33	(D)	shall	The daily log shall be preserved for a period of three years and such retention period is automatically extended during the course of any unresolved enforcement action regarding the facility or as ordered by the director.	3734.02, 3734.18	state required	none	yes	state	no
3745-50-33	(E)	required	Fees, returns, and extension of time applications required to be filed with the director under this rule shall be mailed to the following address:	3734.02, 3734.18	state required	none	yes	state	no
3745-50-33	(E)	shall	Fees, returns, and extension of time applications required to be filed with the director under this rule shall be mailed to the following address:	3734.02, 3734.18	state required	none	yes	state	no
3745-50-34	(A)	shall	Owners or operators of disposal facilities that are an "on-site facility" or a "satellite facility," as defined in rule 3745-50-32 of the Administrative Code, and which hold a permit, shall pay fees according to the following schedule:	3734.02, 3734.18	state required	none	yes	state	no
3745-50-34	(C)	shall	An owner or operator shall pay the fee to the director each year either upon the anniversary of the date of issuance of the owner's or operator's installation and operation permit during the term of that permit and any renewal permit issued under division (H) of section 3734.05 of the Revised Code, or upon the anniversary date of the permit by rule.	3734.02, 3734.18	state required	none	yes	state	no
3745-50-34	(C)	shall	If payment is late, the owner or operator shall pay an additional ten per cent of the amount of the fee for each month that the payment is late.	3734.02, 3734.18	state required	none	yes	state	no
3745-50-35	(A)	shall	Owners or operators of treatment facilities that are not an "on-site facility" or a "satellite facility," as defined in rule 3745-50-32 of the Administrative Code, and which hold a hazardous waste facility installation and operation permit, or are not subject to the hazardous waste facility installation and operation permit requirements under rules adopted by the director, or are operating in accordance with a permit by rule under rules adopted by the director, shall collect a fee amount of two dollars per ton on hazardous waste treated at the facility.	3734.02, 3734.18	state required	none	yes	state	no
3745-50-35	(C)	shall	The owner or operator of the hazardous waste facility subject to paragraph (A) of this rule shall prepare and file with the director monthly returns showing the total tonnage treated and the total amount of the fee to be submitted to the director.	3734.02, 3734.18	state required	none	yes	state	no
3745-50-35	(C)	shall	Each such return shall be filed by mailing the same to the director together with payment of the amount of the fee shown to be due therein.	3734.02, 3734.18	state required	none	yes	state	no
3745-50-35	(C)	shall	Each such return shall be filed on or before the fortieth day after the end of the month to which the return applies.	3734.02, 3734.18	state required	none	yes	state	no
3745-50-36	(A)	shall	On each anniversary of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits, the owner or operator of that facility shall pay to the director an annual permit fee.	3734.02, 3734.18	state required	none	yes	state	no
3745-50-36	(B)	shall	The annual permit fee shall be determined for each permit holder in accordance with the following schedule:	3734.02, 3734.18	state required	none	yes	state	no

3745-50-36	(C)	shall not	For a hazardous waste facility subject to the payment of an annual permit fee under paragraph (A) of this rule, additional payments for multiple units of the same method of storage, treatment, or disposal, or for individual units that are used for both storage and treatment shall not be made.	3734.02, 3734.18	state required	none	yes	state	no
3745-50-36	(D)	shall not	Payment shall not be made for the portion of an annual permit fee that would apply to a hazardous waste management unit for which a permit has been issued but for which construction has not yet commenced.	3734.02, 3734.18	state required	none	yes	state	no
3745-50-36	(D)	shall	Once construction has commenced, payment shall be prorated on a daily basis, computed upon the number of days from the commencement of construction until the next anniversary date when the payment of the annual fee is due.	3734.02, 3734.18	state required	none	yes	state	no
3745-50-37	text	shall	Upon application for a hazardous waste facility installation and operation permit or upon application for a renewal permit issued under section 3734.05 of the Revised Code, an application fee of one thousand five hundred dollars shall be paid by the applicant to the director.	3734.02 (E)(2)	state required	none	yes	state	no
3745-50-38	(A)	shall	The "Siting Criteria Document" shall include such information as may be necessary to enable the director to form a conclusion using the following criteria:	3734.05, 3734.12	state required	none	yes	state	no
3745-50-38	(B)	shall	The "Siting Criteria Document" shall include such information as may be necessary to enable the director to form a conclusion using the following criteria:	3734.05, 3734.12	state required	none	yes	state	no
3745-50-38	(C)	required	If owners and operators of hazardous waste facilities can demonstrate that the information prescribed in the "Siting Criteria Document" cannot be provided to the extent required, the director may make allowance for submittal of alternative information on a case by case basis.	3734.05, 3734.12	state required	none	yes	state	no
3745-50-38	(D)	required	Information required in the "Siting Criteria Document" shall be submitted to the director and signed in accordance with rule 3745-50-42 of the Administrative Code.	3734.05, 3734.12	state required	none	yes	state	no
3745-50-38	(D)	shall	Information required in the "Siting Criteria Document" shall be submitted to the director and signed in accordance with rule 3745-50-42 of the Administrative Code.	3734.05, 3734.12	state required	none	yes	state	no
3745-50-38	(D)	shall	Certain technical data, such as design drawings and specifications, and engineering studies shall be certified by a professional engineer.	3734.05, 3734.12	state required	none	yes	state	no
3745-50-39	(A)(2)	shall	Prior to the submittal of a "Part B" permit application for a facility, the applicant shall hold at least one public meeting in order to solicit questions from the community and inform the community of proposed hazardous waste management activities.	3734.12	state required, federal required	40 CFR 124.31 (b)	yes	both	no
3745-50-39	(A)(2)	shall	The applicant shall post a sign-in sheet or otherwise provide a voluntary opportunity for attendees to provide contact names and addresses.	3734.12	state required, federal required	40 CFR 124.31 (b)	yes	both	no
3745-50-39	(A)(3)	shall	The applicant shall submit a summary of the meeting, along with the list of attendees' names and addresses developed under paragraph (A)(2) of this rule, and copies of any written comments or materials submitted at the meeting, to Ohio EPA as a part of the "Part B" application, in accordance with paragraphs (A) to (A)(22) of rule 3745-50-44 of the Administrative Code.	3734.12	state required, federal required	40 CFR 124.31 (c)	yes	both	no
3745-50-39	(A)(4)	shall	The applicant shall provide public notice of the pre-application public meeting at least thirty days prior to the public meeting.	3734.12	state required, federal required	40 CFR 124.31 (d)	yes	both	no
3745-50-39	(A)(4)	shall	The applicant shall maintain, and provide to Ohio EPA upon request, documentation of the notice.	3734.12	state required, federal required	40 CFR 124.31 (d)	yes	both	no
3745-50-39	(A)(4)(a)	shall	The applicant shall provide public notice in all of the following forms:	3734.12	state required, federal required	40 CFR 124.31 (d)(1)	yes	both	no
3745-50-39	(A)(4)(a)(i)	shall	The applicant shall publish a notice, fulfilling the requirements in paragraphs (A)(4)(b) to (A)(4)(b)(v) of this rule, in a newspaper of general circulation in the county or equivalent jurisdiction that hosts the proposed location of the facility.	3734.12	state required, federal required	40 CFR 124.31 (d)(1)(i)	yes	both	no
3745-50-39	(A)(4)(a)(i)	shall	The notice shall be published as a display advertisement.	3734.12	state required, federal required	40 CFR 124.31 (d)(1)(i)	yes	both	no
3745-50-39	(A)(4)(a)(ii)	shall	The applicant shall post a notice on a clearly marked sign at or near the facility, fulfilling the requirements in paragraphs (A)(4)(b) to (A)(4)(b)(v) of this rule.	3734.12	state required, federal required	40 CFR 124.31 (d)(1)(ii)	yes	both	no
3745-50-39	(A)(4)(a)(ii)	shall	If the applicant places the sign on the facility property, then the sign shall be large enough to be readable from the nearest point where the public would pass by the site.	3734.12	state required, federal required	40 CFR 124.31 (d)(1)(ii)	yes	both	no
3745-50-39	(A)(4)(a)(iii)	shall	The applicant shall broadcast a notice, fulfilling the requirements in paragraphs (A)(4)(b) to (A)(4)(b)(v) of this rule, at least once on at least one local radio station or television station.	3734.12	state required, federal required	40 CFR 124.31 (d)(1)(iii)	yes	both	no

3745-50-39	(A)(4)(a)(iv)	shall	The applicant shall send a copy of the newspaper notice to Ohio EPA and to the appropriate units of state and local government, in accordance with 40 CFR 124.10(c)(1)(x).	3734.12	state required, federal required	40 CFR 124.31 (d)(1)(iv)	yes	both	no
3745-50-39	(A)(4)(b)	required	The notices required under paragraphs (A)(4)(a) to (A)(4)(a)(iv) of this rule shall include the following:	3734.12	state required, federal required	40 CFR 124.31 (d)(2)	yes	both	no
3745-50-39	(A)(4)(b)	shall	The notices required under paragraphs (A)(4)(a) to (A)(4)(a)(iv) of this rule shall include the following:	3734.12	state required, federal required	40 CFR 124.31 (d)(2)	yes	both	no
3745-50-39	(B)(2)(b)	shall	The notice shall be published within a reasonable period of time after the application is received by the director.	3734.12	state required, federal required	40 CFR 124.32 (b)(2)	yes	both	no
3745-50-39	(B)(2)(b)	shall	The notice shall include the following:	3734.12	state required, federal required	40 CFR 124.32 (b)(2)	yes	both	no
3745-50-39	(B)(3)	required	Concurrent with the notice required under paragraph (B)(2) of this rule, the director shall place the permit application and any supporting documents in a location accessible to the public in the vicinity of the facility or at Ohio EPA's office.	3734.12	state required, federal required	40 CFR 124.32 (c)	yes	both	yes- director
3745-50-39	(B)(3)	shall	Concurrent with the notice required under paragraph (B)(2) of this rule, the director shall place the permit application and any supporting documents in a location accessible to the public in the vicinity of the facility or at Ohio EPA's office.	3734.12	state required, federal required	40 CFR 124.32 (c)	yes	both	yes- director
3745-50-39	(C)(2)	shall	If the director determines, at any time after submittal of a permit application, that there is a need for a repository, then the director will notify the facility that the facility shall establish and maintain an information repository.	3734.12	state required, federal required	40 CFR 124.33 (b)	yes	both	no
3745-50-39	(C)(3)	shall	The information repository shall contain all documents, reports, data, and information deemed necessary by the director to fulfill the purposes for which the repository is established.	3734.12	state required, federal required	40 CFR 124.33 (c)	yes	both	no
3745-50-39	(C)(4)	shall	The information repository shall be located and maintained at a site chosen by the facility.	3734.12	state required, federal required	40 CFR 124.33 (d)	yes	both	no
3745-50-39	(C)(5)	require	At a minimum, the director will require the facility to provide a written notice about the information repository to all individuals on the facility mailing list.	3734.12	state required, federal required	40 CFR 124.33 (e)	yes	both	yes- director
3745-50-40	(A)(1)	shall	No person shall begin physical construction of a new hazardous waste facility without having submitted "Part A" and "Part B" of a permit application to the director and having received an effective Ohio hazardous waste facility installation and operation permit.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(A)(1)	shall	An application shall be submitted to the director at least one hundred eighty days before physical construction is expected to commence.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(A)(2)(a)	shall	Prior to the submittal of a complete application for a hazardous waste facility installation and operation permit, the applicant shall hold at least one meeting in the township or municipal corporation in which the facility is proposed to be located, whichever is geographically closer to the proposed location of the facility.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(A)(2)(a)	shall	The meeting shall be open to the public and shall be held to inform the community of the proposed hazardous waste management activities and to solicit questions from the community concerning the activities.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no

3745-50-40	(A)(2)(a)	shall	The meeting shall be open to the public and shall be held to inform the community of the proposed hazardous waste management activities and to solicit questions from the community concerning the activities.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)-(l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(A)(2)(a)	shall	The applicant shall provide to the director evidence of the meeting and document community questions concerning the proposed activities.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)-(l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(A)(2)(b)	shall	If the application is for a proposed hazardous waste disposal or thermal treatment facility, the applicant also shall give actual notice of the general design and purpose of the facility to the legislative authority of each municipal corporation, township, and county in which the facility is proposed to be located at least ninety days before the permit application is submitted to the director.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)-(l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(A)(4)(b)(ii)	shall	An announcement of a sixty-day comment period, and the name and address of an Ohio EPA contact person to whom comments shall be sent; and	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)-(l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(A)(4)(b)(iii)	shall	The date for a public meeting which shall be held in the county in which the facility is located, not fewer than thirty days after the public notice.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)-(l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(A)(4)(b)(iv)	shall	The public notice in (A)(4)(b) of this rule shall also contain:	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)-(l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(B)(1)	shall	An owner or operator holding a hazardous waste permit who is treating, storing, or disposing of hazardous waste on the effective date of statutory or regulatory changes under Chapter 3734. of the Revised Code that render the owner or operator subject to additional hazardous waste permitting requirements for newly regulated hazardous waste or a hazardous waste management unit, shall be deemed to have a permit by rule for such newly regulated activity provided that the owner or operator complies with paragraph (H) of rule 3745-50-51 of the Administrative Code.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)-(l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(C)(1)	not required	Any owner or operator of a facility without a hazardous waste installation and operation permit who becomes subject to hazardous waste permitting requirements due to statutory or regulatory changes under Chapter 3734. of the Revised Code, who previously was not required to obtain a hazardous waste facility installation and operation permit, will be deemed to have a permit by rule for the newly regulated hazardous waste or hazardous waste management unit to the extent the owner or operator has:	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)-(l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no

3745-50-40	(C)(1)(b)	shall	The "Part A" permit application shall comply with rule 3745-50-43 of the Administrative Code.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(C)(3)	shall	The public notice shall appear in a newspaper having general circulation in the county in which the facility is located and over a local radio station.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(C)(5)	shall	During the duration of the permit by rule provided for under paragraph (C)(1) of this rule, the owner or operator shall conduct the newly regulated activity in accordance with the "Part A" permit application and in compliance with Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(C)(5)	shall	Such changes or alterations will be considered modifications to the "Part A" permit application and shall be submitted, classified, and approved or disapproved in accordance with rule 3745-50-51 of the Administrative Code in the same manner as an application for a modification to a hazardous waste facility installation and operation permit.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(C)(6)	shall	An owner or operator of a hazardous waste facility deemed to have a permit by rule under paragraph (C)(1) of this rule shall submit a "Part B" application in accordance with paragraph (A) of rule 3745-50-41 of the Administrative Code.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(C)(7)(a)	required	When the permittee by rule fails to furnish a requested "Part B" hazardous waste facility installation and operation permit application in accordance with paragraph (A) of rule 3745-50-41 of the Administrative Code, or to furnish in full the information required in the "Part B" application; or	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(C)(7)(b)	shall	"Final administrative disposition" means that the director shall approve or disapprove the "Part B" application in accordance with paragraphs (D)(5) and (D)(6) of this rule.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	yes- director
3745-50-40	(C)(7)(b)	shall not	In accordance with division (J) of Chapter 3734.05 of the Revised Code, the director shall not disapprove the "Part B" permit application for the thermal treatment activity on the basis of the criteria in division (D)(2)(g) or (D)(2)(h) of Chapter 3734.05 of the Revised Code.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	yes- director

3745-50-40	(D)(1)	shall	An application to renew a hazardous waste facility installation and operation permit, or renewal permit, shall be submitted at least one hundred eighty days before the expiration date of the effective permit unless permission for a later submittal date has been authorized by the director upon a showing of good cause.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(D)(1)	shall not	The director shall not authorize applications to be submitted later than the expiration date of the existing permit.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	yes- director
3745-50-40	(D)(2)	shall	An owner or operator of a hazardous waste facility holding a hazardous waste facility installation and operation permit, or renewal permit, shall submit a renewal application in accordance with paragraph (D)(1) of this rule.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(D)(2)	shall	The renewal application shall include the information required by rule 3745-50-41 of the Administrative Code.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(D)(2)	required	The renewal application shall include the information required by rule 3745-50-41 of the Administrative Code.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(D)(3)	shall	An owner or operator of a hazardous waste facility holding a hazardous waste facility installation and operation permit, or renewal permit, shall comply with all terms and conditions of the existing permit until final administrative disposition of the renewal permit application.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(D)(5)(b)	shall	The notice shall contain a summary of the application and the draft renewal permit or notice of intent to deny the permit application, the location of the facility, a description of the hazardous waste activity, the location where a copy of the application and draft renewal permit or notice of intent to deny the permit application are available, and the statement that any person may submit written comments relevant to the permit application and draft renewal permit or notice of intent to deny the permit application.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(D)(5)(c)	shall	If a public meeting is to be held, the director will promptly give public notice, in a newspaper having general circulation in the county in which the facility is located and over a local radio station, of a date for a public meeting which shall be held in the county in which the facility is located, not fewer than thirty days after the public notice of the public meeting.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	yes- director

3745-50-40	(D)(7)	shall	Those portions of a renewal application which contain proposed facility modifications shall be processed in accordance with paragraph (D) of rule 3745-50-51 of the Administrative Code.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(E)	shall	A "Part B" permit application submitted by an owner or operator of a facility that stores, treats, or disposes of hazardous waste in a surface impoundment or a landfill shall be accompanied by information, reasonably ascertainable by the owner or operator, on the potential for the public to be exposed to hazardous wastes or hazardous constituents resulting from a release from the unit.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(E)	shall	At a minimum, such information shall address:	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(F)	required	If an owner or operator fails or refuses to submit a permit application to the director as required by paragraph (A) or (D) of this rule, or fails or refuses to correct application deficiencies identified by Ohio EPA, the director will notify the applicant and:	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(G)	shall	Applicants shall keep records of all data used to complete a permit application and any supplemental information required by the director in accordance with rules 3745-50-43 and 3745-50-44 of the Administrative Code for a period of at least three years after the effective date of the permit.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(G)	required	Applicants shall keep records of all data used to complete a permit application and any supplemental information required by the director in accordance with rules 3745-50-43 and 3745-50-44 of the Administrative Code for a period of at least three years after the effective date of the permit.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	yes- director
3745-50-40	(H)	require	The director may require a permittee or an applicant to submit information necessary to enable the director to evaluate the application or to establish permit conditions under this rule and rule 3745-50-51 of the Administrative Code.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no
3745-50-40	(I)	may not	If the director concludes, based on one or more of the factors in paragraphs (I)(1) to (I)(1)(i) of this rule that compliance with 40 CFR Part 63 subpart EEE alone may not be protective of human health or the environment, the director will require the additional information or assessments necessary to determine whether additional controls are necessary to ensure protection of human health and the environment.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)- (l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	no

3745-50-40	(I)	require	If the director concludes, based on one or more of the factors in paragraphs (I)(1) to (I)(1)(i) of this rule that compliance with 40 CFR Part 63 subpart EEE alone may not be protective of human health or the environment, the director will require the additional information or assessments necessary to determine whether additional controls are necessary to ensure protection of human health and the environment.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)-(l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	yes, director
3745-50-40	(I)	require	The director may also require a permittee or applicant to provide information necessary to determine whether such assessments should be required.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)-(l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	yes, director
3745-50-40	(I)	required	The director may also require a permittee or applicant to provide information necessary to determine whether such assessments should be required.	3734.02, 3734.05, 3734.12	state required, federal required	40 CFR 270.10 (e), (k), (l)-(l)(2); 270.32 (b)(2), (b)(3); 270.70(a); 270.71; 270.73	yes	both	yes, director
3745-50-41	(A)	required	Any person who is required to have a permit (including new applicants and permittees with expiring permits) shall complete, sign, and submit an application to the director as described in Chapter 3745-50 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.10 (a)(3)	yes	both	no
3745-50-41	(A)	shall	Any person who is required to have a permit (including new applicants and permittees with expiring permits) shall complete, sign, and submit an application to the director as described in Chapter 3745-50 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.10 (a)(3)	yes	both	no
3745-50-41	(A)	shall	Persons currently authorized with a permit by rule under paragraph (C) of rule 3745-50-40 of the Administrative Code shall submit to the director a "Part B" application for a hazardous waste facility installation and operation permit for the facility within one hundred eighty days after the director requests the application or upon a later date if the owner or operator of the facility demonstrates to the director good cause for the late submittal.	3734.12	state required	none	yes	no	no
3745-50-41	(B)	shall	When a facility or activity is owned by one person but is operated by another person, the operator and owner shall sign the permit application.	3734.12	state required, federal required	40 CFR 270.10 (b)	yes	both	no
3745-50-41	(C)(1)	shall not	The director shall not issue a permit before receiving a complete application for a permit except for permits by rule, or emergency permits.	3734.12	state required, federal required	40 CFR 270.10 (c)	yes	both	yes, director
3745-50-41	(C)(2)	shall	The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility.	3734.12	state required	none	yes	no	yes, agency
3745-50-41	(D)	shall	All applicants for permits shall provide the following information to the director:	3734.12	state required, federal required	40 CFR 270.10 (d) intent	yes	both	no
3745-50-41	(D)(1)	require	The activities conducted by the applicant which require the obtaining of a permit.	3734.12	state required, federal required	40 CFR 270.13 (a)	yes	both	no
3745-50-41	(E)	shall	Applicants shall keep records of all data used to complete permit applications and any supplemental information submitted in accordance thereto, for a period of three years after the date the application is signed.	3734.12	state required, federal required	40 CFR 270.10 (i)	yes	both	no
3745-50-42	(A)	shall	All permit applications shall be signed as follows:	3734.12	state required, federal required	40 CFR 270.11 (a)	yes	both	no
3745-50-42	(B)	required	All reports required by permits and other information requested by the director shall be signed by a person described in paragraph (A) of this rule, or by a duly authorized representative of that person.	3734.12	state required, federal required	40 CFR 270.11 (b)	yes	both	no

3745-50-42	(B)	shall	All reports required by permits and other information requested by the director shall be signed by a person described in paragraph (A) of this rule, or by a duly authorized representative of that person.	3734.12	state required, federal required	40 CFR 270.11 (b)	yes	both	no
3745-50-42	(C)	shall	If an authorization under paragraph (B) of this rule is no longer accurate because a different individual or position has responsibility for the overall operation of a facility, a new authorization satisfying the requirements of paragraph (B) of this rule shall be submitted to the director prior to or together with any reports, information, or applications to be signed by an authorized representative.	3734.12	state required, federal required	40 CFR 270.11 (c)	yes	both	no
3745-50-42	(D)(1)	shall	Shall make the following certification:	3734.12	state required, federal required	40 CFR 270.11 (d)(1)	yes	both	no
3745-50-43	intro	shall	"Part A" of the hazardous waste permit application shall include the following information:	3734.12	state required, federal required	40 CFR 270.13 intro	yes	both	no
3745-50-43	(A)	required	The activities conducted by the applicant which require the applicant to obtain an Ohio hazardous waste permit under Ohio law.	3734.12	state required, federal required	40 CFR 270.13 (a)	yes	both	no
3745-50-43	(O)	required	All other information required by U.S. EPA form 8700-23.	3734.12	state required	none	yes	no	no
3745-50-44	Intro	required	If owners and operators of hazardous waste management facilities can demonstrate that the information prescribed in "Part B" cannot be provided to the extent required, the director may make allowance for submittal of such information on a case by case basis.	3734.12	state required, federal required	40 CFR 270.14 (a)	yes	both	no
3745-50-44	Intro	required	Information required in "Part B" shall be submitted to the director and signed in accordance with rule 3745-50-42 of the Administrative Code. Certain technical data, such as design drawings and specifications, and engineering studies shall be certified by a qualified professional engineer.	3734.12	state required, federal required	40 CFR 270.14 (a)	yes	both	no
3745-50-44	Intro	shall	Information required in "Part B" shall be submitted to the director and signed in accordance with rule 3745-50-42 of the Administrative Code. Certain technical data, such as design drawings and specifications, and engineering studies shall be certified by a qualified professional engineer.	3734.12	state required, federal required	40 CFR 270.14 (a)	yes	both	no
3745-50-44	Intro	shall	Certain technical data, such as design drawings and specifications, and engineering studies shall be certified by a qualified professional engineer.	3734.12	state required, federal required	40 CFR 270.14 (a)	yes	both	
3745-50-44	intro	required	For post closure permits, only the information specified in paragraph (C)(14) of this rule is required in "Part B" of the permit application. As used in this rule, "in operation" has the same meaning as in paragraph (A) of rule 3745-50-10 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.14 (a)	yes	both	no
3745-50-44	(A)	required	The following information is required for all hazardous waste facilities, except as rule 3745-54-01 of the Administrative Code provides otherwise:	3734.12	state required, federal required	40 CFR 270.14 (b)	yes	both	no
3745-50-44	(A)(2)	shall	At a minimum, these analyses shall contain all the information which is required to treat, store, or dispose of the wastes properly in accordance with Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.14 (b)(2)	yes	both	no
3745-50-44	(A)(2)	required	At a minimum, these analyses shall contain all the information which is required to treat, store, or dispose of the wastes properly in accordance with Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.14 (b)(2)	yes	both	no
3745-50-44	(A)(3)	required	A copy of the waste analysis plan required by paragraph (B) of rule 3745-54-13 of the Administrative Code and, if applicable, paragraph (C) of rule 3745-54-13 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.14 (b)(3)	yes	both	no
3745-50-44	(A)(4)	required	A description of the security procedures and equipment required by rule 3745-54-14 of the Administrative Code, or a justification demonstrating the reasons for requesting a waiver of this requirement.	3734.12	state required, federal required	40 CFR 270.14 (b)(4)	yes	both	no
3745-50-44	(A)(5)	required	A copy of the general inspection schedule required by paragraph (B) of rule 3745-54-15 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.14 (b)(5)	yes	both	no
3745-50-44	(A)(7)	required	A copy of the contingency plan required by rules 3745-54-50 to 3745-54-56 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.14 (b)(7)	yes	both	no

3745-50-44	(A)(9)	required	A description of precautions to prevent accidental ignition or reaction of ignitable wastes, reactive wastes, or incompatible wastes as required to demonstrate compliance with rule 3745-54-17 of the Administrative Code, including documentation demonstrating compliance with paragraph (C) of rule 3745-54-17 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.14 (b)(9)	yes	both	no
3745-50-44	(A)(11)(c)	shall	Owners and operators of all facilities shall provide an identification of whether the facility is located within a one-hundred-year floodplain.	3734.12	state required, federal required	40 CFR 270.14 (b)(11)(iii)	yes	both	no
3745-50-44	(A)(11)(c)	shall	This identification shall indicate the source of data for such determination and include a copy of the relevant federal insurance administration (FIA) flood map, if used, or the calculations and maps used where an FIA map is not available.	3734.12	state required, federal required	40 CFR 270.14 (b)(11)(iii)	yes	both	no
3745-50-44	(A)(11)(c)	shall	Information shall be provided identifying the one-hundred-year flood level and any other special flooding factors (e.g., wave action) which shall be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a one-hundred-year flood.	3734.12	state required, federal required	40 CFR 270.14 (b)(11)(iii)	yes	both	no
3745-50-44	(A)(11)(c)	shall	Information shall be provided identifying the one-hundred-year flood level and any other special flooding factors (e.g., wave action) which shall be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a one-hundred-year flood.	3734.12	state required, federal required	40 CFR 270.14 (b)(11)(iii)	yes	both	no
3745-50-44	(A)(11)(c)[Comment]	shall	However, where the FIA maps exclude an area (usually an area of the floodplain less than two hundred feet in width), this area shall be considered and a determination made as to whether it is in the one hundred year floodplain.	3734.12	state required, federal required	40 CFR 270.14 (b)(11)(iii)[Comment]	yes	both	
3745-50-44	(A)(11)(c)[Comment]	shall	Where FIA maps are not available for a proposed facility location, the owner or operator shall use equivalent mapping techniques to determine whether the facility is within the one-hundred-year floodplain, and if so located, what the one-hundred-year flood elevation would be.	3734.12	state required, federal required	40 CFR 270.14 (b)(11)(iii)[Comment]	yes	both	no
3745-50-44	(A)(11)(d)	shall	Owners and operators of facilities located in the one-hundred-year floodplain shall provide the following information:	3734.12	state required, federal required	40 CFR 270.14 (b)(11)(iv)	yes	both	no
3745-50-44	(A)(11)(e)	shall	Facilities in operation immediately prior to October 9, 1980 which are not in compliance with paragraph (B) of rule 3745-54-18 of the Administrative Code shall provide a plan showing how the facility will be brought into compliance and a schedule for compliance.	3734.12	state required, federal required	40 CFR 270.14 (b)(11)(v)	yes	both	no
3745-50-44	(A)(12)	required	An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the hazardous waste facility in a safe manner as required to demonstrate compliance with rule 3745-54-16 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.14 (b)(12)	yes	both	no
3745-50-44	(A)(13)	required	A copy of the closure plan and, where applicable, the post closure plan required by rules 3745-55-12, 3745-55-18, and 3745-55-97 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.14 (b)(13)	yes	both	no
3745-50-44	(A)(14)	required	For hazardous waste disposal units that have been closed, documentation that notices have been filed as required by rule 3745-55-19 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.14 (b)(14)	yes	both	no
3745-50-44	(A)(15)	required	The most recent closure cost estimate for the facility prepared in accordance with rule 3745-55-42 of the Administrative Code and a copy of the documentation required to demonstrate financial assurance in rule 3745-55-43 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.14 (b)(15)	yes	both	no
3745-50-44	(A)(15)	required	For a new facility, a copy of the required documentation may be submitted sixty days prior to the initial receipt of hazardous wastes, if that is later than the submittal of the "Part B".	3734.12	state required, federal required	40 CFR 270.14 (b)(15)	yes	both	no
3745-50-44	(A)(16)	required	Where applicable, the most recent post closure cost estimate for the facility prepared in accordance with rule 3745-55-44 of the Administrative Code plus a copy of the documentation required to demonstrate financial assurance in rule 3745-55-45 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.14 (b)(16)	yes	both	no
3745-50-44	(A)(16)	required	For a new facility, a copy of the required documentation may be submitted sixty days prior to the initial receipt of hazardous wastes, if that is later than the submittal of the "Part B".	3734.12	state required, federal required	40 CFR 270.14 (b)(16)	yes	both	no
3745-50-44	(A)(17)	required	A request for a variance in the amount of required coverage may be submitted as specified in paragraph (C) of rule 3745-55-47 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.14 (b)(17)	yes	both	no
3745-50-44	(A)(19)	shall	Contours shall be shown on the map.	3734.12	state required, federal required	40 CFR 270.14 (b)(19)	yes	both	no
3745-50-44	(A)(19)	shall	The contour interval shall be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility.	3734.12	state required, federal required	40 CFR 270.14 (b)(19)	yes	both	no
3745-50-44	(A)(19)	shall	The map shall clearly show the following:	3734.12	state required, federal required	40 CFR 270.14 (b)(19)	yes	both	no

3745-50-44	(A)(20)	required	Applicants may be required to submit such information as may be necessary to enable the director to carry out the director's duties under other Ohio laws.	3734.12	state required, federal required	40 CFR 270.14 (b)(20)	yes	both	no
3745-50-44	(A)(21)	required	For land disposal facilities, if a case by case extension has been approved pursuant to rule 3745-270-05 of the Administrative Code or a petition has been approved pursuant to rule 3745-270-06 of the Administrative Code, a copy of the notice of approval for the extension or petition is required.	3734.12	state required, federal required	40 CFR 270.14 (b)(21)	yes	both	no
3745-50-44	(A)(22)	required	A summary of the pre application meeting, along with a list of attendees and attendees' addresses, and copies of any written comments or materials submitted at the meeting, as required in paragraph (A)(3) of rule 3745-50-39 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.14 (b)(22)	yes	both	no
3745-50-44	(B)	required	The following additional information regarding protection of ground water is required from owners or operators of hazardous waste facilities containing a regulated unit except as provided in paragraph (B) of rule 3745-54-90 of the Administrative Code:	3734.12	state required, federal required	40 CFR 270.14 (c)	yes	both	no
3745-50-44	(B)(3)	required	On the topographic map required in paragraph (A)(19) of this rule, a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined in rule 3745-54-95 of the Administrative Code, the proposed location of ground water monitoring wells as required in rule 3745-54-97 of the Administrative Code and, to the extent possible, the information required in paragraph (B)(2) of this rule.	3734.12	state required, federal required	40 CFR 270.14 (c)(3)	yes	both	no
3745-50-44	(B)(3)	required	On the topographic map required in paragraph (A)(19) of this rule, a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined in rule 3745-54-95 of the Administrative Code, the proposed location of ground water monitoring wells as required in rule 3745-54-97 of the Administrative Code and, to the extent possible, the information required in paragraph (B)(2) of this rule.	3734.12	state required, federal required	40 CFR 270.14 (c)(3)	yes	both	no
3745-50-44	(B)(3)	required	On the topographic map required in paragraph (A)(19) of this rule, a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined in rule 3745-54-95 of the Administrative Code, the proposed location of ground water monitoring wells as required in rule 3745-54-97 of the Administrative Code and, to the extent possible, the information required in paragraph (B)(2) of this rule.	3734.12	state required, federal required	40 CFR 270.14 (c)(3)	yes	both	no
3745-50-44	(B)(4)(a)	required	Delineates the extent of the plume on the topographic map required in paragraph (A)(19) of this rule;	3734.12	state required, federal required	40 CFR 270.14 (c)(4)(i)	yes	both	no
3745-50-44	(B)(6)	shall	If the presence of hazardous constituents has not been detected in the ground water at the time of permit application, the owner or operator shall submit sufficient information, supporting data, and analyses to establish a detection monitoring program which complies with rule 3745-54-98 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.14 (c)(6)	yes	both	no
3745-50-44	(B)(6)	shall	This submittal shall address the following items as specified in rule 3745-54-98 of the Administrative Code:	3734.12	state required, federal required	40 CFR 270.14 (c)(6)	yes	both	no
3745-50-44	(B)(7)	shall	If the presence of hazardous constituents has been detected in the ground water at the point of compliance at the time of permit application, the owner or operator shall submit sufficient information, supporting data, and analyses to establish a compliance monitoring program which complies with rule 3745-54-99 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.14 (c)(7)	yes	both	no
3745-50-44	(B)(7)	shall	Except as provided in paragraph (G)(5) of rule 3745-54-98 of the Administrative Code, the owner or operator shall submit an engineering feasibility plan for a corrective action program necessary to comply with rule 3745-54-100 of the Administrative Code, unless the owner or operator obtains written authorization in advance from the director to submit a proposed permit schedule for submittal of such plan.	3734.12	state required, federal required	40 CFR 270.14 (c)(7)	yes	both	no
3745-50-44	(B)(7)	shall	To demonstrate compliance with rule 3745-54-99 of the Administrative Code, the owner or operator shall address the following items:	3734.12	state required, federal required	40 CFR 270.14 (c)(7)	yes	both	no

3745-50-44	(B)(8)	shall	If hazardous constituents have been measured in the ground water which exceed the concentration limits established in the table in rule 3745-54-94 of the Administrative Code, or if ground water monitoring conducted at the time of permit application in rules 3745-65-90 to 3745-65-94 of the Administrative Code at the waste boundary indicates the presence of hazardous constituents from the facility in ground water over background concentrations, the owner or operator shall submit sufficient information, supporting data, and analyses to establish a corrective action program which complies with rule 3745-54-100 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.14 (c)(8)	yes	both	no
3745-50-44	(B)(8)	required	However, an owner or operator is not required to submit information to establish a corrective action program if the owner or operator demonstrates to the director that alternate concentration limits will protect human health and the environment after considering the criteria listed in paragraph (B) of rule 3745-54-94 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.14 (c)(8)	yes	both	no
3745-50-44	(B)(8)	required	An owner or operator who is not required to establish a corrective action program for this reason instead shall submit sufficient information to establish a compliance monitoring program which complies with rule 3745-54-99 of the Administrative Code and paragraphs (B)(6) to (B)(6)(d) of this rule.	3734.12	state required, federal required	40 CFR 270.14 (c)(8)	yes	both	no
3745-50-44	(B)(8)	shall	An owner or operator who is not required to establish a corrective action program for this reason instead shall submit sufficient information to establish a compliance monitoring program which complies with rule 3745-54-99 of the Administrative Code and paragraphs (B)(6) to (B)(6)(d) of this rule.	3734.12	state required, federal required	40 CFR 270.14 (c)(8)	yes	both	no
3745-50-44	(B)(8)	shall	To demonstrate compliance with rule 3745-54-100 of the Administrative Code, the owner or operator shall address, at a minimum, the following items:	3734.12	state required, federal required	40 CFR 270.14 (c)(8)	yes	both	no
3745-50-44	(B)(8)(e)	required	The permit may contain a schedule for submittal of the information required in paragraphs (B)(8)(c) and (B)(8)(d) of this rule, provided the owner or operator obtains written authorization from the director prior to submittal of the complete permit application.	3734.12	state required, federal required	40 CFR 270.14 (c)(8)(v)	yes	both	no
3745-50-44	(C)	required	The following additional information is required from owners or operators of specific types of hazardous waste facilities that are used or to be used for storage, treatment, or disposal.	3734.12	state required, federal required	40 CFR 270.15 intro	yes	both	no
3745-50-44	(C)(2)	shall	Except as otherwise provided in rule 3745-55-90 of the Administrative Code, owners and operators of facilities that use tanks to store or treat hazardous waste shall provide the following additional information:	3734.12	state required, federal required	40 CFR 270.16 intro	yes	both	no
3745-50-44	(C)(2)(a)	required	A written assessment that is reviewed and certified by a qualified professional engineer as to the structural integrity and suitability for handling hazardous waste of each tank system, as required in rules 3745-55-91 and 3745-55-92 of the Administrative Code;	3734.12	state required, federal required	40 CFR 270.16 (a)	yes	both	no
3745-50-44	(C)(2)(e)	required	A description of materials and equipment used to provide external corrosion protection, as required in paragraph (A)(3)(b) of rule 3745-55-92 of the Administrative Code;	3734.12	state required, federal required	40 CFR 270.16 (e)	yes	both	no
3745-50-44	(C)(2)(i)	required	Description of controls and practices to prevent spills and overflows, as required in paragraph (B) of rule 3745-55-94 of the Administrative Code; and	3734.12	state required, federal required	40 CFR 270.16 (i)	yes	both	no
3745-50-44	(C)(3)	required	For facilities that store, treat, or dispose of hazardous waste in surface impoundments, except as otherwise provided in rule 3745-56-20 of the Administrative Code the following additional information is required:	3734.12	state required, federal required	40 CFR 270.17 intro	yes	both	no
3745-50-44	(C)(3)(b)(ii)	shall	The double liner and leak (leachate) detection, collection, and removal system, if the surface impoundment shall comply with paragraph (C) of rule 3745-56-21 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.17 (b)(2)	yes	both	no
3745-50-44	(C)(3)(b)(iv)	required	The construction quality assurance plan if required in rule 3745-54-19 of the Administrative Code;	3734.12	state required, federal required	40 CFR 270.17 (b)(4)	yes	both	no
3745-50-44	(C)(3)(b)(v)	required	Proposed action leakage rate, with rationale, if required in rule 3745-56-22 of the Administrative Code, and response action plan if required in rule 3745-56-23 of the Administrative Code;	3734.12	state required, federal required	40 CFR 270.17 (b)(5)	yes	both	no
3745-50-44	(C)(3)(b)(v)	required	Proposed action leakage rate, with rationale, if required in rule 3745-56-22 of the Administrative Code, and response action plan if required in rule 3745-56-23 of the Administrative Code;	3734.12	state required, federal required	40 CFR 270.17 (b)(5)	yes	both	no
3745-50-44	(C)(3)(c)	shall	This information shall be included in the inspection plan submitted under paragraph (A)(5) of this rule;	3734.12	state required, federal required	40 CFR 270.17 (c)	yes	both	no
3745-50-44	(C)(3)(d)	required	A certification by a qualified professional engineer which attests to the structural integrity of each dike, as required in paragraph (C) of rule 3745 56 26 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.17 (d)	yes	both	no

3745-50-44	(C)(3)(d)	shall	For new units, the owner or operator shall submit a statement by a qualified professional engineer that the qualified professional engineer will provide such a certification upon completion of construction in accordance with the plans and specifications;	3734.12	state required, federal required	40 CFR 270.17 (d)	yes	both	no
3745-50-44	(C)(3)(e)	required	A description of the procedure to be used for removing a surface impoundment from service, as required in paragraphs (B) and (C) of rule 3745-56-27 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.17 (e)	yes	both	no
3745-50-44	(C)(3)(f)	required	A description of how hazardous waste residues and contaminated materials will be removed from the unit at closure, as required in paragraph (A)(1) of rule 3745-56-28 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.17 (f)	yes	both	no
3745-50-44	(C)(3)(f)	shall	For any wastes not to be removed from the unit upon closure, the owner or operator shall submit detailed plans and an engineering report describing how paragraphs (A)(2) and (B) of rule 3745-56-28 of the Administrative Code will be complied with.	3734.12	state required, federal required	40 CFR 270.17 (f)	yes	both	no
3745-50-44	(C)(3)(i)	shall	This submittal shall address the following items as specified in rule 3745-56-31 of the Administrative Code:	3734.12	state required, federal required	40 CFR 270.17 (i)	yes	both	no
3745-50-44	(C)(4)	required	For facilities that store or treat hazardous waste in waste piles, except as otherwise provided in paragraph (A) of rule 3745-56-50 of the Administrative Code, the following additional information is required:	3734.12	state required, federal required	40 CFR 270.18 intro	yes	both	no
3745-50-44	(C)(4)(c)(i)(a)	shall	The liner system (except for an existing portion of a waste pile), if the waste pile shall comply with paragraph (A) of rule 3745-56-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.18 (c)(1)(i)	yes	both	no
3745-50-44	(C)(4)(c)(i)(a)	shall	If an exemption from the requirement for a liner is sought, as provided by paragraph (B) of rule 3745-56-51 of the Administrative Code, the owner or operator shall submit detailed plans, and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the ground water or surface water at any future time;	3734.12	state required, federal required	40 CFR 270.18 (c)(1)(i)	yes	both	no
3745-50-44	(C)(4)(c)(i)(b)	shall	The double liner and leak (leachate) detection, collection, and removal system, if the waste pile shall comply with paragraph (C) of rule 3745-56-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.18 (c)(1)(ii)	yes	both	no
3745-50-44	(C)(4)(c)(i)(d)	shall	The construction quality assurance plan if required in rule 3745-54-19 of the Administrative Code;	3734.12	state required, federal required	40 CFR 270.18 (c)(1)(iv)	yes	both	no
3745-50-44	(C)(4)(c)(i)(e)	shall	Proposed action leakage rate, with rationale, if required in rule 3745-56-52 of the Administrative Code, and response action plan, if required in rule 3745-56-53 of the Administrative Code;	3734.12	state required, federal required	40 CFR 270.18 (c)(1)(v)	yes	both	no
3745-50-44	(C)(4)(c)(i)(e)	shall	Proposed action leakage rate, with rationale, if required in rule 3745-56-52 of the Administrative Code, and response action plan, if required in rule 3745-56-53 of the Administrative Code;	3734.12	state required, federal required	40 CFR 270.18 (c)(1)(v)	yes	both	no
3745-50-44	(C)(4)(d)	shall	This information shall be included in the inspection plan submitted under paragraph (A)(5) of this rule.	3734.12	state required, federal required	40 CFR 270.18 (d)	yes	both	no
3745-50-44	(C)(4)(h)	required	A description of how hazardous waste residues and contaminated materials will be removed from the waste pile at closure, as required in paragraph (A) of rule 3745-56-58 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.18 (h)	yes	both	no
3745-50-44	(C)(4)(h)	shall	For any waste not to be removed from the waste pile upon closure, the owner or operator shall submit detailed plans and an engineering report describing how paragraphs (A) and (B) of rule 3745-57-10 of the Administrative Code will be complied with.	3734.12	state required, federal required	40 CFR 270.18 (h)	yes	both	no
3745-50-44	(C)(4)(i)	shall	This submittal shall address the following items as specified in rule 3745-56-59 of the Administrative Code:	3734.12	state required, federal required	40 CFR 270.18 (i)	yes	both	no
3745-50-44	(C)(5)	shall	Except as otherwise provided in rule 3745-54-01 of the Administrative Code, owners and operators of facilities that use land treatment to treat or dispose of hazardous waste shall provide the following additional information.	3734.12	state required, federal required	40 CFR 270.20 intro	yes	both	no
3745-50-44	(C)(5)(a)	required	A description of plans to conduct a treatment demonstration as required in rule 3745-56-72 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.20 (a)	yes	both	no
3745-50-44	(C)(5)(a)	shall	The description shall include the following information:	3734.12	state required, federal required	40 CFR 270.20 (a)	yes	both	no
3745-50-44	(C)(5)(b)	required	A description of a land treatment program, as required in rule 3745-56-71 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.20 (b)	yes	both	no

3745-50-44	(C)(5)(b)	shall	This information shall be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration.	3734.12	state required, federal required	40 CFR 270.20 (b)	yes	both	no
3745-50-44	(C)(5)(b)	shall	The land treatment program shall address the following items:	3734.12	state required, federal required	40 CFR 270.20 (b)	yes	both	no
3745-50-44	(C)(5)(c)	shall	This submittal shall address the following items:	3734.12	state required, federal required	40 CFR 270.20 (c)	yes	both	no
3745-50-44	(C)(5)(d)	required	If food chain crops are to be grown in or on the treatment zone of the land treatment unit, a description of how the demonstration required in paragraph (A) of rule 3745-56-76 of the Administrative Code will be conducted, including:	3734.12	state required, federal required	40 CFR 270.20 (d)	yes	both	no
3745-50-44	(C)(5)(f)	required	A description of the vegetative cover to be applied to closed portions of the facility, and a plan for maintaining such cover during the post closure care period, as required in paragraphs (A)(8) and (C)(2) of rule 3745-56-80 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.20 (f)	yes	both	no
3745-50-44	(C)(5)(i)	shall	This submittal shall address the following items as specified in rule 3745-56-83 of the Administrative Code:	3734.12	state required, federal required	40 CFR 270.20 (i)	yes	both	no
3745-50-44	(C)(6)	shall	Except as otherwise provided in rule 3745-54-01 of the Administrative Code, owners and operators of facilities that dispose of hazardous waste in landfills shall provide the following additional information:	3734.12	state required, federal required	40 CFR 270.21 intro	yes	both	no
3745-50-44	(C)(6)(b)(i)(a)	shall	The liner system (except for an existing portion of a landfill), if the landfill shall comply with paragraph (A) of rule 3745-57-03 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.21 (b)(1)(i)	yes	both	no
3745-50-44	(C)(6)(b)(i)(b)	shall	The double liner and leak (leachate) detection, collection, and removal system, if the landfill shall comply with paragraph (C) of rule 3745-57-03 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.21 (b)(1)(ii)	yes	both	no
3745-50-44	(C)(6)(b)(i)(d)	required	The construction quality assurance plan if required in rule 3745-54-19 of the Administrative Code;	3734.12	state required, federal required	40 CFR 270.21 (b)(1)(iv)	yes	both	no
3745-50-44	(C)(6)(b)(i)(e)	required	Proposed action leakage rate, with rationale if required in rule 3745-57-04 of the Administrative Code, and response action plan if required in rule 3745-57-05 of the Administrative Code;	3734.12	state required, federal required	40 CFR 270.21 (b)(1)(v)	yes	both	no
3745-50-44	(C)(6)(b)(i)(e)	required	Proposed action leakage rate, with rationale if required in rule 3745-57-04 of the Administrative Code, and response action plan if required in rule 3745-57-05 of the Administrative Code;	3734.12	state required, federal required	40 CFR 270.21 (b)(1)(v)	yes	both	no
3745-50-44	(C)(6)(c)	shall	This information shall be included in the inspection plan submitted under paragraph (A)(5) of this rule;	3734.12	state required, federal required	40 CFR 270.21 (c)	yes	both	no
3745-50-44	(C)(6)(j)	shall	This submittal shall address the following items as specified in rule 3745-57-17 of the Administrative Code:	3734.12	state required, federal required	40 CFR 270.21 (j)	yes	both	no
3745-50-44	(C)(7)	shall	Except as rule 3745 57 40 of the Administrative Code and paragraph (C)(7)(e) of this rule provide otherwise, owners and operators of facilities that incinerate hazardous waste shall comply with paragraph (C)(7)(a), (C)(7)(b), or (C)(7)(c) of this rule.	3734.12	state required, federal required	40 CFR 270.19 intro	yes	both	no
3745-50-44	(C)(7)(b)	required	Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with rule 3745-50-62 of the Administrative Code; or	3734.12	state required, federal required	40 CFR 270.19 (b)	yes	both	no
3745-50-44	(C)(7)(c)(i)(c)	shall	The constituents excluded from analysis shall be identified and the basis for the exclusion of the constituents shall be stated.	3734.12	state required, federal required	40 CFR 270.19 (c)(1)(iii)	yes	both	no
3745-50-44	(C)(7)(c)(i)(c)	shall	The constituents excluded from analysis shall be identified and the basis for the exclusion of the constituents shall be stated.	3734.12	state required, federal required	40 CFR 270.19 (c)(1)(iii)	yes	both	no
3745-50-44	(C)(7)(c)(i)(c)	shall	The waste analysis shall rely on appropriate analytical techniques.	3734.12	state required, federal required	40 CFR 270.19 (c)(1)(iii)	yes	both	no
3745-50-44	(C)(7)(c)(viii)	required	Waste analysis data, including that submitted in paragraph (C)(7)(c)(i) of this rule, sufficient to allow the specification as permit "principal organic hazardous constituents" (permit POHCs) those constituents for which destruction and removal efficiencies will be required.	3734.12	state required, federal required	40 CFR 270.19 (c)(8)	yes	both	no
3745-50-44	(C)(8)	shall	Except as otherwise provided in rule 3745-57-90 of the Administrative Code, owners and operators of facilities that treat, store, or dispose of hazardous waste in miscellaneous units shall provide the following additional information:	3734.12	state required, federal required	40 CFR 270.23 intro	yes	both	no

3745-50-44	(C)(9)(a)(i)	shall	Except as provided below, owners and operators that are subject to the standards to control organic emissions provided by rule 3745-266-104 of the Administrative Code, standards to control particulate matter provided by rule 3745-266-105 of the Administrative Code, standards to control metals emissions provided by rule 3745-266-106 of the Administrative Code, or standards to control hydrogen chloride or chlorine gas emissions provided by rule 3745-266-107 of the Administrative Code shall conduct a trial burn to demonstrate conformance with those standards and shall submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with rule 3745-50-66 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.22 (a)(1)	yes	both	no
3745-50-44	(C)(9)(a)(i)	shall	Except as provided below, owners and operators that are subject to the standards to control organic emissions provided by rule 3745-266-104 of the Administrative Code, standards to control particulate matter provided by rule 3745-266-105 of the Administrative Code, standards to control metals emissions provided by rule 3745-266-106 of the Administrative Code, or standards to control hydrogen chloride or chlorine gas emissions provided by rule 3745-266-107 of the Administrative Code shall conduct a trial burn to demonstrate conformance with those standards and shall submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with rule 3745-50-66 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.22 (a)(1)	yes	both	no
3745-50-44	(C)(9)(a)(i)	required	Except as provided below, owners and operators that are subject to the standards to control organic emissions provided by rule 3745-266-104 of the Administrative Code, standards to control particulate matter provided by rule 3745-266-105 of the Administrative Code, standards to control metals emissions provided by rule 3745-266-106 of the Administrative Code, or standards to control hydrogen chloride or chlorine gas emissions provided by rule 3745-266-107 of the Administrative Code shall conduct a trial burn to demonstrate conformance with those standards and shall submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with rule 3745-50-66 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.22 (a)(1)	yes	both	no
3745-50-44	(C)(9)(a)(ii)(a)	shall	When seeking to be permitted under rule 3745-266-110 and paragraph (A)(4) of rule 3745-266-104 of the Administrative Code that automatically waive the DRE trial burn, the owner or operator of a boiler shall submit documentation that the boiler operates under the special operating requirements provided by rule 3745-266-110 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.22 (a)(2)(i)	yes	both	no
3745-50-44	(C)(9)(a)(ii)(b)	shall	When seeking to be permitted under the provisions for low risk waste provided by paragraph (A)(5) of rule 3745-266-104 of the Administrative Code and paragraph (A) of rule 3745-266-109 of the Administrative Code that waive the DRE trial burn, the owner or operator shall submit:	3734.12	state required, federal required	40 CFR 270.22 (a)(2)(ii)	yes	both	no
3745-50-44	(C)(9)(a)(ii)(b)(ii)	shall	The constituents excluded from analysis shall be identified and the basis for the exclusion of the constituents shall be explained.	3734.12	state required, federal required	40 CFR 270.22 (a)(2)(ii)(B)	yes	both	no
3745-50-44	(C)(9)(a)(ii)(b)(ii)	shall	The constituents excluded from analysis shall be identified and the basis for the exclusion of the constituents shall be explained.	3734.12	state required, federal required	40 CFR 270.22 (a)(2)(ii)(B)	yes	both	no
3745-50-44	(C)(9)(a)(ii)(b)(ii)	shall	The analysis shall rely on appropriate analytical techniques.	3734.12	state required, federal required	40 CFR 270.22 (a)(2)(ii)(B)	yes	both	no
3745-50-44	(C)(9)(a)(iii)	requiring	When seeking to be permitted under the "Tier I" (or "Adjusted Tier I") metals feed rate screening limits provided by paragraphs (B) and (E) of rule 3745-266-106 of the Administrative Code that control metals emissions without requiring a trial burn, the owner or operator shall submit:	3734.12	state required, federal required	40 CFR 270.22 (a)(3)	yes	both	no
3745-50-44	(C)(9)(a)(iii)	shall	When seeking to be permitted under the "Tier I" (or "Adjusted Tier I") metals feed rate screening limits provided by paragraphs (B) and (E) of rule 3745-266-106 of the Administrative Code that control metals emissions without requiring a trial burn, the owner or operator shall submit:	3734.12	state required, federal required	40 CFR 270.22 (a)(3)	yes	both	no
3745-50-44	(C)(9)(a)(iv)	shall	When seeking to be permitted under the low risk waste provisions of paragraph (B) of rule 3745-266-109 of the Administrative Code which waives the particulate standard (and trial burn to demonstrate conformance with the particulate standard), applicants shall submit documentation supporting conformance with paragraphs (C)(9)(a)(ii)(b) and (C)(9)(a)(iii) to (C)(9)(a)(iii)(g) of this rule.	3734.12	state required, federal required	40 CFR 270.22 (a)(4)	yes	both	no

3745-50-44	(C)(9)(a)(v)	requiring	When seeking to be permitted under the "Tier I" (or "Adjusted Tier I") feed rate screening limits for total chloride and chlorine provided by paragraphs (B)(1) and (E) of rule 3745-266-107 of the Administrative Code that control emissions of hydrogen chloride and chlorine gas without requiring a trial burn, the owner or operator shall submit:	3734.12	state required, federal required	40 CFR 270.22 (a)(5)	yes	both	no
3745-50-44	(C)(9)(a)(v)	shall	When seeking to be permitted under the "Tier I" (or "Adjusted Tier I") feed rate screening limits for total chloride and chlorine provided by paragraphs (B)(1) and (E) of rule 3745-266-107 of the Administrative Code that control emissions of hydrogen chloride and chlorine gas without requiring a trial burn, the owner or operator shall submit:	3734.12	state required, federal required	40 CFR 270.22 (a)(5)	yes	both	no
3745-50-44	(C)(9)(a)(vi)	required	The owner or operator may seek an exemption from the trial burn requirements to demonstrate conformance with rules 3745-266-104 to 3745-266-107 and 3745-50-66 of the Administrative Code by providing the information required by rule 3745-50-66 of the Administrative Code from previous compliance testing of the device in conformance with rule 3745-266-103 of the Administrative Code, 40 CFR 266.103, or from compliance testing or trial or operational burns of similar boilers or industrial furnaces burning similar hazardous wastes under similar conditions.	3734.12	state required, federal required	40 CFR 270.22 (a)(6)	yes	both	no
3745-50-44	(C)(9)(a)(vi)	required	If data from a similar device is used to support a trial burn waiver, the design and operating information required by rule 3745-50-66 of the Administrative Code shall be provided for both the similar device and the device to which the data is to be applied, and a comparison of the design and operating information shall be provided.	3734.12	state required, federal required	40 CFR 270.22 (a)(6)	yes	both	no
3745-50-44	(C)(9)(a)(vi)	shall	If data from a similar device is used to support a trial burn waiver, the design and operating information required by rule 3745-50-66 of the Administrative Code shall be provided for both the similar device and the device to which the data is to be applied, and a comparison of the design and operating information shall be provided.	3734.12	state required, federal required	40 CFR 270.22 (a)(6)	yes	both	no
3745-50-44	(C)(9)(a)(vi)	shall	If data from a similar device is used to support a trial burn waiver, the design and operating information required by rule 3745-50-66 of the Administrative Code shall be provided for both the similar device and the device to which the data is to be applied, and a comparison of the design and operating information shall be provided.	3734.12	state required, federal required	40 CFR 270.22 (a)(6)	yes	both	no
3745-50-44	(C)(9)(a)(vi)	shall	The director shall approve a permit application without a trial burn if the director finds that the hazardous wastes are sufficiently similar, the devices are sufficiently similar, the operating conditions are sufficiently similar, and the data from other compliance tests, trial burns, or operational burns are adequate to specify (in rule 3745-266-102 of the Administrative Code) operating conditions that will ensure conformance with paragraph (C) of rule 3745-266-102 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.22 (a)(6)	yes	both	yes- director
3745-50-44	(C)(9)(a)(vi)	shall	In addition, all of the following information shall be submitted:	3734.12	state required, federal required	40 CFR 270.22 (a)(6)	yes	both	no
3745-50-44	(C)(9)(b)	shall	Owners and operators of industrial furnaces requesting an alternative hydrocarbon limit under paragraph (F) of rule 3745-266-104 of the Administrative Code shall submit the following information at a minimum:	3734.12	state required, federal required	40 CFR 270.22 (b)	yes	both	no
3745-50-44	(C)(9)(c)	shall	When seeking to be permitted under an alternative metals implementation approach in paragraph (F) of rule 3745-266-106 of the Administrative Code, the owner or operator shall submit documentation specifying how the approach ensures compliance with the metals emissions standards of paragraph (C) or (D) of rule 3745-266-106 of the Administrative Code and how the approach can be effectively implemented and monitored.	3734.12	state required, federal required	40 CFR 270.22 (c)	yes	both	no
3745-50-44	(C)(9)(c)	shall	Further, the owner or operator shall provide such other information that the director finds necessary to achieve the purposes of this paragraph.	3734.12	state required, federal required	40 CFR 270.22 (c)	yes	both	no
3745-50-44	(C)(9)(d)	shall	Owners and operators shall submit information describing the automatic waste feed cutoff system, including any pre alarm systems that may be used.	3734.12	state required, federal required	40 CFR 270.22 (d)	yes	both	no
3745-50-44	(C)(9)(e)	shall	Owners and operators that use direct transfer operations to feed hazardous waste from transport vehicles ("containers," as defined in rule 3745-266-111 of the Administrative Code) directly to the boiler or industrial furnace shall submit information supporting conformance with the standards for direct transfer provided by rule 3745-266-111 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.22 (e)	yes	both	no

3745-50-44	(C)(9)(f)	shall	Owners and operators that claim that the residues are excluded from regulation under rule 3745-266-112 of the Administrative Code shall submit information adequate to demonstrate conformance with those provisions.	3734.12	state required, federal required	40 CFR 270.22 (f)	yes	both	no
3745-50-44	(C)(12)	shall	Except as otherwise provided by rule 3745-54-01 of the Administrative Code, owners and operators of hazardous waste treatment, storage, or disposal facilities that collect, store, or treat hazardous waste on drip pads shall provide the following additional information:	3734.12	state required, federal required	40 CFR 270.26 intro	yes	both	no
3745-50-44	(C)(12)(c)	shall	This submittal shall address the following items as specified in rule 3745-57-81 of the Administrative Code:	3734.12	state required, federal required	40 CFR 270.26 (c)	yes	both	no
3745-50-44	(C)(12)(c)(xvi)	required	A description of how hazardous waste residues and contaminated materials will be removed from the drip pad at closure, as required in paragraph (A) of rule 3745-57-85 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.26 (c)(16)	yes	both	no
3745-50-44	(C)(12)(c)(xvi)	shall	For any waste not to be removed from the drip pad upon closure, the owner or operator shall submit detailed plans and an engineering report describing how paragraphs (A) and (B) of rule 3745-57-10 of the Administrative Code will be complied with.	3734.12	state required, federal required	40 CFR 270.26 (c)(16)	yes	both	no
3745-50-44	(C)(14)	required	For post closure permits, the owner or operator is required to submit only the information specified in paragraphs (A)(1), (A)(4) to (A)(6), (A)(11) to (A)(11)(e), (A)(13), (A)(14), (A)(16), (A)(19) to (A)(19)(I)[Comment], (B) to (B)(8)(e), and (D) to (D)(3) of this rule, unless the director determines that additional information from paragraphs (A) to (B)(8)(e), (C)(2) to (C)(2)(j), (C)(3) to (C)(3)(j), (C)(4) to (C)(4)(i)(iv), (C)(5) to (C)(5)(i)(iv), or (C)(6) to (C)(6)(j)(iv) of this rule is necessary.	3734.12	state required, federal required	40 CFR 270.28 text	yes	both	no
3745-50-44	(C)(14)	required	The owner or operator is required to submit the same information when an alternative authority is used in lieu of a post closure permit as provided in paragraph (G) of rule 3745-50-45 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.28 text	yes	both	no
3745-50-44	(D)(1)	required	The following information is required for each waste management unit at a facility seeking a permit:	3734.12	state required, federal required	40 CFR 270.14 (d)(1)	yes	both	no
3745-50-44	(D)(1)(a)	required	The location of the unit on the topographic map required in paragraph (A)(19) of this rule.	3734.12	state required, federal required	40 CFR 270.14 (d)(1)(i)	yes	both	no
3745-50-44	(D)(2)	shall	The owner or operator of any facility containing one or more waste management units shall submit all available information pertaining to any release of hazardous wastes or hazardous constituents from such unit or units.	3734.12	state required, federal required	40 CFR 270.14 (d)(2)	yes	both	no
3745-50-44	(D)(3)	shall	The owner or operator shall conduct and provide results of sampling and analysis of ground water, land surface, and subsurface strata, surface water, or air, which may include the installation of wells, where the director ascertains it is necessary to complete a RCRA facility assessment (RFA) that will determine if a more complete investigation is necessary.	3734.12	state required, federal required	40 CFR 270.14 (d)(3)	yes	both	no
3745-50-45	(A)	requires	Chapter 3734. of the Revised Code requires a permit for the "treatment," "storage," or "disposal" of any hazardous waste as identified or listed in Chapter 3745 51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.1 (c)	yes	both	no
3745-50-45	(A)	shall	Owners and operators of hazardous waste management units shall have permits during the active life (including the closure period) of the unit.	3734.12	state required, federal required	40 CFR 270.1 (c)	yes	both	no
3745-50-45	(A)	shall	Owners or operators of surface impoundments, landfills, land treatment units, and waste pile units that received wastes after July 26, 1982, or that certified closure (according to rule 3745-66-15 of the Administrative Code) after January 26, 1983, shall have post-closure permits, unless the owner or operator demonstrates closure by removal or decontamination as provided under paragraphs (E) and (F) of this rule or obtain an enforceable document in lieu of a post closure permit, as provided under paragraph (G) of this rule.	3734.12	state required, federal required	40 CFR 270.1 (c)(5)	yes	both	no
3745-50-45	(A)	required	If a post-closure permit is required, the permit shall address applicable ground water monitoring, unsaturated zone monitoring, corrective action, and post-closure care requirements under Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.1 (c)	yes	both	no
3745-50-45	(A)	shall	If a post-closure permit is required, the permit shall address applicable ground water monitoring, unsaturated zone monitoring, corrective action, and post-closure care requirements under Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.1 (c)	yes	both	no

3745-50-45	(B)	require	Owners and operators of certain facilities require hazardous waste permits as well as permits under other environmental programs for certain aspects of the facility's operation.	3734.12	state required, federal required	40 CFR 270.1 (c)(1)	yes	both	no
3745-50-45	(B)	required	Hazardous waste permits are required for the treatment, storage, or disposal of hazardous waste at facilities requiring an Ohio national pollutant discharge elimination system permit or an Ohio underground injection control permit.	3734.12	state required, federal required	40 CFR 270.1 (c)(1)(ii)	yes	both	no
3745-50-45	(C)	required	The following persons are among those who are not required to obtain a hazardous waste permit:	3734.12	state required, federal required	40 CFR 270.1 (c)(2)	yes	both	no
3745-50-45	(D)(1)	required	A person is not required to obtain a hazardous waste permit for treatment or containment activities taken during immediate response to any of the following situations:	3734.12	state required, federal required	40 CFR 270.1 (c)(3)(i)	yes	both	no
3745-50-45	(D)(3)	shall	In the case of emergency responses involving military munitions, the responding explosives or munitions emergency response specialist's organizational unit shall retain records for three years identifying the dates of the response, the names of the responsible persons responding, the type and description of material addressed, and the disposition of such material.	3734.12	state required, federal required	40 CFR 270.1 (c)(3)(iii)	yes	both	no
3745-50-45	(E)	shall	Owners or operators of surface impoundments, land treatment units, or waste piles closing by removal or decontamination under Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code shall obtain a post-closure permit unless the owner or operator demonstrates to the director that the closure met the standards for closure by removal or decontamination in rule 3745-56-28, paragraph (E) of rule 3745-56-80, or rule 3745-56-58 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.1 (c)(5)	yes	both	no
3745-50-45	(E)(1)	required	If the owner or operator has submitted a "Part B" application for a post-closure permit, the owner or operator may request a determination, based on information contained in the application, that the closure by removal standards in Chapter 3745-56 of the Administrative Code were met and that no post-closure permit is required.	3734.12	state required, federal required	40 CFR 270.1 (c)(5)(i)	yes	both	no
3745-50-45	(E)(2)	required	If the owner or operator has not submitted a "Part B" application for a post-closure permit, the owner or operator may petition the director for a determination that a post-closure permit is not required because the closure met the applicable closure standards in Chapter 3745-56 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.1 (c)(5)(ii)	yes	both	no
3745-50-45	(E)(2)	shall	The petition shall include data demonstrating that closure by removal or decontamination standards were met, or the petition shall demonstrate that the unit closed under state requirements that met or exceeded the applicable closure by removal standards in Chapter 3745-56 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.1 (c)(5)(ii)(A)	yes	both	no
3745-50-45	(E)(2)	shall	The petition shall include data demonstrating that closure by removal or decontamination standards were met, or the petition shall demonstrate that the unit closed under state requirements that met or exceeded the applicable closure by removal standards in Chapter 3745-56 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.1 (c)(5)(ii)(A)	yes	both	no
3745-50-46	(A)	shall	Notwithstanding any other provision of rules 3745-50-40 to 3745-50-235 of the Administrative Code, a publicly owned treatment works shall be deemed to have a hazardous waste permit if such publicly owned treatment works meets the following conditions:	3734.12	state required, federal required	40 CFR 270.60 intro, (c)	yes	both	no
3745-50-46	(B)	shall	Notwithstanding any other provision of rules 3745-50-40 to 3745-50-235 of the Administrative Code, the owner or operator of an injection well disposing of hazardous waste shall be deemed to have a hazardous waste permit if the following conditions are met:	3734.12	state required, federal required	40 CFR 270.60 intro, (b)	yes	both	no
3745-50-46	(B)(2)	requires	Where the UIC well is the only unit at a facility that requires a hazardous waste permit, the UIC well complies with paragraph (D) of rule 3745-50-44 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.60 (b)(3)(ii)	yes	both	no
3745-50-51	(B)	shall	Owners or operators of facilities operating pursuant to paragraph (C)(1) of rule 3745-50-40 of the Administrative Code who submit modifications shall comply with this rule and, in lieu of the modification application submittal requirements of paragraph (D)(1)(b), (D)(2)(a), or (D)(3)(c) of this rule, shall submit a revised "Part A" permit application that does all of the following:	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(B)	shall	Owners or operators of facilities operating pursuant to paragraph (C)(1) of rule 3745-50-40 of the Administrative Code who submit modifications shall comply with this rule and, in lieu of the modification application submittal requirements of paragraph (D)(1)(b), (D)(2)(a), or (D)(3)(c) of this rule, shall submit a revised "Part A" permit application that does all of the following:	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no

3745-50-51	(B)(4)	required	Provides the applicable information required by rules 3745-50-43 and 3745-50-62 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)	shall	Modifications shall be classified by the director as "Class 1," "Class 2," or "Class 3" modifications. Modification requests classified as "Class 3" modifications shall be further classified by the director as "Class 3" modifications that are to be approved or disapproved by the director in accordance with either paragraph (D)(4) or (D)(5) of this rule.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)	shall	Modifications shall be classified by the director as "Class 1," "Class 2," or "Class 3" modifications. Modification requests classified as "Class 3" modifications shall be further classified by the director as "Class 3" modifications that are to be approved or disapproved by the director in accordance with either paragraph (D)(4) or (D)(5) of this rule.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)	shall	To determine whether a "Class 3" modification request shall be approved or disapproved in accordance with paragraph (D)(5) of this rule, the director shall use the criteria in paragraph (D)(3)(b) of this rule.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)	shall	To determine whether a "Class 3" modification request shall be approved or disapproved in accordance with paragraph (D)(5) of this rule, the director shall use the criteria in paragraph (D)(3)(b) of this rule.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(1)(a)(i)	shall	The permittee shall notify the director of the modification by certified mail or other means that establish proof of delivery within seven days after the change is implemented.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(1)(a)(i)	shall	This notice shall specify the changes made to permit conditions or supporting documents referenced by the permit and shall explain why the changes are necessary.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(1)(a)(i)	shall	This notice shall specify the changes made to permit conditions or supporting documents referenced by the permit and shall explain why the changes are necessary.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(1)(a)(i)	shall	Along with the notice, the permittee shall provide the applicable information required by rules 3745-50-43, 3745-50-44, and 3745-50-62 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(1)(a)(i)	required	Along with the notice, the permittee shall provide the applicable information required by rules 3745-50-43, 3745-50-44, and 3745-50-62 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(1)(a)(ii)	shall	The permittee shall send a notice of the "Class 1" modification to all persons on the agency mailing list maintained by the director, the board of county commissioners of the county, the board of township trustees of the township, and the city manager or mayor of the municipal corporation in which the hazardous waste facility is located.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(1)(a)(ii)	shall	This notification shall be made within ninety days after the change is implemented.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no

3745-50-51	(D)(1)(a)(ii)	require	For "Class 1" modifications that require prior director approval, the notification shall be made within ninety days after the director approves the modification application.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(1)(a)(ii)	shall	For "Class 1" modifications that require prior director approval, the notification shall be made within ninety days after the director approves the modification application.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(1)(a)(iii)	shall	The director shall inform the permittee by certified mail that a "Class 1" modification has been rejected, and explain the reasons for the rejection.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(1)(a)(iii)	shall	If a "Class 1" modification has been rejected, the permittee shall comply with the original permit conditions.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(1)(b)	required	The director's prior written approval is also required for those modifications classified by the director as "Class 1" modifications that require prior written approval pursuant to paragraph (E) of this rule.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(1)(b)	require	The director's prior written approval is also required for those modifications classified by the director as "Class 1" modifications that require prior written approval pursuant to paragraph (E) of this rule.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(1)(b)	shall	The director shall approve or disapprove an application for a "Class 1" modification that requires the director's approval within sixty days after receipt of the modification application.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(1)(b)	requires	The director shall approve or disapprove an application for a "Class 1" modification that requires the director's approval within sixty days after receipt of the modification application.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(1)(c)	shall	The permittee shall inform the director of this decision in the notice required in paragraph (D)(1)(a)(i) of this rule.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(1)(c)	required	The permittee shall inform the director of this decision in the notice required in paragraph (D)(1)(a)(i) of this rule.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(2)(a)	shall	"Class 2" modification applications shall be approved or disapproved by the director.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(2)(a)	shall	For "Class 2" modifications listed in the appendix to this rule, or modifications classified as "Class 2" modifications by the director pursuant to paragraph (E) of this rule, the permittee shall submit a modification application to the director that:	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no

3745-50-51	(D)(2)(a)(i)	require	Describes the exact change to be made to the facility that would require the permit to be modified and the proposed changes to the permit conditions and supporting documents referenced by the permit;	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(2)(a)(iv)	required	Provides the applicable information required by rules 3745-50-43, 3745-50-44, and 3745-50-62 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(2)(b)	shall	The permittee shall send a notice of the modification application to all persons on the agency mailing list maintained by the director, the board of county commissioners of the county, the board of township trustees of the township, and the city manager or mayor of the municipal corporation in which the hazardous waste facility is located, and shall publish this notice in a major local newspaper of general circulation.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(2)(b)	shall	The permittee shall send a notice of the modification application to all persons on the agency mailing list maintained by the director, the board of county commissioners of the county, the board of township trustees of the township, and the city manager or mayor of the municipal corporation in which the hazardous waste facility is located, and shall publish this notice in a major local newspaper of general circulation.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(2)(b)	shall	This notice shall be mailed and published within seven days before or after the date of submittal of the modification application to the director, and the permittee shall provide to the director evidence of the mailing and publication.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(2)(b)	shall	This notice shall be mailed and published within seven days before or after the date of submittal of the modification application to the director, and the permittee shall provide to the director evidence of the mailing and publication.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(2)(b)	shall	The notice shall include:	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(2)(b)(i)	shall	Announcement of a sixty day comment period, in accordance with paragraph (D)(2)(e) of this rule, and the name and address of an Ohio EPA contact person to whom comments shall be sent;	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(2)(c)	shall	The permittee shall place a copy of the permit modification application and supporting documents in a location accessible to the public in the vicinity of the facility.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(2)(d)	shall	The permittee shall hold a public meeting no earlier than fifteen days after the publication of the notice required by paragraph (D)(2)(b) of this rule and no later than fifteen days before the close of the sixty day comment period.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(2)(d)	required	The permittee shall hold a public meeting no earlier than fifteen days after the publication of the notice required by paragraph (D)(2)(b) of this rule and no later than fifteen days before the close of the sixty day comment period.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(2)(d)	shall	The meeting shall be held, to the extent practicable, in the vicinity of the facility.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no

3745-50-51	(D)(2)(e)	shall	The public shall be provided sixty days to comment on the modification application.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(2)(e)	shall	The comment period shall begin on the date the permittee publishes the notice in the local newspaper.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(2)(e)	shall	Comments shall be submitted to the Ohio EPA contact person identified in the public notice.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(2)(f)(i)	shall	No later than ninety days after receipt of the modification application, the director shall:	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(2)(f)(i)(c)	shall	Determine that the modification application shall follow the procedures in paragraph (D)(3) of this rule for "Class 3" modifications for either of the following reasons:	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(2)(f)(ii)	shall	If the director notifies the permittee of a thirty-day extension for a decision, the director shall take one of the following actions no later than one hundred twenty days after receipt of the modification application:	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(2)(f)(ii)(c)	shall	Determine that the modification application shall follow the procedures in paragraph (D)(3) of this rule for "Class 3" modifications for either of the following reasons:	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(2)(f)(iii)	shall	If the director fails to take one of the actions specified in paragraph (D)(2)(f)(i) or (D)(2)(f)(ii) of this rule by the one hundred twentieth day after receipt of the modification application, the permittee shall be automatically authorized to conduct the activities described in the modification application for up to one hundred eighty days, without formal agency action.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(2)(f)(iii)	shall	The authorized activities shall be conducted as described in the permit modification application and shall be conducted in compliance with all applicable standards of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(2)(f)(iii)	shall	The authorized activities shall be conducted as described in the permit modification application and shall be conducted in compliance with all applicable standards of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(2)(f)(iii)	shall	If the director approves, with or without changes, or disapproves the modification application during the term of the temporary or automatic authorization provided for in paragraph (D)(2)(f)(i)(d), (D)(2)(f)(ii)(d), or (D)(2)(f)(iii) of this rule, such action shall replace the temporary or automatic authorization.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(3)(f)(iv)(a)	shall	In the case of an automatic authorization under paragraph (D)(2)(f)(iii) of this rule, or a temporary authorization under paragraph (D)(2)(f)(i)(d) or (D)(2)(f)(ii)(d) of this rule, if the director has not approved or disapproved the modification application within two hundred fifty days after receipt of the modification application, the permittee shall, within seven days after that time, send a notice to all persons on the agency mailing list and make a reasonable effort to notify other persons who submitted written comments on the modification application, that:	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no

3745-50-51	(D)(2)(f)(v)	shall	The activities authorized under paragraph (D)(2) of this rule shall be conducted as described in the modification application and shall be conducted in compliance with all applicable standards of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(2)(f)(v)	shall	The activities authorized under paragraph (D)(2) of this rule shall be conducted as described in the modification application and shall be conducted in compliance with all applicable standards of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(2)(f)(v) [Comment]	required	The director is required to approve or disapprove an application for a "Class 2" modification within three hundred days after its receipt.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(2)(f)(vi)	shall	In deciding to approve or disapprove a modification application, or to issue a temporary authorization, or to reclassify a "Class 2" modification as a "Class 3" modification, the director shall consider all comments received during the public comment period regarding the modification application, written materials submitted at the public meeting regarding the application, and any other documents regarding the director's decision, and shall respond in writing to all significant comments.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(2)(f)(vi)	shall	In deciding to approve or disapprove a modification application, or to issue a temporary authorization, or to reclassify a "Class 2" modification as a "Class 3" modification, the director shall consider all comments received during the public comment period regarding the modification application, written materials submitted at the public meeting regarding the application, and any other documents regarding the director's decision, and shall respond in writing to all significant comments.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(2)(f)(vi)	shall	The administrative record for appeal of a "Class 2" modification shall include the comments, materials, and documents described in this paragraph.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(2)(f)(vii)	shall	If the director approves the application for the "Class 2" modification, the director shall issue the modified permit upon such terms and conditions as the director finds are reasonable to ensure that the operation, maintenance, closure, and post-closure care of the hazardous waste facility are conducted in accordance with Chapter 3734. of the Revised Code, the hazardous waste rules, and such additional terms and conditions as the director determines are necessary to protect human health and the environment.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(3)(a)	shall	"Class 3" modification applications shall be approved or disapproved by the director.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(3)(a)(i)	shall	Requests for "Class 3" modifications that do not meet the criteria of paragraph (D)(3)(b) of this rule shall be approved or disapproved in accordance with paragraph (D)(4) of this rule.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(3)(a)(ii)	shall	Requests for "Class 3" modifications that do meet the criteria of paragraph (D)(3)(b) of this rule shall be approved or disapproved in accordance with paragraph (D)(5) of this rule.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(3)(b)(ii)	shall	The authorized disposal capacity for a facility shall be calculated from the approved design plans for the disposal units at that facility.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director

3745-50-51	(D)(3)(b)(ii)	shall not	During a five year period, a facility's storage capacity or treatment rate shall not be modified to increase by more than twenty-five per cent in the aggregate without the director's approval pursuant to paragraph (D)(5) of this rule;	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(3)(b)(v)	required	Authority to treat, store, or dispose of waste types listed or characterized as reactive wastes or explosive wastes in rules 3745-51-20 to 3745-51-24 or 3745-51-30 to 3745-51-35 of the Administrative Code, or any acute hazardous waste listed in paragraph (E) of rule 3745-51-33 of the Administrative Code at a facility not previously authorized to treat, store, or dispose of those types of wastes by the facility's permit, unless the requested authority is limited to wastes that no longer exhibit characteristics that meet the criteria for listing or for characterization as reactive wastes or explosive wastes, or for listing as acute hazardous waste, but still are required to carry those waste codes because of the requirements established in rule 3745-51-03 of the Administrative Code (e.g., the "mixture," "contained in," or "derived-from" provisions).	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(3)(c)	shall	The permittee shall submit a modification application to the director that:	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(3)(c)(i)	require	Describes the exact changes to be made to the facility that would require the permit to be modified and the proposed changes to the permit conditions and supporting documents referenced by the permit;	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(3)(c)(iv)	required	Provides the applicable information required by rules 3745-50-43, 3745-50-44, and 3745-50-62 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(3)(d)	shall	The permittee shall send a notice of the modification application to all persons on the agency mailing list maintained by the director, the board of county commissioners of the county, the board of township trustees of the township, and the city manager or mayor of the municipal corporation in which a hazardous waste facility is located, and shall publish this notice in a major local newspaper of general circulation.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(3)(d)	shall	The permittee shall send a notice of the modification application to all persons on the agency mailing list maintained by the director, the board of county commissioners of the county, the board of township trustees of the township, and the city manager or mayor of the municipal corporation in which a hazardous waste facility is located, and shall publish this notice in a major local newspaper of general circulation.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(3)(d)	shall	This notice shall be mailed and published within seven days before or after the date of submittal of the modification application to the director, and the permittee shall provide to the director evidence of the mailing and publication.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(3)(d)	shall	This notice shall be mailed and published within seven days before or after the date of submittal of the modification application to the director, and the permittee shall provide to the director evidence of the mailing and publication.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(3)(d)	shall	The notice shall include:	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(3)(d)(i)	shall	Announcement of a sixty day comment period, and the name and address of an Ohio EPA contact person to whom comments shall be sent;	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no

3745-50-51	(D)(3)(e)	shall	The permittee shall place a copy of the permit modification application and supporting documents in a location accessible to the public in the vicinity of the facility.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(3)(f)	shall	The permittee shall hold a public meeting no earlier than fifteen days after the publication of the notice required by paragraph (D)(3)(d) of this rule and no later than fifteen days before the close of the sixty day comment period.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(3)(f)	required	The permittee shall hold a public meeting no earlier than fifteen days after the publication of the notice required by paragraph (D)(3)(d) of this rule and no later than fifteen days before the close of the sixty day comment period.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(3)(f)	shall	The meeting shall be held, to the extent practicable, in the vicinity of the facility.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(3)(g)	shall	The public shall be provided at least sixty days to comment on the modification application.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(3)(g)	shall	The comment period shall begin on the date the permittee publishes the notice in the local newspaper.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(3)(g)	shall	Comments shall be submitted to the Ohio EPA contact person identified in the notice.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(4)(a)	shall	After the conclusion of the sixty day comment period described in paragraph (D)(3)(g) of this rule and the completion of the review of the "Class 3" modification application, the director shall:	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(4)(a)(iii)	shall	The notice shall contain a summary of the modification application and the draft modified permit or notice of intent to deny the modification application, the location of the facility, a description of the proposed modification, the location where a copy of the application and the draft modified permit or notice of intent to deny the modification application are available for inspection, and the statement that any person may submit written comments relevant to the permit modification request and draft modified permit or notice of intent to deny the modification application, or may request a public meeting thereon within forty-five days after the public notice.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(4)(a)(iii)	shall	The public shall be provided at least forty-five days to comment on the modification application.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(4)(a)(iii)	shall	The comment period shall begin on the date the notice is published in the newspaper.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(D)(4)(a)(iii)	shall	Comments shall be submitted to the Ohio EPA contact person identified in the notice; and	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no

3745-50-51	(D)(4)(a)(iv)	shall	If significant interest is shown in a public meeting, the director shall promptly fix and give public notice in a newspaper having general circulation in the county in which the facility is located and over a local radio station, of a date for a public meeting which shall be held in the county in which the facility is located, not fewer than thirty days after public notice of the public meeting.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(4)(a)(iv)	shall	If significant interest is shown in a public meeting, the director shall promptly fix and give public notice in a newspaper having general circulation in the county in which the facility is located and over a local radio station, of a date for a public meeting which shall be held in the county in which the facility is located, not fewer than thirty days after public notice of the public meeting.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(4)(a)(v)	shall	If the director approves the application for the "Class 3" modification, the modified permit shall be issued upon such terms and conditions as the director finds are reasonable to ensure that the operation, maintenance, closure, and post-closure care of the hazardous waste facility are conducted in accordance with Chapter 3734. of the Revised Code, the hazardous waste rules, and such additional terms and conditions as the director determines are necessary to protect human health and the environment.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(4)(b)	shall	The director shall approve or disapprove an application for a "Class 3" modification within three hundred sixty-five days after receipt of the modification application.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(4)(b)	shall	In deciding to approve or disapprove such a "Class 3" modification application, the director shall consider all comments received during the public comment periods required in paragraphs (D)(3)(g) and (D)(4)(a) of this rule regarding the modification application, written materials submitted at the public meetings regarding the application, and any other documents regarding the director's decision, and shall respond in writing to all significant comments.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(4)(b)	required	In deciding to approve or disapprove such a "Class 3" modification application, the director shall consider all comments received during the public comment periods required in paragraphs (D)(3)(g) and (D)(4)(a) of this rule regarding the modification application, written materials submitted at the public meetings regarding the application, and any other documents regarding the director's decision, and shall respond in writing to all significant comments.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(4)(b)	shall	In deciding to approve or disapprove such a "Class 3" modification application, the director shall consider all comments received during the public comment periods required in paragraphs (D)(3)(g) and (D)(4)(a) of this rule regarding the modification application, written materials submitted at the public meetings regarding the application, and any other documents regarding the director's decision, and shall respond in writing to all significant comments.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(4)(b)	shall	The administrative record for appeal of a "Class 3" modification shall include the comments, materials, and documents described in this paragraph.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(D)(5)(a)	shall	After the conclusion of the sixty day comment period described in paragraph (D)(3)(g) of this rule, the director shall consider the "Class 3" modification application to determine whether the application meets the requirements of paragraph (A) of rule 3745-50-38 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(E)(1)(a)	shall	To make such a request, the permittee shall submit a modification classification request which contains the information necessary to support the request.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(E)(2)	shall	The director shall make the classification determination described in paragraph (E)(1)(a) of this rule not later than thirty days after receipt of the request and shall notify the permittee of the classification.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director

3745-50-51	(E)(2)	shall	The director shall make the classification determination described in paragraph (E)(1)(a) of this rule not later than thirty days after receipt of the request and shall notify the permittee of the classification.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(E)(2)	shall	In making a classification determination, the director shall consider the similarity of the modification to other modifications in the appendix to this rule and the following criteria:	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(E)(2)(a)	required	In the case of "Class 1" modifications, the director's prior approval may be required.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(E)(3)	shall	After the director has notified the permittee of the classification determination pursuant to paragraph (E)(2) of this rule, the permittee shall initiate the appropriate modification procedures in paragraph (D)(1), (D)(2), or (D)(3) of this rule.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(F)(1)	shall	A temporary authorization shall have a term of not more than one hundred eighty days.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(F)(2)(b)	shall	The temporary authorization request shall include	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(F)(2)(c)	shall	The permittee shall send a notice about the temporary authorization request to all persons on the agency mailing list maintained by the director, the board of county commissioners of the county, the board of township trustees of the township, and the city manager or mayor of the municipal corporation in which a hazardous waste facility is located.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(F)(2)(c)	shall	This notification shall be made within seven days after submittal of the authorization request.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(F)(3)	shall	The director shall grant or deny the temporary authorization request as quickly as practical.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(F)(3)	shall	In deciding to grant a temporary authorization, the director shall find that:	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(G)(1)	shall	The director shall send a notice to all persons on the agency mailing list, the board of county commissioners of the county, the board of township trustees of the township, and the city manager or mayor of the municipal corporation in which a hazardous waste facility is located, within ten days after any decision under this rule to approve or disapprove a "Class 2" or "Class 3" modification application.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(G)(1)	shall	The director also shall send a notice to such persons within ten days after an automatic or temporary authorization for a "Class 2" modification goes into effect under paragraph (D)(2)(f)(iii), (D)(2)(f)(v), (F)(3), or (F)(4) of this rule, or a temporary authorization for a "Class 3" modification goes into effect under paragraph (F)(3) or (F)(4) of this rule.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director

3745-50-51	(H)(2)	shall	The director shall approve or disapprove the "Class 2" or "Class 3" modification application submitted pursuant to paragraph (H)(1)(d) of this rule in accordance with paragraphs (D)(2)(f)(vii) and (D)(2)(g) of this rule or with paragraphs (D)(4)(a) and (D)(4)(b) of this rule.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(H)(2)	shall	If a "Class 3" modification application submitted pursuant to paragraph (H)(1)(d) of this rule is from a permit by rule facility conducting thermal treatment of hazardous waste in a boiler or industrial furnace, the director shall approve or disapprove the application in accordance with paragraph (D)(5) of this rule and division (D)(2) of Chapter 3734.05 of the Revised Code, except that the director shall not disapprove an application for the thermal treatment on the basis of the criteria in division (D)(2)(g) or (D)(2)(h) of Chapter 3734.05 of the Revised Code.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(H)(2)	shall not	If a "Class 3" modification application submitted pursuant to paragraph (H)(1)(d) of this rule is from a permit by rule facility conducting thermal treatment of hazardous waste in a boiler or industrial furnace, the director shall approve or disapprove the application in accordance with paragraph (D)(5) of this rule and division (D)(2) of Chapter 3734.05 of the Revised Code, except that the director shall not disapprove an application for the thermal treatment on the basis of the criteria in division (D)(2)(g) or (D)(2)(h) of Chapter 3734.05 of the Revised Code.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes- director
3745-50-51	(J)(2)	shall	The notice shall contain, at a minimum, a summary of the draft permit modification, the location of the facility, a description of the facility, the location where copies of the draft modified permit are available for inspection, and the statement that any person may submit written comments relevant to the draft permit modification or may request a public meeting thereon within forty five days after the issuance of the public notice.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes, director
3745-50-51	(J)(3)	shall	If significant interest is shown in a public meeting, promptly fixing and giving public notice, at a minimum, in a newspaper having general circulation in the county in which the facility is located and over a local radio station, of a date for a public meeting which shall be held in the county in which the facility is located, not fewer than thirty days after public notice of the public meeting.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes, director
3745-50-51	(J)(4)	shall	In approving such a modification, the director shall consider all comments received during the public comment period required in paragraph (J)(2) of this rule regarding the modification, written materials submitted at the public meeting regarding the modification, and any other documents regarding the director's decision, and shall respond in writing to all significant comments.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes, director
3745-50-51	(J)(4)	required	In approving such a modification, the director shall consider all comments received during the public comment period required in paragraph (J)(2) of this rule regarding the modification, written materials submitted at the public meeting regarding the modification, and any other documents regarding the director's decision, and shall respond in writing to all significant comments.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72 40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes, director
3745-50-51	(J)(4)	shall	In approving such a modification, the director shall consider all comments received during the public comment period required in paragraph (J)(2) of this rule regarding the modification, written materials submitted at the public meeting regarding the modification, and any other documents regarding the director's decision, and shall respond in writing to all significant comments.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes, director
3745-50-51	(J)(4)	shall	The administrative record for appeal of the modification shall include the comments, materials, and documents described in this paragraph.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes, director
3745-50-51	(K)	shall	The director shall maintain a list of all approved permit modifications and shall publish a notice once a year in a newspaper having general circulation throughout the state of Ohio that an updated list is available for review.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes, director

3745-50-51	(K)	shall	The director shall maintain a list of all approved permit modifications and shall publish a notice once a year in a newspaper having general circulation throughout the state of Ohio that an updated list is available for review.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	yes, director
3745-50-51	(L)(1)	shall	Facility owners or operators shall be in compliance with the "Notification of Intent to Comply (NIC)" requirements of 40 CFR 63.1210 that were in effect prior to October 11, 2000, (see 40 CFR 63.1200 to 40 CFR 63.1499 revised as of July 1, 2000) in order to request a permit modification under this rule for the purpose of technology changes needed to meet the standards under 40 CFR 63.1203, 40 CFR 63.1204, and 40 CFR 63.1205.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(L)(2)	shall	Facility owners or operators shall comply with the NIC requirements of 40 CFR 63.1210(b) and 40 CFR 63.1212(a) before a permit modification may be requested under this rule for the purpose of technology changes needed to meet the standards in 40 CFR 63.1215, 40 CFR 63.1216, 40 CFR 63.1217, 40 CFR 63.1218, 40 CFR 63.1219, 40 CFR 63.1220, and 40 CFR 63.1221.	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(M)(1)	shall	The owner or operator shall do all of the following:	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	(M)(2)	shall	To request this modification in conjunction with MACT performance testing where permit limits may only be waived during actual test events and pretesting, as described in 40 CFR 63.1207(h)(2)(i) and 40 CFR 63.1207(h)(2)(ii), for an aggregate time not to exceed seven hundred twenty hours of operation (renewable at the discretion of the director) the owner or operator shall do all of the following:	3734.12	state required, federal required	40 CFR 270.32 (b)(2), (b)(3); 270.41; 270.42; 270.72	yes	both	no
3745-50-51	Appendix at A.7.	required	Authority to treat, store, or dispose of waste types listed or characterized as reactive wastes or explosive wastes in rules 3745-51-20 to 3745-51-24 or 3745-51-30 to 3745-51-35 of the Administrative Code, or any acute hazardous waste listed in paragraph (E) of rule 3745-51-33 of the Administrative Code at a facility not previously authorized to treat, store, or dispose of those types of wastes by the facility's permit, unless the requested authority is limited to wastes that no longer exhibit characteristics that meet the criteria for listing or characterization as reactive wastes or explosive wastes, or for listing as acute hazardous waste, but still are required to carry those waste codes because of the requirements established in rule 3745-51-03 of the Administrative Code (e.g., the "mixture," "contained-in," or "derived-from" provisions).	3734.12	state required	none	yes	no	no
3745-50-51	Appendix at C.8.b.Comment	requires	When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change shall be reviewed under the same procedures as the permit modification.	3734.12	state required, federal required	40 CFR 270.42 appendix I at B.7.Note	yes	both	no
3745-50-51	Appendix at C.8.b.Comment	shall	When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change shall be reviewed under the same procedures as the permit modification.	3734.12	state required, federal required	40 CFR 270.42 appendix I at B.7.Note	yes	both	yes, director
3745-50-51	Appendix at C.8.b.Comment	shall	Only those aspects of the hazardous waste management units, facility plans, or facility standards that are proposed to change or shall change to give effect to the requested modification shall be reviewed as part of Ohio EPA's evaluation of a modification application.	3734.12	state required	none	yes	no	no
3745-50-51	Appendix at C.8.b.Comment	shall	Only those aspects of the hazardous waste management units, facility plans, or facility standards that are proposed to change or shall change to give effect to the requested modification shall be reviewed as part of Ohio EPA's evaluation of a modification application.	3734.12	state required	none	yes	no	no
3745-50-51	Appendix at D.6.	required	Changes to a detection monitoring program as required by paragraph (H) of rule 3745-54-98 of the Administrative Code, unless otherwise specified in this appendix.	3734.12	state required, federal required	40 CFR 270.42 appendix I at C.6.	yes	both	no
3745-50-51	Appendix at D.7.a.	required	Addition of compliance monitoring program as required by paragraph (G)(4) of rule 3745-54-98 and rule 3745-54-99 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.42 appendix I at C.7.a.	yes	both	no

3745-50-51	Appendix at D.7.b.	required	Changes to a compliance monitoring program as required by paragraph (J) of rule 3745-54-99 of the Administrative Code, unless otherwise specified in this appendix.	3734.12	state required, federal required	40 CFR 270.42 appendix I at C.7.b.	yes	both	no
3745-50-51	Appendix at D.8.a.	required	Addition of a corrective action program as required by paragraph (H)(2) of rule 3745-54-99 and by rule 3745-54-100 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.42 appendix I at C.8.a.	yes	both	no
3745-50-51	Appendix at D.8.b.	required	Changes to a corrective action program as required by paragraph (H) of rule 3745-54-100 of the Administrative Code, unless otherwise specified in this appendix.	3734.12	state required, federal required	40 CFR 270.42 appendix I at C.8.b.	yes	both	no
3745-50-51	Appendix at G.3.a.	require	That require additional or different management practices from those authorized in the permit.	3734.12	state required, federal required	40 CFR 270.42 appendix I at F.3.a.	yes	both	no
3745-50-51	Appendix at G.3.b.	require	That do not require additional or different management practices from those authorized in the permit.	3734.12	state required, federal required	40 CFR 270.42 appendix I at F.3.b.	yes	both	no
3745-50-51	Appendix at G.4.a.	require	That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards in Chapter 3745-270 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.42 appendix I at F.4.a.	yes	both	no
3745-50-51	Appendix at G.4.b.	require	That do not require the addition of units or change in treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water).	3734.12	state required, federal required	40 CFR 270.42 appendix I at F.4.b.	yes	both	no
3745-50-51	Appendix at H.5.a.	require	That require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process from that authorized in the permit, except as provided in section H.5.c. of this appendix.	3734.12	state required, federal required	40 CFR 270.42 appendix I at G.5.a.	yes	both	no
3745-50-51	Appendix at H.5.b.	require	That do not require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process than authorized in the permit, except as provided in section H.5.d. of this appendix.	3734.12	state required, federal required	40 CFR 270.42 appendix I at G.5.b.	yes	both	no
3745-50-51	Appendix at H.5.c.	require	That require addition of units or change in treatment process or management standards, provided that the units are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards in Chapter 3745-270 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.42 appendix I at G.5.c.	yes	both	no
3745-50-51	Appendix at H.5.d.	require	That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water).	3734.12	state required, federal required	40 CFR 270.42 appendix I at G.5.d.	yes	both	no
3745-50-51	Appendix at I.5.a.	require	That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.	3734.12	state required, federal required	40 CFR 270.42 appendix I at H.5.a.	yes	both	no
3745-50-51	Appendix at I.5.b.	require	That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.	3734.12	state required, federal required	40 CFR 270.42 appendix I at H.5.b.	yes	both	no
3745-50-51	Appendix at J.5.a.	require	That require additional or different management practices or different design of the unit.	3734.12	state required, federal required	40 CFR 270.42 appendix I at I.5.a.	yes	both	no
3745-50-51	Appendix at J.5.b.	require	That do not require additional or different management practices or different design of the unit.	3734.12	state required, federal required	40 CFR 270.42 appendix I at I.5.b.	yes	both	no
3745-50-51	Appendix at K.6.a.	require	That require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.	3734.12	state required, federal required	40 CFR 270.42 appendix I at J.6.a.	yes	both	no
3745-50-51	Appendix at K.6.b.	require	That do not require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.	3734.12	state required, federal required	40 CFR 270.42 appendix I at J.6.b.	yes	both	no

3745-50-51	Appendix at L.4.	required	Other modifications of land treatment unit component specifications or standards required in permit.	3734.12	state required, federal required	40 CFR 270.42 appendix I at K.4.	yes	both	no
3745-50-51	Appendix at L.5.a.	require	That require a change in permit operating conditions or unit design specifications.	3734.12	state required, federal required	40 CFR 270.42 appendix I at K.5.a.	yes	both	no
3745-50-51	Appendix at L.5.b.	require	That do not require a change in permit operating conditions or unit design specifications.	3734.12	state required, federal required	40 CFR 270.42 appendix I at K.5.b.	yes	both	no
3745-50-51	Appendix at M.1.	require	The director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.	3734.12	state required, federal required	40 CFR 270.42 appendix I at L.1.	yes	both	yes, director
3745-50-51	Appendix at M.2.	require	The director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means	3734.12	state required, federal required	40 CFR 270.42 appendix I at L.2.	yes	both	yes, director
3745-50-51	Appendix at M.3.	require	The director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.	3734.12	state required, federal required	40 CFR 270.42 appendix I at L.3.	yes	both	yes, director
3745-50-51	Appendix at M.4.	require	The director may require a new trial burn to demonstrate compliance with the regulatory performance standards.	3734.12	state required, federal required	40 CFR 270.42 appendix I at L.4.	yes	both	yes, director
3745-50-51	Appendix at M.5.a.	require	The director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.	3734.12	state required, federal required	40 CFR 270.42 appendix I at L.5.a.	yes	both	yes, director
3745-50-51	Appendix at M.6.a.	requires	If the waste contains a principal organic hazardous constituent (POHC) that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit.	3734.12	state required, federal required	40 CFR 270.42 appendix I at L.6.a.	yes	both	no
3745-50-51	Appendix at M.6.a.	require	The director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.	3734.12	state required, federal required	40 CFR 270.42 appendix I at L.6.a.	yes	both	yes, director
3745-50-51	Appendix at M.6.b.	require	If the waste does not contain a POHC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit.	3734.12	state required, federal required	40 CFR 270.42 appendix I at L.6.b.	yes	both	no
3745-50-51	Appendix at N.5.a.	require	That require additional or different management practices.	3734.12	state required, federal required	40 CFR 270.42 appendix I at M.5.a.	yes	both	no
3745-50-51	Appendix at N.5.b.	require	That do not require additional or different management practices.	3734.12	state required, federal required	40 CFR 270.42 appendix I at M.5.b.	yes	both	no
3745-50-51	Appendix at footnote *	require	"Class 1" modifications that require the director's prior approval.	3734.12	state required, federal required	40 CFR 270.42 appendix I at Footnote 1	yes	both	no
3745-50-51	Appendix at footnote A	shall not	During a five-year period, a facility's storage capacity or treatment rate shall not be modified to increase by more than 25% in the aggregate without the director's approval in accordance with paragraph (D)(5) of this rule.	3734.12	state required	none	yes	no	no
3745-50-51	Appendix at footnote B	shall	The authorized disposal capacity for a facility shall be calculated from the approved design plans for the disposal units at that facility.	3734.12	state required	none	yes	no	no
3745-50-52	(C)(1)	shall	That is not an off-site facility shall be processed as a "Class 1" modification requiring prior written approval of the director in accordance with rule 3745-50-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.40 (b)	yes	both	yes, director
3745-50-52	(C)(2)	shall	That is an off-site facility shall be processed as a "Class 3" modification in accordance with rule 3745-50-51 of the Administrative Code.	3734.12	state required	none	yes	no	yes, director

3745-50-52	(C)(2)(a)(i)	shall	The director shall determine whether both of the following:	3734.12	state required	none	yes	no	yes, director
3745-50-52	(D)	shall	The current owner or operator and the prospective new owner or operator shall submit a permit modification application to the director no later than ninety days prior to the scheduled change in owner or operator.	3734.12	state required, federal required	40 CFR 270.40 (b)	yes	both	no
3745-50-52	(D)	shall	A written agreement containing a specific date for transfer of permit responsibility between the current and new permittees shall also be submitted to the director.	3734.12	state required, federal required	40 CFR 270.40 (b)	yes	both	no
3745-50-52	(D)	shall	When a change in the owner or operator of a facility occurs, the former owner or operator shall comply with the applicable requirements of rules 3745-55-40 to 3745-55-51 of the Administrative Code until the new owner or operator has demonstrated compliance with those rules.	3734.12	state required, federal required	40 CFR 270.40 (b)	yes	both	no
3745-50-52	(D)	shall	The new owner or operator shall demonstrate compliance with rules 3745-55-40 to 3745-55-51 of the Administrative Code within one hundred eighty days after the date of the change in the owner or operator of the facility.	3734.12	state required, federal required	40 CFR 270.40 (b)	yes	both	no
3745-50-52	(D)	required	Upon demonstration of compliance with rules 3745-55-40 to 3745-55-51 of the Administrative Code to the director by the new owner or operator, the director will notify the former owner or operator that the former owner's or operator's compliance with rules 3745-55-40 to 3745-55-51 of the Administrative Code is no longer required, as of the date of demonstration of compliance.	3734.12	state required, federal required	40 CFR 270.40 (b)	yes	both	no
3745-50-57	(B)	shall	This emergency permit shall provide all of the following:	3734.12	state required, federal required	40 CFR 270.61 (b)	yes	both	no
3745-50-57	(B)(1)	shall	If oral, the emergency permit shall be followed in five days by a written emergency permit.	3734.12	state required, federal required	40 CFR 270.61 (b)(1)	yes	both	no
3745-50-57	(B)(2)	shall not	Shall not exceed ninety days in duration and is not renewable.	3734.12	state required, federal required	40 CFR 270.61 (b)(2)	yes	both	no
3745-50-57	(B)(3)	shall	Shall clearly specify the hazardous wastes to be received, and the manner and location of the treatment, storage, or disposal of the hazardous wastes.	3734.12	state required, federal required	40 CFR 270.61 (b)(3)	yes	both	no
3745-50-57	(B)(6)	shall	Shall be accompanied by a public notice that includes all of the following:	3734.12	state required, federal required	40 CFR 270.61 (b)(5)	yes	both	no
3745-50-57	(B)(7)	shall	Shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of rules 3745-50-40 to 3745-50-235 and Chapters 3745-54 to 3745-57, 3745-205, and 3745-266 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.61 (b)(6)	yes	both	no
3745-50-58	intro	shall	The following conditions apply to all Ohio hazardous waste permits issued pursuant to a review of a "Part B" application, and shall be incorporated into the permits either expressly or by reference.	3734.12	state required, federal required	40 CFR 270.30 intro	yes	both	no
3745-50-58	intro	shall	If incorporated by reference, a specific citation to hazardous waste management rules shall be given in the permit.	3734.12	state required, federal required	40 CFR 270.30 intro	yes	both	no
3745-50-58	(A)	shall	The permittee shall 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.	3734.12	state required, federal required	40 CFR 270.30 (a)	yes	both	no
3745-50-58	(B)	shall	If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit.	3734.12	state required, federal required	40 CFR 270.30 (b)	yes	both	no
3745-50-58	(D)	shall	The permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impact on human health or the environment resulting from noncompliance with this permit.	3734.12	state required, federal required	40 CFR 270.30 (d)	yes	both	no
3745-50-58	(D)	shall	The permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impact on human health or the environment resulting from noncompliance with this permit.	3734.12	state required, federal required	40 CFR 270.30 (d)	yes	both	no
3745-50-58	(E)	shall	The permittee shall 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.	3734.12	state required, federal required	40 CFR 270.30 (e)	yes	both	no
3745-50-58	(E)	requires	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.	3734.12	state required, federal required	40 CFR 270.30 (e)	yes	both	no

3745-50-58	(H)	shall	The permittee shall 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.	3734.12	state required, federal required	40 CFR 270.30 (h)	yes	both	no
3745-50-58	(H)	shall	The permittee shall also furnish to the director, upon request, copies of records required to be kept by this permit.	3734.12	state required, federal required	40 CFR 270.30 (h)	yes	both	no
3745-50-58	(H)	required	The permittee shall also furnish to the director, upon request, copies of records required to be kept by this permit.	3734.12	state required, federal required	40 CFR 270.30 (h)	yes	both	no
3745-50-58	(I)	shall	The permittee shall allow the director, or an authorized representative, upon proper identification and upon stating the purpose and necessity of an inspection, to do any of the following:	3734.12	state required, federal required	40 CFR 270.30 (i)	yes	both	no
3745-50-58	(I)(1)	shall	Enter at reasonable times upon the permittee's premises where a regulated facility or activity is located or conducted, or where records shall be kept under the conditions of this permit.	3734.12	state required, federal required	40 CFR 270.30 (i)(1)	yes	both	no
3745-50-58	(I)(2)	shall	Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this permit.	3734.12	state required, federal required	40 CFR 270.30 (i)(2)	yes	both	no
3745-50-58	(I)(3)	required	Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.	3734.12	state required, federal required	40 CFR 270.30 (i)(3)	yes	both	no
3745-50-58	(J)(1)	shall	Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.	3734.12	state required, federal required	40 CFR 270.30 (j)(1)	yes	both	no
3745-50-58	(J)(2)	shall	The permittee shall 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 after the date of the sample, measurement, report, certification, or application.	3734.12	state required, federal required	40 CFR 270.30 (j)(2)	yes	both	no
3745-50-58	(J)(2)	required	The permittee shall 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 after the date of the sample, measurement, report, certification, or application.	3734.12	state required, federal required	40 CFR 270.30 (j)(2)	yes	both	no
3745-50-58	(J)(2)	required	The permittee shall 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 after the date of the sample, measurement, report, certification, or application.	3734.12	state required, federal required	40 CFR 270.30 (j)(2)	yes	both	no
3745-50-58	(J)(2)	shall	The permittee shall 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.	3734.12	state required, federal required	40 CFR 270.30 (j)(2)	yes	both	no
3745-50-58	(J)(3)	shall	Records for monitoring information shall include all of the following:	3734.12	state required, federal required	40 CFR 270.30 (j)(3)	yes	both	no
3745-50-58	(K)	shall	All applications, reports, or information submitted to the director shall be signed and certified (see rule 3745-50-42 of the Administrative Code).	3734.12	state required, federal required	40 CFR 270.30 (k)	yes	both	no
3745-50-58	(L)(1)	shall	The permittee shall give notice to the director as soon as possible of any planned physical alterations or additions to the permitted facility.	3734.12	state required, federal required	40 CFR 270.30 (l)(1)	yes	both	no
3745-50-58	(L)(2)	shall	The permittee shall give advance notice to the director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.	3734.12	state required, federal required	40 CFR 270.30 (l)(2)	yes	both	no
3745-50-58	(L)(2)	may not	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:	3734.12	state required, federal required	40 CFR 270.30 (l)(2)	yes	both	no

3745-50-58	(L)(2)	may not	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:	3734.12	state required, federal required	40 CFR 270.30 (l)(2)	yes	both	no
3745-50-58	(L)(3)	require	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.	3734.12	state required, federal required	40 CFR 270.30 (l)(3)	yes	both	no
3745-50-58	(L)(4)	shall	Monitoring results shall be reported at the intervals specified elsewhere in this permit.	3734.12	state required, federal required	40 CFR 270.30 (l)(4)	yes	both	no
3745-50-58	(L)(5)	shall	Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted not later than fourteen days following each schedule date.	3734.12	state required, federal required	40 CFR 270.30 (l)(5)	yes	both	no
3745-50-58	(L)(6)(a)	shall	The permittee shall report orally to Ohio EPA any noncompliance which may endanger health or the environment within twenty-four hours after the time the permittee becomes aware of the circumstances, including the following:	3734.12	state required, federal required	40 CFR 270.30 (l)(6)(i)	yes	both	no
3745-50-58	(L)(6)(b)	shall	The description of the occurrence and its cause shall include all of the following:	3734.12	state required, federal required	40 CFR 270.30 (l)(6)(ii)	yes	both	no
3745-50-58	(L)(6)(c)	shall	A written submittal shall also be provided within five days after the time the permittee becomes aware of the circumstances.	3734.12	state required, federal required	40 CFR 270.30 (l)(6)(iii)	yes	both	no
3745-50-58	(L)(6)(c)	shall	The written submittal shall 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 the noncompliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.	3734.12	state required, federal required	40 CFR 270.30 (l)(6)(iii)	yes	both	no
3745-50-58	(L)(7)	shall	If a significant discrepancy in a manifest is discovered, the permittee shall attempt to reconcile the discrepancy.	3734.12	state required, federal required	40 CFR 270.30 (l)(7)	yes	both	no
3745-50-58	(L)(7)	shall	If not resolved within fifteen days, the permittee shall submit a report, including a copy of the manifest, to the director.	3734.12	state required, federal required	40 CFR 270.30 (l)(7)	yes	both	no
3745-50-58	(L)(8)	shall	This report shall be submitted to the director within fifteen days after receipt of unmanifested waste.	3734.12	state required, federal required	40 CFR 270.30 (l)(8)	yes	both	no
3745-50-58	(L)(9)	shall	A biennial report shall be submitted to the director covering facility activities during odd numbered calendar years.	3734.12	state required, federal required	40 CFR 270.30 (l)(9)	yes	both	no
3745-50-58	(L)(10)	shall	The permittee shall 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.	3734.12	state required, federal required	40 CFR 270.30 (l)(10)	yes	both	no
3745-50-58	(L)(10)	shall	The reports shall contain the information listed in paragraph (L)(6) of this rule.	3734.12	state required, federal required	40 CFR 270.30 (l)(10)	yes	both	no
3745-50-58	(L)(11)	shall	Where the permittee becomes aware that the permittee 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, the permittee shall promptly submit such facts or information.	3734.12	state required, federal required	40 CFR 270.30 (l)(11)	yes	both	no
3745-50-58	(M)	require	The director may require the permittee to establish and maintain an information repository at any time, based on the factors provided in paragraph (C)(2) of rule 3745-50-39 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.30 (m)	yes	both	yes, director
3745-50-58	(N)	required	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.	3734.12		none	yes	no	no
3745-50-62	(A)	shall	For the purposes of determining operational readiness following completion of physical construction, the permit for a new hazardous waste incinerator shall contain conditions including but not limited to allowable waste feeds and operating conditions.	3734.12	state required, federal required	40 CFR 270.62 (a)	yes	both	no
3745-50-62	(A)	required	These permit conditions will be effective for the minimum time required to bring the incinerator to a point of operational readiness to conduct a trial burn, not to exceed seven hundred twenty hours operating time for treatment of hazardous waste.	3734.12	state required, federal required	40 CFR 270.62 (a)	yes	both	no

3745-50-62	(A)(1)	shall	Applicants shall submit a statement, with "Part B" of the permit application, which suggests the conditions necessary to operate in compliance with rule 3745-57-43 of the Administrative Code during this period.	3734.12	state required, federal required	40 CFR 270.62 (a)(1)	yes	both	no
3745-50-62	(A)(2)	shall	The permit shall specify requirements for this period sufficient to comply with rule 3745-57-43 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.62 (a)(2)	yes	both	no
3745-50-62	(B)	shall	For the purposes of determining feasibility of compliance with rule 3745-57-43 of the Administrative Code and of determining adequate operating conditions under rule 3745-57-45 of the Administrative Code, the permit for a new hazardous waste incinerator shall contain conditions to be effective during the trial burn.	3734.12	state required, federal required	40 CFR 270.62 (b)	yes	both	no
3745-50-62	(B)(1)	shall	Applicants shall propose a trial burn plan, prepared under paragraph (B)(2) of this rule with "Part B" of the permit application.	3734.12	state required, federal required	40 CFR 270.62 (b)(1)	yes	both	no
3745-50-62	(B)(2)	shall	The trial burn plan shall include all of the following information:	3734.12	state required, federal required	40 CFR 270.62 (b)(2)	yes	both	no
3745-50-62	(B)(2)(a)(iii)	shall	The constituents excluded from analysis shall be identified, and the basis for the exclusion stated.	3734.12	state required, federal required	40 CFR 270.62 (b)(2)(i)(C)	yes	both	no
3745-50-62	(B)(2)(a)(iii)	shall	The waste analysis shall rely on appropriate analytical techniques.	3734.12	state required, federal required	40 CFR 270.62 (b)(2)(i)(C)	yes	both	no
3745-50-62	(B)(3)	require	The director, in reviewing the trial burn plan, will evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of paragraphs (B) to (B)(11) of this rule.	3734.12	state required, federal required	40 CFR 270.62 (b)(3)	yes	both	no
3745-50-62	(B)(4)	shall	Based on the waste analysis data in the trial burn plan, the permit will specify as trial principal organic hazardous constituents (POHCs), those constituents for which destruction and removal efficiencies shall be calculated during the trial burn.	3734.12	state required, federal required	40 CFR 270.62 (b)(4)	yes	both	no
3745-50-62	(B)(6)	shall	The director shall send a notice to all persons on the facility mailing list as provided in 40 CFR 124.10 (c)(1)(ix), and to the appropriate units of state and local government as provided in 40 CFR 124.10 (c)(1)(x), announcing the scheduled commencement and completion dates for the trial burn.	3734.12	state required, federal required	40 CFR 270.62 (b)(6)	yes	both	yes, director
3745-50-62	(B)(6)	may not	The applicant may not commence the trial burn until after the director has issued such notice.	3734.12	state required, federal required	40 CFR 270.62 (b)(6)	yes	both	no
3745-50-62	(B)(6)(a)	shall	This notice shall be mailed within a reasonable time period before the scheduled trial burn.	3734.12	state required, federal required	40 CFR 270.62 (b)(6)(i)	yes	both	yes, director
3745-50-62	(B)(6)(a)	required	An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or Ohio EPA.	3734.12	state required, federal required	40 CFR 270.62 (b)(6)(i)	yes	both	yes, director
3745-50-62	(B)(6)(b)	shall	This notice shall contain all of the following:	3734.12	state required, federal required	40 CFR 270.62 (b)(6)(ii)	yes	both	yes, director
3745-50-62	(B)(7)	shall	During each approved trial burn (or as soon after the burn as is practicable), the applicant shall make all of the following determinations:	3734.12	state required, federal required	40 CFR 270.62 (b)(7)	yes	both	no
3745-50-62	(B)(7)(j)	required	Such other information as the director may specify as necessary to ensure that the trial burn will determine compliance with rule 3745-57-43 of the Administrative Code and to establish the operating conditions required by rule 3745-57-45 of the Administrative Code as necessary to comply with rule 3745-57-43 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.62 (b)(7)(x)	yes	both	no
3745-50-62	(B)(8)	shall	The applicant shall submit to the director a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and shall submit the results of all the determinations required in paragraph (B)(7) of this rule.	3734.12	state required, federal required	40 CFR 270.62 (b)(8)	yes	both	no
3745-50-62	(B)(8)	shall	The applicant shall submit to the director a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and shall submit the results of all the determinations required in paragraph (B)(7) of this rule.	3734.12	state required, federal required	40 CFR 270.62 (b)(8)	yes	both	no
3745-50-62	(B)(8)	required	The applicant shall submit to the director a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and shall submit the results of all the determinations required in paragraph (B)(7) of this rule.	3734.12	state required, federal required	40 CFR 270.62 (b)(8)	yes	both	no

3745-50-62	(B)(8)	shall	These submittals shall be made within ninety days after completion of the trial burn, or later if approved.	3734.12	state required, federal required	40 CFR 270.62 (b)(8)	yes	both	no
3745-50-62	(B)(9)	shall	All data collection during any trial burn shall be submitted to the director following the completion of the trial burn.	3734.12	state required, federal required	40 CFR 270.62 (b)(9)	yes	both	no
3745-50-62	(B)(10)	required	All submittals required by paragraphs (B) to (B)(11) of this rule shall be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under rule 3745 50 42 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.62 (b)(10)	yes	both	no
3745-50-62	(B)(10)	shall	All submittals required by paragraphs (B) to (B)(11) of this rule shall be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under rule 3745 50 42 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.62 (b)(10)	yes	both	no
3745-50-62	(B)(11)	shall	Based on the results of the trial burn, the operating requirements shall be set in the final permit according to rule 3745-57-45 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.62 (b)(11)	yes	both	no
3745-50-62	(C)	required	These permit conditions will be effective for the minimum time required to complete sample analysis, data computation and submittal of the trial burn results by the applicant, and modification of the facility permit.	3734.12	state required, federal required	40 CFR 270.62 (c)	yes	both	no
3745-50-62	(C)(1)	shall	Applicants shall submit a statement with "Part B" of the permit application which identifies the conditions necessary to operate in compliance with rule 3745-57-43 of the Administrative Code during this period.	3734.12	state required, federal required	40 CFR 270.62 (c)(1)	yes	both	no
3745-50-62	(D)	shall	For the purposes of determining feasibility of compliance with rule 3745-57-43 of the Administrative Code and of determining adequate operating conditions under rule 3745-57-45 of the Administrative Code, the applicant for a permit for an existing hazardous waste incinerator shall prepare and submit a trial burn plan and perform a trial burn in accordance with paragraph (C)(7)(b) of rule 3745-50-44 of the Administrative Code and paragraphs (B)(2) to (B)(5) and (B)(7) to (B)(10) of this rule or, instead, submit other information as specified in paragraph (C)(7)(c) of rule 3745-50-44 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.62 (d)	yes	both	no
3745-50-62	(D)	shall	The director shall announce the director's intention to approve the trial burn plan in accordance with the timing and distribution requirements of paragraph (B)(6) of this rule.	3734.12	state required, federal required	40 CFR 270.62 (d)	yes	both	yes, director
3745-50-62	(D)	shall	The contents of the notice shall include: the name and telephone number of a contact person at the facility; the name and telephone number of a contact office at Ohio EPA; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for Ohio EPA approval of the plan and the time period during which the trial burn would be conducted.	3734.12	state required, federal required	40 CFR 270.62 (d)	yes	both	yes, director
3745-50-62	(D)	required	The contents of the notice shall include: the name and telephone number of a contact person at the facility; the name and telephone number of a contact office at Ohio EPA; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for Ohio EPA approval of the plan and the time period during which the trial burn would be conducted.	3734.12	state required, federal required	40 CFR 270.62 (d)	yes	both	yes, director
3745-50-62	(D)	shall	Applicants who submit trial burn plans and receive approval before submittal of a permit application shall complete the trial burn and submit the results, specified in paragraph (B)(7) of this rule, with "Part B" of the permit application.	3734.12	state required, federal required	40 CFR 270.62 (d)	yes	both	no
3745-50-62	(D)	shall	If completion of this process conflicts with the date set for submittal of the "Part B" application, the applicant shall contact the director to establish a later date for submittal of the "Part B" application or the trial burn results.	3734.12	state required, federal required	40 CFR 270.62 (d)	yes	both	no
3745-50-62	(D)	shall	Trial burn results shall be submitted prior to issuance of the permit.	3734.12	state required, federal required	40 CFR 270.62 (d)	yes	both	no
3745-50-62	(D)	shall	When the applicant submits a trial burn plan with "Part B" of the permit application, the director will specify a time period prior to permit issuance in which the trial burn shall be conducted and the results submitted.	3734.12	state required, federal required	40 CFR 270.62 (d)	yes	both	no

3745-50-66	(B)	shall	A permit for a new boiler or industrial furnace shall specify appropriate conditions for the following operating periods:	3734.12	state required, federal required	40 CFR 270.66 (b)	yes	both	no
3745-50-66	(B)(1)	required	For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the boiler or industrial furnace to a point of operational readiness to conduct a trial burn, not to exceed seven hundred twenty hours operating time when burning hazardous waste, the director shall establish in the pretrial burn period of the permit conditions, including but not limited to, allowable hazardous waste feed rates and operating conditions.	3734.12	state required, federal required	40 CFR 270.66 (b)(1)	yes	both	no
3745-50-66	(B)(1)	shall	For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the boiler or industrial furnace to a point of operational readiness to conduct a trial burn, not to exceed seven hundred twenty hours operating time when burning hazardous waste, the director shall establish in the pretrial burn period of the permit conditions, including but not limited to, allowable hazardous waste feed rates and operating conditions.	3734.12	state required, federal required	40 CFR 270.66 (b)(1)	yes	both	yes, director
3745-50-66	(B)(1)(a)	shall	Applicants shall submit a statement, with "Part B" of the permit application, that suggests the conditions necessary to operate in compliance with the standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code during this period.	3734.12	state required, federal required	40 CFR 270.66 (b)(1)(i)	yes	both	no
3745-50-66	(B)(2)	shall	For the duration of the trial burn, the director shall establish conditions in the permit for the purposes of determining feasibility of compliance with the performance standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code and determining adequate operating conditions under paragraph (E) of rule 3745-266-102 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.66 (b)(2)	yes	both	yes, director
3745-50-66	(B)(2)	shall	Applicants shall propose a trial burn plan, prepared under paragraph (C) of this rule, to be submitted with "Part B" of the permit application.	3734.12	state required, federal required	40 CFR 270.66 (b)(2)	yes	both	no
3745-50-66	(B)(3)(b)	shall	Applicants shall submit a statement, with "Part B" of the application, that identifies the conditions necessary to operate during this period in compliance with the performance standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.66 (b)(3)(ii)	yes	both	no
3745-50-66	(B)(4)	shall	Based on the trial burn results, the director shall make any necessary modifications to the operating requirements to ensure compliance with the performance standards.	3734.12	state required, federal required	40 CFR 270.66 (b)(4)	yes	both	yes, director
3745-50-66	(B)(4)	shall	The permit modification shall proceed according to rule 3745-50-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.66 (b)(4)	yes	both	no
3745-50-66	(C)	shall	The trial burn plan shall include the following information.	3734.12	state required, federal required	40 CFR 270.66 (c)	yes	both	no
3745-50-66	(C)	shall	The director, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of paragraphs (C) to (C)(9) of this rule:	3734.12	state required, federal required	40 CFR 270.66 (c)	yes	both	yes, director
3745-50-66	(C)	require	The director, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of paragraphs (C) to (C)(9) of this rule:	3734.12	state required, federal required	40 CFR 270.66 (c)	yes	both	yes, director
3745-50-66	(C)(2)(a)	shall	The constituents excluded from analysis shall be identified and the basis for this exclusion explained.	3734.12	state required, federal required	40 CFR 270.66 (c)(2)(i)	yes	both	no
3745-50-66	(C)(2)(a)	shall	The waste analysis shall rely on appropriate analytical techniques.	3734.12	state required, federal required	40 CFR 270.66 (c)(2)(i)	yes	both	no
3745-50-66	(D)(1)	shall	A trial burn shall be conducted to demonstrate conformance with the standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code under an approved trial burn plan.	3734.12	state required, federal required	40 CFR 270.66 (d)(1)	yes	both	yes, director
3745-50-66	(D)(2)	shall	The director shall approve a trial burn plan if the director finds that all of the following:	3734.12	state required, federal required	40 CFR 270.66 (d)(2)	yes	both	yes, director
3745-50-66	(D)(3)	shall	The director shall send a notice to all persons on the facility mailing list as provided in 40 CFR 124.10(c)(1)(ix), and to the appropriate units of state and local government as provided in 40 CFR 124.10(c)(1)(x), announcing the scheduled commencement and completion dates for the trial burn.	3734.12	state required, federal required	40 CFR 270.66 (d)(3)	yes	both	yes, director

3745-50-66	(D)(3)	may not	The applicant may not commence the trial burn until after the director has issued such notice.	3734.12	state required, federal required	40 CFR 270.66 (d)(3)	yes	both	no
3745-50-66	(D)(3)(a)	shall	This notice shall be mailed within a reasonable time period before the trial burn.	3734.12	state required, federal required	40 CFR 270.66 (d)(3)(i)	yes	both	yes, director
3745-50-66	(D)(3)(a)	required	An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or Ohio EPA.	3734.12	state required, federal required	40 CFR 270.66 (d)(3)(i)	yes	both	yes, director
3745-50-66	(D)(3)(b)	shall	This notice shall contain all of the following:	3734.12	state required, federal required	40 CFR 270.66 (d)(3)(ii)	yes	both	yes, director
3745-50-66	(D)(4)	shall	The applicant shall submit to the director a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and shall submit the results of all the determinations required in paragraph (C) of this rule.	3734.12	state required, federal required	40 CFR 270.66 (d)(4)	yes	both	no
3745-50-66	(D)(4)	shall	The applicant shall submit to the director a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and shall submit the results of all the determinations required in paragraph (C) of this rule.	3734.12	state required, federal required	40 CFR 270.66 (d)(4)	yes	both	no
3745-50-66	(D)(4)	required	The applicant shall submit to the director a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and shall submit the results of all the determinations required in paragraph (C) of this rule.	3734.12	state required, federal required	40 CFR 270.66 (d)(4)	yes	both	no
3745-50-66	(D)(4)	shall	This submittal shall be made within ninety days after completion of the trial burn, or later if approved by the director.	3734.12	state required, federal required	40 CFR 270.66 (d)(4)	yes	both	no
3745-50-66	(D)(5)	shall	All data collected during any trial burn shall be submitted to the director following completion of the trial burn.	3734.12	state required, federal required	40 CFR 270.66 (d)(5)	yes	both	no
3745-50-66	(D)(6)	required	All submittals required by paragraphs (D) to (D)(6) of this rule shall be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under rule 3745-50-42 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.66 (d)(6)	yes	both	no
3745-50-66	(D)(6)	shall	All submittals required by paragraphs (D) to (D)(6) of this rule shall be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under rule 3745-50-42 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.66 (d)(6)	yes	both	no
3745-50-66	(E)	required	When a DRE trial burn is required under paragraph (A) of rule 3745-266-104 of the Administrative Code, the director will specify (based on the hazardous waste analysis data and other information in the trial burn plan) as trial principal organic hazardous constituents (POHCs) those compounds for which destruction and removal efficiencies shall be calculated during the trial burn.	3734.12	state required, federal required	40 CFR 270.66 (e)	yes	both	no
3745-50-66	(E)	shall	When a DRE trial burn is required under paragraph (A) of rule 3745-266-104 of the Administrative Code, the director will specify (based on the hazardous waste analysis data and other information in the trial burn plan) as trial principal organic hazardous constituents (POHCs) those compounds for which destruction and removal efficiencies shall be calculated during the trial burn.	3734.12	state required, federal required	40 CFR 270.66 (e)	yes	both	no
3745-50-66	(F)	shall	During each approved trial burn (or as soon after the burn as is practicable), the applicant shall make all of the following determinations:	3734.12	state required, federal required	40 CFR 270.66 (f)	yes	both	no
3745-50-66	(F)(2)	required	When a DRE trial burn is required under paragraph (A) of rule 3745-266-104 of the Administrative Code, all of the following are required:	3734.12	state required, federal required	40 CFR 270.66 (f)(2)	yes	both	no
3745-50-66	(F)(2)	required	When a DRE trial burn is required under paragraph (A) of rule 3745-266-104 of the Administrative Code, all of the following are required:	3734.12	state required, federal required	40 CFR 270.66 (f)(2)	yes	both	no
3745-50-66	(F)(3)	required	When a trial burn for chlorinated dioxins and furans is required under paragraph (E) of rule 3745-266-104 of the Administrative Code, a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8 chlorinated tetra- to octa- congeners of chlorinated dibenzo p dioxins and furans, and a computation showing conformance with the emission standard.	3734.12	state required, federal required	40 CFR 270.66 (f)(3)	yes	both	no
3745-50-66	(F)(4)	required	When a trial burn for particulate matter, metals, or hydrogen chlorine or chloride is required under rule 3745-266-105, or paragraph (C) or (D) of rule 3745-266-106, or paragraph (B)(2) or (C) of rule 3745-266-107 of the Administrative Code, a quantitative analysis of the stack gas for the concentrations and mass emissions of particulate matter, metals, or hydrogen chloride and chlorine, and computations showing conformance with the applicable emission performance standards in Chapter 3745-266 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.66 (f)(4)	yes	both	no

3745-50-66	(F)(5)	required	When a trial burn for DRE, metals, or hydrogen chlorine or chloride is required under paragraph (A) of rule 3745-266-104, paragraph (C) or (D) of rule 3745-266-106, or paragraph (B)(2) or (C) of rule 3745-266-107 of the Administrative Code, a quantitative analysis of the scrubber water (if any), ash residues, other residues, and products for the purpose of estimating the fate of the trial POHCs, metals, and chlorine or chloride.	3734.12	state required, federal required	40 CFR 270.66 (f)(4)	yes	both	no
3745-50-66	(F)(7)	required	A continuous measurement of carbon monoxide, oxygen, and where required, hydrocarbons, in the stack gas.	3734.12	state required, federal required	40 CFR 270.66 (f)(7)	yes	both	no
3745-50-66	(F)(8)	required	Such other information as the director may specify as necessary to ensure that the trial burn will determine compliance with the performance standards in rules 3745-266-104 to 3745-266-107 of the Administrative Code and to establish the operating conditions required by paragraph (E) of rule 3745-266-102 of the Administrative Code as necessary to meet those performance standards.	3734.12	state required, federal required	40 CFR 270.66 (f)(8)	yes	both	no
3745-50-66	(G)	shall	For the purpose of determining feasibility of compliance with the performance standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code and of determining adequate operating conditions under rule 3745-266-103 of the Administrative Code, applicants owning or operating existing boilers or industrial furnaces operated under rule 3745-266-103 of the Administrative Code either shall prepare and submit a trial burn plan and perform a trial burn in accordance with this rule or shall submit other information as specified in paragraphs (C)(9)(a)(vi) to (C)(9)(a)(vi)(b) of rule 3745-50-44 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.66 (g)	yes	both	no
3745-50-66	(G)	shall	For the purpose of determining feasibility of compliance with the performance standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code and of determining adequate operating conditions under rule 3745-266-103 of the Administrative Code, applicants owning or operating existing boilers or industrial furnaces operated under rule 3745-266-103 of the Administrative Code either shall prepare and submit a trial burn plan and perform a trial burn in accordance with this rule or shall submit other information as specified in paragraphs (C)(9)(a)(vi) to (C)(9)(a)(vi)(b) of rule 3745-50-44 of the Administrative Code.	3734.12	state required, federal required	40 CFR 270.66 (g)	yes	both	no
3745-50-66	(G)	shall	The director shall announce the director's intention to approve of the trial burn plan in accordance with the timing and distribution requirements of paragraph (D)(3) of this rule.	3734.12	state required, federal required	40 CFR 270.66 (g)	yes	both	yes, director
3745-50-66	(G)	shall	The contents of the notice shall include: the name and telephone number of a contact person at the facility; the name and telephone number of the Ohio EPA contact office; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for Ohio EPA approval of the plan and the time periods during which the trial burn would be conducted.	3734.12	state required, federal required	40 CFR 270.66 (g)	yes	both	yes, director
3745-50-66	(G)	required	The contents of the notice shall include: the name and telephone number of a contact person at the facility; the name and telephone number of the Ohio EPA contact office; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for Ohio EPA approval of the plan and the time periods during which the trial burn would be conducted.	3734.12	state required, federal required	40 CFR 270.66 (g)	yes	both	no
3745-50-66	(G)	shall	Applicants who submit a trial burn plan and receive approval before submittal of the "Part B" permit application shall complete the trial burn and submit the results specified in paragraph (F) of this rule with the "Part B" permit application.	3734.12	state required, federal required	40 CFR 270.66 (g)	yes	both	no
3745-50-66	(G)	shall	If completion of this process conflicts with the date set for submittal of the "Part B" application, the applicant shall contact the director to establish a later date for submittal of the "Part B" application or the trial burn results.	3734.12	state required, federal required	40 CFR 270.66 (g)	yes	both	no
3745-50-66	(G)	shall	If the applicant submits a trial burn plan with "Part B" of the permit application, the trial burn shall be conducted and the results submitted within a time period prior to permit issuance to be specified by the director.	3734.12	state required, federal required	40 CFR 270.66 (g)	yes	both	no
3745-50-235	(A)(1)(a)(i)	required	Retain permit conditions that address releases during startup, shutdown, and malfunction events, including releases from emergency safety vents, as these events are defined in the facility's startup, shutdown, and malfunction plan required under 40 CFR 63.1206(c)(2); and	3734.12	state required, federal required	40 CFR 270.235 (a)(1)(i)	yes	both	no

3745-50-235	(A)(1)(b)(ii)(a)	shall	The owner or operator shall notify the director in writing of changes to the startup, shutdown, and malfunction plan or changes to the design of the source that may significantly increase emissions of toxic compounds from startup, shutdown, or malfunction events, including releases from emergency safety vents.	3734.12	state required, federal required	40 CFR 270.235 (a)(1)(ii)(B)(1)	yes	both	no
3745-50-235	(A)(1)(b)(ii)(a)	shall	The owner or operator shall notify the director of such changes within five days after making such changes.	3734.12	state required, federal required	40 CFR 270.235 (a)(1)(ii)(B)(1)	yes	both	no
3745-50-235	(A)(1)(b)(ii)(a)	shall	The owner or operator shall identify in the notification recommended revisions to permit conditions necessary as a result of the changes to ensure that emissions of toxic compounds are minimized during these events.	3734.12	state required, federal required	40 CFR 270.235 (a)(1)(ii)(B)(1)	yes	both	no
3745-50-235	(A)(1)(c)(i)	shall	The owner or operator shall document that the startup, shutdown, and malfunction plan required under 40 CFR 63.1206(c)(2) has been approved by the director under 40 CFR 63.1206(c)(2)(ii)(B); and	3734.12	state required, federal required	40 CFR 270.235 (a)(1)(iii)(A)	yes	both	no
3745-50-235	(A)(1)(c)(i)	required	The owner or operator shall document that the startup, shutdown, and malfunction plan required under 40 CFR 63.1206(c)(2) has been approved by the director under 40 CFR 63.1206(c)(2)(ii)(B); and	3734.12	state required, federal required	40 CFR 270.235 (a)(1)(iii)(A)	yes	both	no
3745-50-235	(A)(2)(b)(ii)(a)	shall	The owner or operator shall notify the director in writing of changes to the startup, shutdown, and malfunction plan or changes to the design of the source that may significantly increase emissions of toxic compounds from startup, shutdown, or malfunction events, including releases from emergency safety vents.	3734.12	state required, federal required	40 CFR 270.235 (a)(2)(ii)(B)(1)	yes	both	no
3745-50-235	(A)(2)(b)(ii)(a)	shall	The owner or operator shall notify the director of such changes within five days after making such changes.	3734.12	state required, federal required	40 CFR 270.235 (a)(2)(ii)(B)(1)	yes	both	no
3745-50-235	(A)(2)(b)(ii)(a)	shall	The owner or operator shall identify in the notification recommended revisions to permit conditions necessary as a result of the changes to ensure that emissions of toxic compounds are minimized during these events.	3734.12	state required, federal required	40 CFR 270.235 (a)(2)(ii)(B)(1)	yes	both	no
3745-50-235	(A)(2)(c)(i)	shall	The owner or operator shall document that the startup, shutdown, and malfunction plan required under 40 CFR 63.1206(c)(2) has been approved by the director under 40 CFR 63.1206(c)(2)(ii)(B); and	3734.12	state required, federal required	40 CFR 270.235 (a)(2)(iii)(A)	yes	both	no
3745-50-235	(A)(2)(c)(i)	required	The owner or operator shall document that the startup, shutdown, and malfunction plan required under 40 CFR 63.1206(c)(2) has been approved by the director under 40 CFR 63.1206(c)(2)(ii)(B); and	3734.12	state required, federal required	40 CFR 270.235 (a)(2)(iii)(A)	yes	both	no
3745-50-235	(B)(1)(b)	required	Under this option, the owner or operator is exempt from the interim standards of Chapters 3745-65 to 3745-69 and 3745-256 or 3745-266 of the Administrative Code relevant to control of emissions of toxic compounds during startup, shutdown, and malfunction events upon submittal of written notification and documentation to the director that the startup, shutdown, and malfunction plan required under 40 CFR 63.1206(c)(2) has been approved by the director under 40 CFR 63.1206(c)(2)(ii)(B).	3734.12	state required, federal required	40 CFR 270.235 (b)(1)(ii)	yes	both	no
3745-50-235	(C)	shall	Owners or operators of hazardous waste incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace units that become subject to hazardous waste permit requirements after February 16, 2009 shall control emissions of toxic compounds during startup, shutdown, and malfunction events under either of the following options:	3734.12	state required, federal required	40 CFR 270.235 (c)	yes	both	no

OAC Rule #	Paragraph	Restriction	Description/Quotation	Statutory Authority	State or Fed Law?	If Fed, crosswalk?	Federally delegated program?	Removal would require state or federal law change?	Requirement on the agency or director?
3745-51-01	(C)(5)(a)	shall not	However, a material <b>shall</b> not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials).	3734.12	state required, federal required	40 CFR 261.1 (c)(5)(i)	yes	both	no
3745-51-01	(C)(8)	shall not	Materials accumulated in units that would be exempt from regulation under paragraph (C) of rule 3745-51-04 of the Administrative Code shall not be included in the calculation.	3734.12	state required, federal required	40 CFR 261.1 (c)(8)	yes	both	no
3745-51-01	(C)(8)	shall not	Materials that are already defined as “wastes” also shall not be included in making the calculation.	3734.12	state required, federal required	40 CFR 261.1 (c)(8)	yes	both	no
3745-51-02	(D)(2)(a)	shall	The material shall contain a bromine concentration of at least forty-five per cent.	3734.12	state required, federal required	40 CFR 261.2 (d)(2)(i)	yes	both	no
3745-51-02	(D)(2)(b)	shall	The material shall contain less than a total of one per cent of toxic organic compounds listed in the appendix to rule 3745-51-11 of the Administrative Code.	3734.12	state required, federal required	40 CFR 261.2 (d)(2)(ii)	yes	both	no
3745-51-02	(E)(1)(c)	shall	The materials shall be returned as a substitute for feedstock materials.	3734.12	state required, federal required	40 CFR 261.2 (e)(1)(iii)	yes	both	no
3745-51-02	(E)(1)(c)	shall	In cases where the original process to which the material is returned is a secondary process, the materials shall be managed such that there is no placement on the land.	3734.12	state required, federal required	40 CFR 261.2 (e)(1)(iii)	yes	both	no
3745-51-02	(F)	shall	Respondents in actions to enforce regulations adopted under Chapter 3734. of the Revised Code who raise a claim that a certain material is not a waste, or is conditionally exempt from regulation, shall demonstrate that there is a known market or disposition for the material and that the respondent meets the terms of the exclusion or exemption.	3734.12	state required, federal required	40 CFR 261.2 (f)	yes	both	no
3745-51-02	(F)	shall	In doing so, the respondent shall provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation.	3734.12	state required, federal required	40 CFR 261.2 (f)	yes	both	no
3745-51-02	(F)	shall	In addition, owners or operators of facilities claiming that the facilities actually are recycling materials shall show that the facilities have the necessary equipment to do so.	3734.12	state required, federal required	40 CFR 261.2 (f)	yes	both	no
3745-51-03	(A)(2)(d)(i)	shall	Any facility that uses benzene as a solvent and claims this exemption shall use an aerated biological wastewater treatment system and shall use only lined surface impoundments or tanks prior to secondary clarification in the wastewater treatment system.	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(A)	yes	both	no
3745-51-03	(A)(2)(d)(i)	shall	Any facility that uses benzene as a solvent and claims this exemption shall use an aerated biological wastewater treatment system and shall use only lined surface impoundments or tanks prior to secondary clarification in the wastewater treatment system.	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(A)	yes	both	no
3745-51-03	(A)(2)(d)(i)	shall	Facilities that choose to measure concentration levels <b>shall</b> file a copy of the facility’s sampling and analysis plan with the regional administrator, or the director, as the context requires.	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(A)	yes	both	no
3745-51-03	(A)(2)(d)(i)	requires	Facilities that choose to measure concentration levels shall file a copy of the facility’s sampling and analysis plan with the regional administrator, or the director, as the context <b>requires</b> .	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(A)	yes	both	no
3745-51-03	(A)(2)(d)(i)	shall	A facility shall file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility’s operations.	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(A)	yes	both	no
3745-51-03	(A)(2)(d)(i)	shall	The sampling and analysis plan shall include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored.	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(A)	yes	both	no
3745-51-03	(A)(2)(d)(i)	required	The director may reject the sampling and analysis plan if the director finds that the sampling and analysis plan fails to include the information required in this paragraph, or if the plan parameters would not enable the facility to accurately calculate the weekly average concentration of these chemicals.	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(A)	yes	both	no
3745-51-03	(A)(2)(d)(i)	shall	If the director rejects the sampling and analysis plan, or if the director finds that the facility is not following the sampling and analysis plan, the director shall notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; or	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(A)	yes	both	yes, director

3745-51-03	(A)(2)(d)(ii)	shall	Facilities that choose to measure concentration levels shall file a copy of the facility's sampling and analysis plan with the regional administrator, or the director, as the context requires.	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(B)	yes	both	no
3745-51-03	(A)(2)(d)(ii)	requires	Facilities that choose to measure concentration levels shall file a copy of the facility's sampling and analysis plan with the regional administrator, or the director, as the context requires.	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(B)	yes	both	no
3745-51-03	(A)(2)(d)(ii)	shall	A facility shall file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations.	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(B)	yes	both	no
3745-51-03	(A)(2)(d)(ii)	shall	The sampling and analysis plan shall include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored.	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(B)	yes	both	no
3745-51-03	(A)(2)(d)(ii)	required	The director may reject the sampling and analysis plan if the director finds that the sampling and analysis plan fails to include the information required in this paragraph, or if the plan parameters would not enable the facility to accurately calculate the weekly average concentration of these chemicals.	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(B)	yes	both	no
3745-51-03	(A)(2)(d)(ii)	shall	If the director rejects the sampling and analysis plan, or if the director finds that the facility is not following the sampling and analysis plan, the director shall notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; or	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(B)	yes	both	yes, director
3745-51-03	(A)(2)(d)(iv)	shall	Any manufacturing facility that claims an exemption for de minimis quantities of wastes listed in rules 3745-51-31 to 3745-51-32 of the Administrative Code, or any non-manufacturing facility that claims an exemption for de minimis quantities of wastes listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code, either shall have eliminated the discharge of wastewaters or shall have included in the facility's CWA permit application or submittal to the facility's pretreatment control authority the constituents for which each waste was listed (in the appendix to rule 3745-51-30 of the Administrative Code); and the constituents in the table "Treatment Standards for Hazardous Wastes" in rule 3745-270-40 of the Administrative Code for which each waste has a treatment standard (i.e., land disposal restriction constituents).	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(D)	yes	both	no
3745-51-03	(A)(2)(d)(iv)	shall	Any manufacturing facility that claims an exemption for de minimis quantities of wastes listed in rules 3745-51-31 to 3745-51-32 of the Administrative Code, or any non-manufacturing facility that claims an exemption for de minimis quantities of wastes listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code, either shall have eliminated the discharge of wastewaters or shall have included in the facility's CWA permit application or submittal to the facility's pretreatment control authority the constituents for which each waste was listed (in the appendix to rule 3745-51-30 of the Administrative Code); and the constituents in the table "Treatment Standards for Hazardous Wastes" in rule 3745-270-40 of the Administrative Code for which each waste has a treatment standard (i.e., land disposal restriction constituents).	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(D)	yes	both	no
3745-51-03	(A)(2)(d)(iv)	shall	A copy of the CWA permit application or the submittal to the pretreatment control authority shall be placed in the facility's files; or	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(D)	yes	both	yes, agency
3745-51-03	(A)(2)(d)(vi)	shall	Facilities that choose to measure concentration levels shall file a copy of the facility's sampling and analysis plan with the regional administrator, or the director, as the context requires.	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(F)	yes	both	no
3745-51-03	(A)(2)(d)(vi)	requires	Facilities that choose to measure concentration levels shall file a copy of the facility's sampling and analysis plan with the regional administrator, or the director, as the context requires.	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(F)	yes	both	no
3745-51-03	(A)(2)(d)(vi)	shall	A facility shall file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations.	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(F)	yes	both	no
3745-51-03	(A)(2)(d)(vi)	shall	The sampling and analysis plan shall include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored.	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(F)	yes	both	no
3745-51-03	(A)(2)(d)(vi)	required	The director may reject the sampling and analysis plan if the director finds that the sampling and analysis plan fails to include the information required in this paragraph, or if the plan parameters would not enable the facility to accurately calculate the weekly average concentration of these chemicals.	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(F)	yes	both	no
3745-51-03	(A)(2)(d)(vi)	shall	If the director rejects the sampling and analysis plan, or if the director finds that the facility is not following the sampling and analysis plan, the director shall notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; or	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(F)	yes	both	yes, director

3745-51-03	(A)(2)(d)(vii)	shall	Facilities that choose to measure concentration levels shall file a copy of the facility's sampling and analysis plan with the regional administrator, or the director, as the context requires.	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(G)	yes	both	no
3745-51-03	(A)(2)(d)(vii)	requires	Facilities that choose to measure concentration levels shall file a copy of the facility's sampling and analysis plan with the regional administrator, or the director, as the context requires.	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(G)	yes	both	no
3745-51-03	(A)(2)(d)(vii)	shall	A facility shall file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations.	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(G)	yes	both	no
3745-51-03	(A)(2)(d)(vii)	shall	The sampling and analysis plan shall include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored.	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(G)	yes	both	no
3745-51-03	(A)(2)(d)(vii)	required	The director may reject the sampling and analysis plan if the director finds that the sampling and analysis plan fails to include the information required in this paragraph, or if the plan parameters would not enable the facility to accurately calculate the weekly average concentration of these chemicals.	3734.12	state required, federal required	40 CFR 261.3 (a)(2)(iv)(G)	yes	both	no
3745-51-03	(A)(2)(d)(vii)	shall	If the director rejects the sampling and analysis plan, or if the director finds that the facility is not following the sampling and analysis plan, the director shall notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; or	3734.12	state required, federal required	40 CFR 261.3	yes	both	yes, director
3745-51-03	(C)(2)(b)(iii)(a)	shall	Testing requirements shall be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan.	3734.12	state required, federal required	40 CFR 261.3 (c)(2)(ii)(C)(1)	yes	both	no
3745-51-03	(C)(2)(b)(iii)(a)	shall	At a minimum, composite samples of residues shall be collected and analyzed quarterly or when the process or operation generating the waste changes.	3734.12	state required, federal required	40 CFR 261.3 (c)(2)(ii)(C)(1)	yes	both	no
3745-51-03	(C)(2)(b)(iii)(b)	shall	A one-time notification and certification shall be placed in the facility's files and sent to the director for K061, K062, or F006 HTMR residues that meet the generic exclusion levels for all constituents and do not exhibit any characteristics that are sent to licensed solid waste landfills.	3734.12	state required, federal required	40 CFR 261.3 (c)(2)(ii)(C)(2)	yes	both	no
3745-51-03	(C)(2)(b)(iii)(b)	shall	The notification and certification that is placed in the generator's or treater's files shall be updated if the process or operation generating the waste changes or if the licensed solid waste landfill receiving the waste changes.	3734.12	state required, federal required	40 CFR 261.3 (c)(2)(ii)(C)(2)	yes	both	no
3745-51-03	(C)(2)(b)(iii)(b)	shall	The notification shall include the following information:	3734.12	state required, federal required	40 CFR 261.3 (c)(2)(ii)(C)(2)	yes	both	no
3745-51-03	(C)(2)(b)(iv)	shall	The certification shall be signed by an authorized representative and shall state as follows:	3734.12	state required, federal required	40 CFR 261.3 (c)(2)(ii)(D)	yes	both	no
3745-51-03	(C)(2)(b)(iv)	shall	The certification shall be signed by an authorized representative and shall state as follows:	3734.12	state required, federal required	40 CFR 261.3 (c)(2)(ii)(D)	yes	both	no
3745-51-03	(F)(1)	required	"Hazardous debris" as defined in rule 3745-270-02 of the Administrative Code that has been treated using one of the required extraction or destruction technologies identified in the table in rule 3745-270-45 of the Administrative Code.	3734.12	state required, federal required	40 CFR 261.3 (f)(1)	yes	both	no
3745-51-03	(H)(3)	shall	Waste exempted under this rule shall meet the eligibility criteria and specified conditions in paragraph (B) of rule 3745-266-220 and paragraph (C) of rule 3745-266-220 of the Administrative Code (for storage and treatment) and in rule 3745-266-310 and paragraph (A) of rule 3745-266-315 of the Administrative Code (for transportation and disposal).	3734.12	state required, federal required	40 CFR 261.3 (h)(3)	yes	both	no
3745-51-04	(A)(9)(c)(v)	requires	"I have read rule 3745-51-04 of the Administrative Code establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the rule."	3734.12	state required, federal required	40 CFR 261.4 (a)(9)(iii)(E)	yes	both	no
3745-51-04	(A)(9)(c)(v)	shall	The plant shall maintain a copy of that document in its on-site records until closure of the facility.	3734.12	state required, federal required	40 CFR 261.4 (a)(9)(iii)(E)	yes	both	no
3745-51-04	(A)(17)(c)(i)	shall	A building shall be an engineered structure with a floor, walls, and a roof, all of which are made of non-earthen materials providing structural support (except smelter buildings may have partially earthen floors provided the secondary material is stored on the non-earthen portion), and have a roof suitable for diverting rainwater away from the foundation.	3734.12	state required, federal required	40 CFR 261.4 (a)(17)(iii)	yes	both	no

3745-51-04	(A)(17)(c)(ii)	shall	A tank shall be free standing, shall not be a "surface impoundment" (as defined in rule 3745-50-10 of the Administrative Code), and shall be manufactured of a material suitable for containment of its contents.	3734.12	state required, federal required	40 CFR 261.4 (a)(17)(iii)	yes	both	no
3745-51-04	(A)(17)(c)(ii)	shall not	A tank shall be free standing, shall not be a "surface impoundment" (as defined in rule 3745-50-10 of the Administrative Code), and shall be manufactured of a material suitable for containment of its contents.	3734.12	state required, federal required	40 CFR 261.4 (a)(17)(iii)	yes	both	no
3745-51-04	(A)(17)(c)(ii)	shall	A tank shall be free standing, shall not be a "surface impoundment" (as defined in rule 3745-50-10 of the Administrative Code), and shall be manufactured of a material suitable for containment of its contents.	3734.12	state required, federal required	40 CFR 261.4 (a)(17)(iii)	yes	both	no
3745-51-04	(A)(17)(c)(iii)	shall	A container shall be free standing and be manufactured of a material suitable for containment of its contents.	3734.12	state required, federal required	40 CFR 261.4 (a)(17)(iii)	yes	both	no
3745-51-04	(A)(17)(c)(iv)	shall	If tanks or containers contain any particulate which may be subject to wind dispersal, the owner or operator shall operate these units in a manner which controls fugitive dust.	3734.12	state required, federal required	40 CFR 261.4 (a)(17)(iii)	yes	both	no
3745-51-04	(A)(17)(c)(v)	shall	Tanks, containers, and buildings shall be designed, constructed, and operated to prevent significant releases to the environment of these materials.	3734.12	state required, federal required	40 CFR 261.4 (a)(17)(iii)	yes	both	no
3745-51-04	(A)(17)(d)	shall	The director shall affirm that pads are designed, constructed, and operated to prevent significant releases of the spent material into the environment.	3734.12	state required, federal required	40 CFR 261.4 (a)(17)(iv)	yes	both	yes, director
3745-51-04	(A)(17)(d)	shall	Pads shall provide the same degree of containment afforded by the non-RCRA tanks, containers, and buildings eligible for exclusion.	3734.12	state required, federal required	40 CFR 261.4 (a)(17)(iv)	yes	both	no
3745-51-04	(A)(17)(d)(i)	shall	The director also shall consider if storage on pads poses the potential for significant releases via ground water, surface water, and air exposure pathways.	3734.12	state required, federal required	40 CFR 261.4 (a)(17)(iv)(A)	yes	both	yes, director
3745-51-04	(A)(17)(d)(ii)	shall	Pads shall meet all of the following minimum standards:	3734.12	state required, federal required	40 CFR 261.4 (a)(17)(iv)(B)	yes	both	no
3745-51-04	(A)(17)(d)(iii)	shall	Before making a determination under paragraphs (A)(17) to (A)(17)(f) of this rule, the director shall provide notice and the opportunity for comment to all persons potentially interested in the determination.	3734.12	state required, federal required	40 CFR 261.4 (a)(17)(iv)(C)	yes	both	yes, director
3745-51-04	(A)(17)(e)(vi)	shall	This notification shall be updated when there is a change in the type of materials recycled or the location of the recycling process.	3734.12	state required, federal required	40 CFR 261.4 (a)(17)(v)	yes	both	no
3745-51-04	(A)(17)(f)	shall	For purposes of paragraph (B)(7) of this rule, mineral processing spent materials shall be the result of mineral processing and may not include any listed hazardous wastes.	3734.12	state required, federal required	40 CFR 261.4 (a)(17)(vi)	yes	both	no
3745-51-04	(A)(17)(f)	may not	For purposes of paragraph (B)(7) of this rule, mineral processing spent materials shall be the result of mineral processing and may not include any listed hazardous wastes.	3734.12	state required, federal required	40 CFR 261.4 (a)(17)(vi)	yes	both	no
3745-51-04	(A)(20)(a)	shall not	Hazardous secondary materials used to make zinc micronutrient fertilizers shall not be "accumulated speculatively," as defined in paragraph (C)(8) of rule 3745-51-01 of the Administrative Code.	3734.12	state required, federal required	40 CFR 261.4 (a)(20)(i)	yes	both	no
3745-51-04	(A)(20)(b)	shall	Generators and intermediate handlers of zinc bearing hazardous secondary materials that are to be incorporated into zinc fertilizers shall:	3734.12	state required, federal required	40 CFR 261.4 (a)(20)(ii)	yes	both	no
3745-51-04	(A)(20)(b)(ii)	shall	At a minimum, any building used for this purpose shall be an engineered structure made of non-earthen materials that provide structural support, and shall have a floor, walls and a roof that prevent wind dispersal and contact with rainwater.	3734.12	state required, federal required	40 CFR 261.4 (a)(20)(ii)(B)	yes	both	no
3745-51-04	(A)(20)(b)(ii)	shall	At a minimum, any building used for this purpose shall be an engineered structure made of non-earthen materials that provide structural support, and shall have a floor, walls and a roof that prevent wind dispersal and contact with rainwater.	3734.12	state required, federal required	40 CFR 261.4 (a)(20)(ii)(B)	yes	both	no
3745-51-04	(A)(20)(b)(ii)	shall	Tanks used for this purpose shall be structurally sound and, if outdoors, shall have roofs or covers that prevent contact with wind and rain.	3734.12	state required, federal required	40 CFR 261.4 (a)(20)(ii)(B)	yes	both	no
3745-51-04	(A)(20)(b)(ii)	shall	Tanks used for this purpose shall be structurally sound and, if outdoors, shall have roofs or covers that prevent contact with wind and rain.	3734.12	state required, federal required	40 CFR 261.4 (a)(20)(ii)(B)	yes	both	no
3745-51-04	(A)(20)(b)(ii)	shall	Containers used for this purpose shall be kept closed except when it is necessary to add or remove material, and shall be in sound condition	3734.12	state required, federal required	40 CFR 261.4 (a)(20)(ii)(B)	yes	both	no

3745-51-04	(A)(20)(b)(ii)	shall	Containers used for this purpose shall be kept closed except when it is necessary to add or remove material, and shall be in sound condition	3734.12	state required, federal required	40 CFR 261.4 (a)(20)(ii)(B)	yes	both	no
3745-51-04	(A)(20)(b)(ii)	shall	Containers that are stored outdoors shall be managed within storage areas that accomplish all of the following:	3734.12	state required, federal required	40 CFR 261.4 (a)(20)(ii)(B)	yes	both	no
3745-51-04	(A)(20)(b)(iv)	shall	For each shipment these records shall at a minimum contain all of the following information:	3734.12	state required, federal required	40 CFR 261.4 (a)(20)(ii)(D)	yes	both	no
3745-51-04	(A)(20)(c)	shall	Manufacturers of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials shall do all of the following:	3734.12	state required, federal required	40 CFR 261.4 (a)(20)(iii)	yes	both	no
3745-51-04	(A)(20)(c)(iii)	shall	Maintain for a minimum of three years records of all shipments of excluded hazardous secondary materials received by the manufacturer, which shall at a minimum identify for each shipment the name and address of the generating facility, name of transporter and date the materials were received, the quantity received, and a brief description of the industrial process that generated the material.	3734.12	state required, federal required	40 CFR 261.4 (a)(20)(iii)(C)	yes	both	no
3745-51-04	(A)(20)(d)	requires	Nothing in this rule preempts, overrides, or otherwise negates rule 3745-52-11 of the Administrative Code, which requires any person who generates a waste to determine if that waste is a hazardous waste.	3734.12	state required, federal required	40 CFR 261.4 (a)(20)(iv)	yes	both	no
3745-51-04	(A)(21)(a)(ii)	shall	For dioxin contaminants the fertilizer shall contain no more than eight parts per trillion of dioxin, measured as toxic equivalent (TEQ).	3734.12	state required, federal required	40 CFR 261.4 (a)(21)(i)(B)	yes	both	no
3745-51-04	(A)(21)(b)	shall	Testing also shall be performed whenever changes occur to manufacturing processes or ingredients that could significantly affect the amounts of contaminants in the fertilizer product.	3734.12	state required, federal required	40 CFR 261.4 (a)(21)(ii)	yes	both	no
3745-51-04	(A)(21)(c)	shall	Such records shall at a minimum include all of the following:	3734.12	state required, federal required	40 CFR 261.4 (a)(21)(iii)	yes	both	no
3745-51-04	(A)(26)(a)	shall	The containers shall be able to contain free liquids, should free liquids occur.	3734.12	state required, federal required	40 CFR 261.4 (a)(26)(i)	yes	both	no
3745-51-04	(A)(26)(a)	shall	When the container is full, or when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container shall be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions.	3734.12	state required, federal required	40 CFR 261.4 (a)(26)(i)	yes	both	no
3745-51-04	(A)(26)(c)	shall	At the point of being sent for cleaning on-site or at the point of being transported off-site for cleaning, the solvent-contaminated wipes shall contain "no free liquids" as defined in rule 3745-50-10 of the Administrative Code.	3734.12	state required, federal required	40 CFR 261.4 (a)(26)(iii)	yes	both	no
3745-51-04	(A)(26)(d)	shall	Free liquids removed from the solvent-contaminated wipes or from the container holding the "wipes," as defined in rule 3745-50-10 of the Administrative Code, shall be managed according to the applicable rules in Chapters 3745-50 to 3745-273 of the Administrative Code.	3734.12	state required, federal required	40 CFR 261.4 (a)(26)(iv)	yes	both	no
3745-51-04	(A)(26)(e)	shall	Generators shall maintain at the site all of the following documentation.	3734.12	state required, federal required	40 CFR 261.4 (a)(26)(v)	yes	both	no
3745-51-04	(B)(1)	shall not	A resource recovery facility managing municipal waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under the hazardous waste rules, if such facility:	3734.12	state required, federal required	40 CFR 261.4 (b)(1)	yes	both	no
3745-51-04	(B)(18)(a)	shall	The containers shall be able to contain free liquids, should free liquids occur.	3734.12	state required, federal required	40 CFR 261.4 (b)(18)(i)	yes	both	no
3745-51-04	(B)(18)(a)	shall	When the container is full, or when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container shall be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions.	3734.12	state required, federal required	40 CFR 261.4 (b)(18)(i)	yes	both	no
3745-51-04	(B)(18)(c)	shall	At the point of being transported for disposal, the solvent-contaminated wipes shall contain "no free liquids" as defined in rule 3745-50-10 of the Administrative Code.	3734.12	state required, federal required	40 CFR 261.4 (b)(18)(iii)	yes	both	no
3745-51-04	(B)(18)(d)	shall	Free liquids removed from the solvent-contaminated wipes or from the container holding the wipes shall be managed according to the applicable rules in Chapters 3745-50 to 3745-273 of the Administrative Code.	3734.12	state required, federal required	40 CFR 261.4 (b)(18)(iv)	yes	both	no

3745-51-04	(B)(18)(e)	shall	Generators shall maintain at the site the following documentation:	3734.12	state required, federal required	40 CFR 261.4 (b)(18)(v)	yes	both	no
3745-51-04	(D)(2)	shall	In order to qualify for the exemption in paragraphs (D)(1)(a) and (D)(1)(b) of this rule, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector shall:	3734.12	state required, federal required	40 CFR 261.4 (d)(2)	yes	both	no
3745-51-04	(E)(2)(c)	shall	The sample shall be packaged so that it will not leak, spill, or vaporize from its packaging during shipment and the requirements of paragraph (E)(2)(c)(i) or (E)(2)(c)(ii) of this rule are met.	3734.12	state required, federal required	40 CFR 261.4 (e)(2)(iii)	yes	both	no
3745-51-04	(E)(2)(c)(ii)	shall	If the DOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information shall accompany the sample:	3734.12	state required, federal required	40 CFR 261.4 (e)(2)(iii)(B)	yes	both	no
3745-51-04	(E)(2)(f)	required	The generator reports the information required under paragraph (E)(2)(e)(iii) of this rule in its biennial report (as required by rule 3745-52-41 of the Administrative Code).	3734.12	state required, federal required	40 CFR 261.4 (e)(2)(vi)	yes	both	no
3745-51-04	(E)(2)(f)	required	The generator reports the information required under paragraph (E)(2)(e)(iii) of this rule in its biennial report (as required by rule 3745-52-41 of the Administrative Code).	3734.12	state required, federal required	40 CFR 261.4 (e)(2)(vi)	yes	both	no
3745-51-04	(E)(3)(a)	required	Factors to be considered in reviewing such requests include the nature of the technology, the type of process (e.g., batch versus continuous), size of the unit undergoing testing (particularly in relation to scale-up considerations), the time or quantity of material required to reach steady state operating conditions, or test design considerations such as mass balance calculations.	3734.12	state required, federal required	40 CFR 261.4 (e)(3)(i)	yes	both	no
3745-51-04	(E)(3)(c)	shall	The generator or sample collector shall apply to the director in writing and shall provide in writing the following information:	3734.12	state required, federal required	40 CFR 261.4 (e)(3)(iii)	yes	both	no
3745-51-04	(E)(3)(c)	shall	The generator or sample collector shall apply to the director in writing and shall provide in writing the following information:	3734.12	state required, federal required	40 CFR 261.4 (e)(3)(iii)	yes	both	no
3745-51-04	(E)(3)(c)(i)	requires	The reason why the generator or sample collector requires additional time or quantity of sample for treatability study evaluation, and the additional time or quantity needed;	3734.12	state required, federal required	40 CFR 261.4 (e)(3)(iii)(A)	yes	both	no
3745-51-04	(E)(3)(c)(iv)	required	If such further study is being required due to equipment or mechanical failure, the applicant shall include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and	3734.12	state required, federal required	40 CFR 261.4 (e)(3)(iii)(D)	yes	both	no
3745-51-04	(E)(3)(c)(iv)	shall	If such further study is being required due to equipment or mechanical failure, the applicant shall include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and	3734.12	state required, federal required	40 CFR 261.4 (e)(3)(iii)(D)	yes	both	no
3745-51-04	(F)(7)	shall	The following specific information shall be included for each treatability study conducted:	3734.12	state required, federal required	40 CFR 261.4 (f)(7)	yes	both	no
3745-51-05	(C)	shall	When making the quantity determinations of Chapters 3745-51 and 3745-52 of the Administrative Code, the generator shall include all hazardous waste that it generates, except hazardous waste that:	3734.12	state required, federal required	40 CFR 261.5 (c)	yes	both	no
3745-51-05	(F)	shall	In order for acute hazardous wastes generated by a generator of acute hazardous wastes in quantities equal to or less than those in paragraph (E)(1) or (E)(2) of this rule to be excluded from full regulation under this rule, the generator shall comply with the following requirements:	3734.12	state required, federal required	40 CFR 261.5 (f)	yes	both	no
3745-51-05	(G)	shall	In order for hazardous waste generated by a conditionally exempt small quantity generator in quantities of one hundred kilograms or less of hazardous waste during a calendar month to be excluded from full regulation under this rule, the generator shall comply with the following:	3734.12	state required, federal required	40 CFR 261.5 (g)	yes	both	no
3745-51-06	(A)(1)	shall	Hazardous wastes that are recycled shall be known as "recyclable materials."	3734.12	state required, federal required	40 CFR 261.6 (a)(1)	yes	both	no
3745-51-06	(A)(3)(a)	shall	Industrial ethyl alcohol that is reclaimed except that exports and imports of such recyclable materials shall comply with 40 CFR 262, subpart H:	3734.12	state required, federal required	40 CFR 261.6 (a)(3)(i)	yes	both	no
3745-51-06	(A)(3)(a)(i)	shall	A person initiating a shipment for reclamation in a foreign country shall comply with 40 CFR Part 262 subpart H.	3734.12	state required, federal required	40 CFR 261.6 (a)(3)(i)(A)	yes	both	no
3745-51-06	(A)(3)(a)(ii)	shall not	A transporter transporting a shipment for export shall not accept a shipment if the transporter knows the shipment does not conform to the "EPA Acknowledgement of Consent".	3734.12	state required, federal required	40 CFR 261.6 (a)(3)(i)(B)	yes	both	no

3745-51-06	(A)(3)(a)(ii)	shall	A transporter transporting a shipment for export shall ensure that a copy of the "EPA Acknowledgement of Consent" accompanies the shipment and shall ensure that the shipment is delivered to the facility designated by the person initiating the shipment.	3734.12	state required, federal required	40 CFR 261.6 (a)(3)(i)(B)	yes	both	no
3745-51-06	(A)(3)(a)(ii)	shall	A transporter transporting a shipment for export shall ensure that a copy of the "EPA Acknowledgement of Consent" accompanies the shipment and shall ensure that the shipment is delivered to the facility designated by the person initiating the shipment.	3734.12	state required, federal required	40 CFR 261.6 (a)(3)(i)(B)	yes	both	no
3745-51-06	(A)(3)(e)(i)	shall	The containers shall be able to contain free liquids, should free liquids occur.	3734.12	state required	none	yes, but not this provision	no	no
3745-51-06	(A)(3)(e)(iv)	shall not	Hazardous waste shall not be mixed with the contaminated wipes and apparel.	3734.12	state required	none	yes, but not this provision	no	no
3745-51-06	(A)(3)(e)(v)	shall not	Hazardous waste shall not be mixed with the contaminated wipes and apparel.	3734.12	state required	none	yes, but not this provision	no	no
3745-51-06	(A)(3)(e)(vii)	shall	Contaminated wipes and apparel that are only contaminated with used oil shall contain no visible free flowing used oil in accordance with paragraph (C)(1) of rule 3745-279-10 of the Administrative Code.	3734.12	state required	none	yes, but not this provision	no	no
3745-51-06	(A)(3)(e)(viii) [Comment]	shall	The operator of the on-site or off-site laundry or cleaning facility shall evaluate, in accordance with rule 3745-52-11 of the Administrative Code, all wastes generated at such facilities, including all contaminated wipes and apparel that are discarded.	3734.12	state required	none	yes, but not this provision	no	no
3745-51-06	(C)(1)	shall	Owners or operators of facilities that store recyclable materials before the materials are recycled shall obtain a hazardous waste installation and operation permit in accordance with Chapter 3734. of the Revised Code, <b>except as provided in paragraph (C)(3)(a) of this rule</b> , and are regulated under all applicable provisions of Chapters 3745-54, 3745-55, 3745-65, 3745-66, 3745-266, and 3745-270, and rules 3745-50-40 to 3745-50-235, 3745-56-20 to 3745-56-31, 3745-56-50 to 3745-56-59, 3745-67-20 to 3745-67-30, and 3745-67-50 to 3745-67-60 of the Administrative Code and the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, except as provided in paragraph (A) of this rule.	3734.12	state required, federal required	40 CFR 261.6 (c)(1)	yes	both	no
3745-51-06	(C)(3)(a)(i)	shall	A description of the recycling process shall be provided in the comments section of the notification form.	3734.12	state required	none	yes, but not this provision	no	no
3745-51-06	(C)(3)(a)(i)	shall	The owner or operator shall renotify when there is a change in the recycling process or when the recycling operations cease.	3734.12	state required	none	yes, but not this provision	no	no
3745-51-06	(C)(3)(a)(xx)	shall	The owner or operator shall give advance notice to the director of any anticipated noncompliance with the seventy-two hour time limit for storage.	3734.12	state required	none	yes, but not this provision	no	no
3745-51-06	(C)(3)(a)(xx)	shall	This notice shall contain all of the following:	3734.12	state required	none	yes, but not this provision	no	no
3745-51-10	intro	shall	The director shall identify and define a characteristic of hazardous waste in rules 3745-51-20 to 3745-51-24 of the Administrative Code only upon determining that:	3734.12	state required, federal required	40 CFR 261.10 intro	yes	both	yes, director
3745-51-11	(D)	shall	The director shall not list any waste that the administrator delisted or excluded by an amendment to the federal regulations, any waste that the administrator declined to list by publishing a denial of a rulemaking petition or by withdrawal of a proposed listing in the Federal Register after May 18, 1980, or any waste oil or polychlorinated biphenyl not listed by the administrator.	3734.12	state required, federal required	none	yes, including this provision	both	yes, director
3745-51-20	(B)	shall	This number shall be used in complying with the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity and all applicable recordkeeping and reporting requirements of Chapters 3745-52, 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270, and rules 3745-50-40 to 3745-50-235 of the Administrative Code.	3734.12	state required, federal required	40 CFR 261.20 (b)	yes	both	no
3745-51-20	(C)[Comment 1]	required	Since the sampling methods in the appendix to this rule are not being formally adopted by Ohio EPA, a person who wishes to employ an alternative sampling method, including previously approved equivalent ASTM methods, is not required to demonstrate the equivalency of his method under the procedures in 40 CFR 260.20 and 40 CFR 260.21.	3734.12	state required, federal required	40 CFR 261.20 (c)[Comment]	yes	no	no
3745-51-21	(A)(3)(b)(i)	shall	The method of sampling and test procedure shall be acceptable to the "Bureau of Explosives" and approved by the director of the "Pipeline and Hazardous Materials Safety Administration" of the U.S. department of transportation (U.S. DOT) (see [Comment 2] of this rule).	3734.12	state required, federal required	40 CFR 261.21 (a)(3)(ii)(A)	yes	both	no

3745-51-21	(A)(4)(a)	shall	An organic compound containing the bivalent -O-O- structure and which may be considered a derivative of hydrogen peroxide where one or more of the hydrogen atoms have been replaced by organic radicals shall be classed as an "organic peroxide" (see [Comment 4] of this rule) unless:	3734.12	state required, federal required	40 CFR 261.21 (a)(4)(i)	yes	both	no
3745-51-21	(A)(4)(a)(i)	shall	The material meets the definition of a "Class 1" explosive in "Division 1.1," "Division 1.2," or "Division 1.3," as described in paragraph (A)(8) of rule 3745-51-23 of the Administrative Code, in which case, it shall be classed as an explosive,	3734.12	state required, federal required	40 CFR 261.21 (a)(4)(i)(A)	yes	both	no
3745-51-31	(B)(2)	shall	Generators and treatment, storage, and disposal facilities shall maintain, in the operating or other on-site records, documents and the data sufficient to prove that:	3734.12	state required, federal required	40 CFR 261.31 (b)(2)(ii)	yes	both	no
3745-51-31	(B)(4)(a)	shall	Facilities shall be engaged in manufacturing complete vehicles (body and chassis or unibody) or chassis only.	3734.12	state required, federal required	40 CFR 261.31 (b)(4)(i)	yes	both	no
3745-51-31	(B)(4)(b)	shall	Generators shall maintain in on-site records documentation and information sufficient to prove that the wastewater treatment sludges to be exempted from the F019 listing meet the conditions of the listing.	3734.12	state required, federal required	40 CFR 261.31 (b)(4)(ii)	yes	both	no
3745-51-31	(B)(4)(b)	shall	These records shall include the volume of waste generated and disposed of off site, documentation showing when the waste volumes were generated and sent off site, the name and address of the receiving facility, and documentation confirming receipt of the waste by the receiving facility.	3734.12	state required, federal required	40 CFR 261.31 (b)(4)(ii)	yes	both	no
3745-51-31	(B)(4)(b)	shall	Generators shall maintain these documents on site for no less than three years.	3734.12	state required, federal required	40 CFR 261.31 (b)(4)(ii)	yes	both	no
3745-51-32	(A) table @ K174	shall	Respondents in any action brought to enforce the regulations adopted under Chapter 3734. of the Revised Code or RCRA subtitle C, upon a showing by the government that the respondent managed wastewater treatment sludges from the production of vinyl chloride monomer or ethylene dichloride, shall demonstrate that the respondents meet the terms of the exclusion provided in this description.	3734.12	state required, federal required	40 CFR 261.32 (a) table @ K174	yes	both	no
3745-51-32	(A) table @ K174	shall	In doing so, the respondents shall provide appropriate documentation (e.g., contracts between the generator and the landfill owner or operator, invoices documenting delivery of waste to landfill, etc.) that the terms of the exclusion were met.	3734.12	state required, federal required	40 CFR 261.32 (a) table @ K174	yes	both	no
3745-51-32	(D)	shall	In order to demonstrate that the generator is meeting the landfill disposal or combustion conditions contained in the K181 listing description, the generator shall maintain documentation as described in paragraph (D)(4) of this rule.	3734.12	state required, federal required	40 CFR 261.32 (d)	yes	both	no
3745-51-32	(D)(1)	shall	The generator shall document the basis for all such determinations on an annual basis and keep each annual documentation for three years.	3734.12	state required, federal required	40 CFR 261.32 (d)	yes	both	no
3745-51-32	(D)(2)	shall	To make this determination, the generator shall:	3734.12	state required, federal required	40 CFR 261.32 (d)(2)	yes	both	no
3745-51-32	(D)(2)(b)	shall	If, at any time within the year, the actual waste quantity exceeds one thousand metric tons, the generator shall comply with paragraphs (D)(3) to (D)(3)(k)(iii) of this rule for the remainder of the year.	3734.12	state required, federal required	40 CFR 261.32 (d)(2)(ii)	yes	both	no
3745-51-32	(D)(3)	shall	If the total annual quantity of dyes or pigment nonwastewaters generated is greater than one thousand metric tons, the generator shall perform all of the steps described in paragraphs (D)(3)(a) to (D)(3)(k)(iii) of this rule in order to make a determination that the generator's waste is not K181.	3734.12	state required, federal required	40 CFR 261.32 (d)(3)	yes	both	no
3745-51-32	(D)(3)(b)	shall	For determinations based on use of knowledge, the generator shall comply with the procedures for using knowledge described in paragraph (D)(2) of this rule and keep the records described in paragraph (D)(2)(d) of this rule.	3734.12	state required, federal required	40 CFR 261.32 (d)(3)(ii)	yes	both	no
3745-51-32	(D)(3)(b)	shall	For determinations based on sampling and analysis, the generator shall comply with the sampling and analysis and recordkeeping requirements described in paragraph (D)(4) of this rule.	3734.12	state required, federal required	40 CFR 261.32 (d)(3)(ii)	yes	both	no
3745-51-32	(D)(3)(c)	shall	At a minimum, the plan shall include:	3734.12	state required, federal required	40 CFR 261.32 (d)(3)(iii)	yes	both	no
3745-51-32	(D)(3)(d)(i)	shall	The sampling and analysis shall be unbiased, precise, and representative of the wastes.	3734.12	state required, federal required	40 CFR 261.32 (d)(3)(iv)(A)	yes	both	no

3745-51-32	(D)(3)(d)(ii)	shall	The analytical measurements shall be sufficiently sensitive, accurate, and precise to support any claim that the constituent mass loadings are below the listing levels in paragraph (C) of this rule.	3734.12	state required, federal required	40 CFR 261.32 (d)(3)(iv)(B)	yes	both	no
3745-51-32	(D)(3)(k)	shall	Nonhazardous waste determinations shall be conducted annually to verify that the wastes remain nonhazardous.	3734.12	state required, federal required	40 CFR 261.32 (d)(3)(xi)	yes	both	no
3745-51-32	(D)(3)(k)(iii)	shall	If the annual testing requirements are suspended, the generator shall keep records of the process knowledge information used to support a nonhazardous determination.	3734.12	state required, federal required	40 CFR 261.32 (d)(3)(xi)(C)	yes	both	no
3745-51-32	(D)(3)(k)(iii)	shall	If testing is reinstated, a description of the process change shall be retained.	3734.12	state required, federal required	40 CFR 261.32 (d)(3)(xi)(C)	yes	both	no
3745-51-32	(D)(4)	shall	For the purposes of meeting the landfill disposal and combustion condition provided in the K181 listing description, the generator shall maintain on site for three years documentation demonstrating that each shipment of waste was received by a landfill unit that is subject to or meets the landfill design standards provided in the listing description, or was treated in combustion units as specified in the listing description.	3734.12	state required, federal required	40 CFR 261.32 (d)(4)	yes	both	no
3745-51-39	(A)(1)	shall	The broken CRTs shall be either:	3734.12	state required, federal required	40 CFR 261.39 (a)(1)	yes	both	no
3745-51-39	(A)(2)	shall	Each container in which the used, broken CRT is contained shall be labeled or marked clearly with one of the following phrases: "Used cathode ray tubes- contain leaded glass" or "Leaded glass from televisions or computers."	3734.12	state required, federal required	40 CFR 261.39 (a)(2)	yes	both	no
3745-51-39	(A)(2)	shall	The container also shall be labeled "Do not mix with other glass materials."	3734.12	state required, federal required	40 CFR 261.39 (a)(2)	yes	both	no
3745-51-39	(A)(3)	shall	The used, broken CRTs shall be transported in a container that meets the requirements of paragraphs (A)(1)(b) and (A)(2) of this rule.	3734.12	state required, federal required	40 CFR 261.39 (a)(3)	yes	both	no
3745-51-39	(A)(4)	shall	If the used, broken CRTs are used in a manner constituting disposal, the used, broken CRTs shall comply with the applicable requirements of rules 3745-266-20 to 3745-266-23 of the Administrative Code instead of this rule.	3734.12	state required, federal required	40 CFR 261.39 (a)(4)	yes	both	no
3745-51-39	(A)(5)	shall	In addition to the applicable conditions specified in paragraphs (A)(1) to (A)(4) of this rule, exporters of used, broken CRTs shall notify U.S. EPA of an intended export before the CRTs are scheduled to leave the United States, and shall comply with the notification requirements in 40 CFR 261.39 (a)(5)(i) to (a)(5)(xi).	3734.12	state required, federal required	40 CFR 261.39 (a)(5)	yes	both	no
3745-51-39	(A)(5)	shall	In addition to the applicable conditions specified in paragraphs (A)(1) to (A)(4) of this rule, exporters of used, broken CRTs shall notify U.S. EPA of an intended export before the CRTs are scheduled to leave the United States, and shall comply with the notification requirements in 40 CFR 261.39 (a)(5)(i) to (a)(5)(xi).	3734.12	state required, federal required	40 CFR 261.39 (a)(5)	yes	both	no
3745-51-39	(A)(5)	shall	In both cases, the following shall be prominently displayed on the front of the envelope:	3734.12	state required, federal required	40 CFR 261.39 formerly @ (a)(5)(i)	yes	both	no
3745-51-39	(B)(2)(a)	shall	All activities specified in subparagraphs (b) and (c) of the definition of "CRT processing" in rule 3745-50-10 of the Administrative Code shall be performed within a building with a roof, floor, and walls.	3734.12	state required, federal required	40 CFR 261.39 (b)(2)(i)	yes	both	no
3745-51-39	(D)	shall	Glass from used CRTs that is used in a manner constituting disposal shall comply with rules 3745-266-20 to 3745-266-23 of the Administrative Code instead of this rule.	3734.12	state required, federal required	40 CFR 261.39 (d)	yes	both	no
3745-51-100	intro	shall	All financial assurance documentation shall be approved by Ohio EPA prior to storing any material and shall comply with this rule.	3734.12	state required	none	yes, but not this rule	no	no
3745-51-100	intro	shall	All financial assurance documentation shall be approved by Ohio EPA prior to storing any material and shall comply with this rule.	3734.12	state required	none	yes, but not this rule	no	no
3745-51-100	(A)	shall	The owner or operator shall have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with paragraphs (A) and (B) of rule 3745-66-11 and rule 3745-66-14 of the Administrative Code.	3734.12	state required	none	yes, but not this rule	no	no
3745-51-100	(A)(1)	shall	Shall equal the cost of final closure at the point in the active life of the facility when the extent and manner of its operation would make closure the most expensive.	3734.12	state required	none	yes, but not this rule	no	no

3745-51-100	(A)(2)	shall	Shall be based on the costs to the owner or operator of hiring a third party to close the facility.	3734.12	state required	none	yes, but not this rule	no	no
3745-51-100	(A)(3)	may not	May not incorporate any salvage value that may be realized with the sale of recyclable materials, hazardous wastes, nonhazardous wastes, facility structures or equipment, or land or other asset associated with the facility.	3734.12	state required	none	yes, but not this rule	no	no
3745-51-100	(A)(4)	may not	May not incorporate a zero cost for recyclable materials, or hazardous wastes, or nonhazardous wastes that might have economic value.	3734.12	state required	none	yes, but not this rule	no	no
3745-51-100	(B)	shall	During the active life of the facility, the owner or operator shall adjust the closure cost estimate for inflation within sixty days prior to the anniversary date of the establishment of the financial instruments used to comply with rule 3745-66-43 of the Administrative Code.	3734.12	state required	none	yes, but not this rule	no	no
3745-51-100	(B)	shall	For owners or operators using the financial test, the cost estimate shall be updated for inflation within thirty days after the close of the firm's fiscal year and before, or in conjunction with, submittal of updated information to the director as specified in paragraph (E)(3) of rule 3745-66-43 of the Administrative Code.	3734.12	state required	none	yes, but not this rule	no	no
3745-51-100	(C)	shall	During the active life of the facility, the owner or operator shall revise the closure cost estimate no later than thirty days after a change in owner or operator's closure requirements that would increase the cost of conducting closure, or no later than sixty days after an unexpected event which increases the cost of conducting closure in accordance with paragraphs (A) and (B) of rule 3745-66-11 and rule 3745-66-14 of the Administrative Code.	3734.12	state required	none	yes, but not this rule	no	no
3745-51-100	(C)	shall	The revised cost estimate shall be adjusted for inflation as specified in paragraph (B) of this rule.	3734.12	state required	none	yes, but not this rule	no	no
3745-51-100	(C)	shall	The revised closure cost estimate shall be submitted to the director within thirty days after the estimate is revised.	3734.12	state required	none	yes, but not this rule	no	no
3745-51-100	(D)	shall	The owner or operator shall keep the following at the facility during the active life of the facility: the latest closure cost estimate prepared in accordance with paragraphs (A) and (C) of this rule, and, when this estimate has been adjusted in accordance with paragraph (B) of this rule, the latest closure cost estimate.	3734.12	state required	none	yes, but not this rule	no	no
3745-51-100	(E)	shall	A copy of the facility's current, detailed closure cost estimate prepared in accordance with paragraphs (A) and (B) of this rule shall be submitted annually to the director.	3734.12	state required	none	yes, but not this rule	no	no
3745-51-100	(E)(1)	shall	For owners and operators using a financial mechanism other than the financial test, such submittal of the closure cost estimate shall be made within thirty days after a revision or update to the estimate made in accordance with paragraph (B) of this rule.	3734.12	state required	none	yes, but not this rule	no	no
3745-51-100	(E)(2)	shall	For owners and operators using a financial test, such submittal of the closure cost estimate shall be made within ninety days after the close of the firm's fiscal year following a revision or update to the estimate in accordance with paragraph (B) of this rule.	3734.12	state required	none	yes, but not this rule	no	no
3745-51-100	(F)	shall	The owner or operator shall provide financial assurance documentation that meets the requirements of paragraphs (A) to (G) of rule 3745-66-43 of the Administrative Code, except that where paragraph (H) of rule 3745-66-43 of the Administrative Code is referenced in paragraphs (A) to (G) of rule 3745-66-43 of the Administrative Code, that requirement shall be replaced with the requirements of paragraph (G) of this rule.	3734.12	state required	none	yes, but not this rule	no	no
3745-51-100	(F)	shall	The owner or operator shall provide financial assurance documentation that meets the requirements of paragraphs (A) to (G) of rule 3745-66-43 of the Administrative Code, except that where paragraph (H) of rule 3745-66-43 of the Administrative Code is referenced in paragraphs (A) to (G) of rule 3745-66-43 of the Administrative Code, that requirement shall be replaced with the requirements of paragraph (G) of this rule.	3734.12	state required	none	yes, but not this rule	no	no

3745-51-100	(G)	required	Within sixty days after receiving written documentation from the owner or operator that the final closure has been completed in accordance with paragraphs (A) and (B) of rule 3745-66-11 and rule 3745-66-14 of the Administrative Code, the director will notify the owner or operator in writing that the owner or operator is no longer required by this rule to maintain financial assurance for final closure of the facility, unless the director has reason to believe that final closure has not been in accordance with paragraphs (A) and (B) of rule 3745-66-11 and rule 3745-66-14 of the Administrative Code.	3734.12	state required	none	yes, but not this rule	no	no
3745-51-100	(H)	shall	The owner or operator shall provide liability coverage for sudden accidental occurrences that meet the requirements of paragraph (A) of rule 3745-66-47 of the Administrative Code.	3734.12	state required	none	yes, but not this rule	no	no
3745-51-100	(I)	required	Within sixty days after receiving written documentation from the owner or operator that final closure has been completed in accordance with paragraphs (A) and (B) of rule 3745-66-11 and rule 3745-66-14 of the Administrative Code, the director will notify the owner or operator in writing that the owner or operator is no longer required by this rule to maintain liability coverage for that facility, unless the director has reason to believe that final closure has not been completed.	3734.12	state required	none	yes, but not this rule	no	no

OAC Rule #	Paragraph	Restriction	Description/Quotation	Statutory Authority	State or Fed Law?	If Fed, crosswalk?	Federally delegated program?	Removal would require state or federal law change?	Requirement on the agency or director?
3745-52-10	(B)	shall	Paragraphs (C) and (D) of rule 3745-51-05 of the Administrative Code shall be used to determine the applicability of Chapter 3745-52 of the Administrative Code that are dependent on calculations of the quantity of hazardous waste generated per month.	3734.12	state required, federal required	40 CFR 262.10 formerly @ (b)	yes	both	no
3745-52-10	(C)	shall	A generator who treats, stores, or disposes of hazardous wastes on site shall comply with only the following with respect to that waste:	3734.12	state required, federal required	40 CFR 262.10 formerly @ (c)	yes	both	no
3745-52-10	(D)	shall	Any person who exports or imports hazardous wastes for recovery shall comply with 40 CFR Part 262 subpart H.	3734.12	state required, federal required	40 CFR 262.10 (d)	yes	both	no
3745-52-10	(E)	shall	Any person who imports hazardous wastes from a foreign country into the state of Ohio shall comply with the standards applicable to generators in Chapter 3745-52 of the Administrative Code.	3734.12	state required, federal required	40 CFR 262.10 (e)	yes	both	no
3745-52-10	(F)	required	A farmer who generates waste pesticides which are hazardous wastes, and who complies with rule 3745-52-70 of the Administrative Code is not required to comply with other standards in Chapter 3745-52 or Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, or 3745-270, or rules 3745-50-40 to 3745-50-235 of the Administrative Code with respect to such pesticides.	3734.12	state required, federal required	40 CFR 262.10 (f)	yes	both	no
3745-52-10	(H)	shall	An owner or operator who initiates a shipment of hazardous waste from a treatment, storage, or disposal facility shall comply with the generator standards in Chapter 3745-52 of the Administrative Code.	3734.12	state required, federal required	40 CFR 262.10 (h)	yes	both	no
3745-52-10	(I)	required	Persons responding to an explosives or munitions emergency in accordance with paragraph (G)(8)(a)(iv) or (G)(8)(d) of rule 3745-54-01 or paragraph (C)(11)(a)(iv) or (C)(11)(d) of rule 3745-65-01 of the Administrative Code, and paragraph (D)(1)(d) or (D)(3) of rule 3745-50-45 of the Administrative Code are not required to comply with Chapter 3745-52 of the Administrative Code.	3734.12	state required, federal required	40 CFR 262.10 (i)	yes	both	no
3745-52-10	[Comment 2]	shall	[Comment 2: A generator who treats, stores, or disposes of hazardous waste on-site shall comply with the applicable standards and permit requirements in rules 3745-50-40 to 3745-50-235 and Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code.]	3734.12	state required, federal required	40 CFR 262.10 (k)[Note 2]	yes	both	no
3745-52-11	intro	shall	Any person who generates a "waste," as defined in rule 3745-51-02 of the Administrative Code, shall determine if that waste is a hazardous waste using the following method:	3734.12	state required, federal required	40 CFR 262.11 intro	yes	both	no
3745-52-11	(B)	shall	The generator shall then determine if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code.	3734.12	state required, federal required	40 CFR 262.11 formerly @ (b)	yes	both	no
3745-52-11	(C)	shall	For purposes of compliance with Chapter 3745-270 of the Administrative Code, or if the waste is not listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code, the generator shall then determine whether the waste is identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code by either:	3734.12	state required, federal required	40 CFR 262.11 formerly @ (c)	yes	both	no
3745-52-11	(D)	shall	If the waste is determined to be hazardous, the generator shall refer to Chapters 3745-51, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, 3745-266, 3745-270, and 3745-273 of the Administrative Code for possible exclusions or restrictions pertaining to management of the specific waste.	3734.12	state required, federal required	40 CFR 262.11 (e)	yes	both	no
3745-52-12	(A)	shall not	A generator shall not treat, store, dispose of, transport, or offer for transportation hazardous waste without having received a U.S. EPA identification number from U.S. EPA or Ohio EPA.	3734.12	state required, federal required	40 CFR 262.12 (a)	yes	both	no
3745-52-12	(B)	shall	A generator who has not received a U.S. EPA identification number shall obtain one by applying to Ohio EPA using Ohio EPA form EPA 9029. This form may be obtained from Ohio EPA. Upon receiving the request, Ohio EPA will assign a U.S. EPA identification number to the generator.	3734.12	state required, federal required	40 CFR 262.12 (b)	yes	both	no

3745-52-12	(C)	shall not	A generator shall not offer the generator's hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received a U.S. EPA identification number.	3734.12	state required, federal required	40 CFR 262.12 (c)	yes	both	no
3745-52-12	(D)	shall not	A recognized trader shall not arrange for import or export of hazardous waste without having received a U.S. EPA identification number.	3734.12	state required, federal required	40 CFR 262.12 (d)	yes	both	no
3745-52-21	(A)	may not	A registrant may not print, or have printed, the manifest for use or distribution unless the registrant has received approval from U.S. EPA pursuant to 40 CFR 262.21.	3734.12	state required, federal required	40 CFR 262.21	yes	both	no
3745-52-34	(A)(1)(a)[Comment]	shall	[Comment: Pursuant to federal law, generators also shall comply with the applicable requirements of 40 CFR Part 265 subparts AA, BB, and CC.]	3734.12	state required, federal required	40 CFR 262.34 none	yes	no	no
3745-52-34	(A)(1)(b)[Comment]	shall	[Comment: Pursuant to federal law, generators also shall comply with the applicable requirements of 40 CFR Part 265 subparts AA, BB, and CC.]	3734.12	state required, federal required	40 CFR 262.34 none	yes	no	no
3745-52-34	(A)(1)(d)	required	Professional engineer certification is required prior to operation of the unit.	3734.12	state required, federal required	40 CFR 262.34 (a)(1)(iv)	yes	both	no
3745-52-34	(A)(1)(d)	shall	The owner or operator shall maintain the following records at the facility:	3734.12	state required, federal required	40 CFR 262.34 (a)(1)(iv)	yes	both	no
3745-52-34	(B)	shall	Such extension may be granted by the director if hazardous wastes shall remain on-site for longer than ninety days due to unforeseen, temporary, and uncontrollable circumstances.	3734.12	state required, federal required	40 CFR 262.34 (b)	yes	both	no
3745-52-34	(C)(2)	shall	Who accumulates either hazardous waste or acutely hazardous waste listed in rule 3745-51-31 or paragraph (E) of rule 3745-51-33 of the Administrative Code in excess of the amounts listed in paragraph (C)(1) of this rule at or near any point of generation shall, with respect to that amount of excess waste, comply within three days with paragraph (A) of this rule or other applicable provisions of Chapter 3745-52 of the Administrative Code.	3734.12	state required, federal required	40 CFR 262.34 (c)(2)	yes	both	no
3745-52-34	(C)(2)	shall	During the three-day period, the generator shall continue to comply with paragraphs (C)(1)(a) and (C)(1)(b) of this rule.	3734.12	state required, federal required	40 CFR 262.34 (c)(2)	yes	both	no
3745-52-34	(C)(2)	shall	The generator shall mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.	3734.12	state required, federal required	40 CFR 262.34 (c)(2)	yes	both	no
3745-52-34	(D)(5)(a)	shall	At all times there shall be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in paragraph (D)(5)(d) of this rule.	3734.12	state required, federal required	40 CFR 262.34 (d)(5)(i)	yes	both	no
3745-52-34	(D)(5)(b)	shall	The generator shall post the following information next to the telephone:	3734.12	state required, federal required	40 CFR 262.34 (d)(5)(ii)	yes	both	no
3745-52-34	(D)(5)(c)	shall	The generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;	3734.12	state required, federal required	40 CFR 262.34 (d)(5)(iii)	yes	both	no
3745-52-34	(D)(5)(d)	shall	The emergency coordinator or the emergency coordinator's designee shall respond to any emergencies that arise.	3734.12	state required, federal required	40 CFR 262.34 (d)(5)(iv)	yes	both	no
3745-52-34	(D)(5)(d)(iii)	shall	In the event of a fire, explosion, or other release which could threaten human health outside the facility, or when the generator has knowledge that a spill has reached surface water, the generator shall immediately notify the "National Response Center using their twenty-four hour toll free number: 800/424-8802."	3734.12	state required, federal required	40 CFR 262.34 (d)(5)(iv)(C)	yes	both	no
3745-52-34	(D)(5)(d)(iii)	shall	The report shall include the following information:	3734.12	state required, federal required	40 CFR 262.34 (d)(5)(iv)(C)	yes	both	no
3745-52-34	(E)	shall	A generator who generates greater than one hundred kilograms but less than one thousand kilograms of hazardous waste in a calendar month and who shall transport the waste, or offer the waste for transportation, over a distance of two hundred miles or more for off-site treatment, storage, or disposal, may, for two hundred seventy days or less, accumulate or conduct treatment of hazardous waste that is generated on-site without an Ohio hazardous waste permit provided that the generator complies with paragraph (D) of this rule.	3734.12	state required, federal required	40 CFR 262.34 (e)	yes	both	no

3745-52-34	(F)(2)	shall	Such extension, of up to thirty days, may be granted at the discretion of the director on a case-by-case basis if hazardous waste shall remain on-site for longer than one-hundred eighty days (or two-hundred seventy days if applicable) due to unforeseen, temporary, and uncontrollable circumstances.	3734.12	state required, federal required	40 CFR 262.34 (f)(2)	yes	both	no
3745-52-34	(G)(4)(a)(i)[Co mment]	shall	[Comment: Pursuant to federal law, generators also shall comply with the applicable requirements of 40 CFR Part 265 subparts AA, BB, and CC.]	3734.12	state required, federal required	40 CFR 262.34 none	yes	no	no
3745-52-34	(G)(4)(a)(ii)[Co mment]	shall	[Comment: Pursuant to federal law, generators also shall comply with the applicable requirements of 40 CFR Part 265 subparts AA, BB, and CC.]	3734.12	state required, federal required	40 CFR 262.34 none	yes	no	no
3745-52-34	(G)(4)(a)(iii)	shall	The owner or operator shall maintain the following records at the facility:	3734.12	state required, federal required	40 CFR 262.34 (g)(4)(i)(C)	yes	both	no
3745-52-34	(H)	shall	A generator who generates one thousand kilograms or greater of hazardous waste per calendar month who also generates wastewater treatment sludges from electroplating operations that meet the listing description for EPA hazardous waste number F006, and who shall transport this waste, or offer this waste for transportation, over a distance of two hundred miles or more for off-site metals recovery, may accumulate F006 waste on site for more than ninety days, but not more than two hundred seventy days without an Ohio hazardous waste permit if the generator complies with paragraphs (G)(1) to (G)(4)(e) of this rule.	3734.12	state required, federal required	40 CFR 262.34 (h)	yes	both	no
3745-52-34	(I)	shall	A generator accumulating F006 in accordance with paragraphs (G) to (G)(4)(e) and (H) of this rule who accumulates F006 waste on site for more than one hundred eighty days (or for more than two hundred seventy days if the generator shall transport this waste, or offer this waste for transportation, over a distance of two hundred miles or more), or who accumulates more than twenty thousand kilograms of F006 waste on site is an operator of a storage facility and is subject to Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, and 3745-256 of the Administrative Code, and the permit requirements of rules 3745-50-40 to 3745-50-235 of the Administrative Code unless the generator has been granted either an extension to the one hundred eighty-day (or two hundred seventy day if applicable) period or an exception to the twenty thousand kilogram accumulation limit. Such extension, of up to thirty days, or exception to the accumulation limit, may be granted at the discretion of the director on a case by case basis if hazardous waste shall remain on site for longer than one hundred eighty days (or two hundred seventy days if applicable) or if more than twenty thousand kilograms of F006 waste shall remain on site due to unforeseen, temporary, and uncontrollable circumstances.	3734.12	state required, federal required	40 CFR 262.34 (i)	yes	both	no
3745-52-34	(I)	shall	Such extension, of up to thirty days, or exception to the accumulation limit, may be granted at the discretion of the director on a case by case basis if hazardous waste shall remain on-site for longer than one hundred eighty days (or two hundred seventy days if applicable) or if more than twenty thousand kilograms of F006 waste shall remain on-site due to unforeseen, temporary, and uncontrollable circumstances.	3734.12	state required, federal required	40 CFR 262.34 (i)	yes	both	no
3745-52-34	(I)	shall	Such extension, of up to thirty days, or exception to the accumulation limit, may be granted at the discretion of the director on a case by case basis if hazardous waste shall remain on-site for longer than one hundred eighty days (or two hundred seventy days if applicable) or if more than twenty thousand kilograms of F006 waste shall remain on-site due to unforeseen, temporary, and uncontrollable circumstances.	3734.12	state required, federal required	40 CFR 262.34 (i)	yes	both	no
3745-52-34	(M)	shall	Upon receipt of the return shipment, the generator shall either:	3734.12	state required, federal required	40 CFR 262.34 (m)	yes	both	no
3745-52-41	(A)	shall	A generator who ships any hazardous waste off-site shall prepare and submit to Ohio EPA the "Hazardous Waste Biennial Report" by March first of each even numbered year.	3734.12	state required, federal required	40 CFR 262.41 (a)	yes	both	no
3745-52-41	(A)	shall	The generator shall prepare the "Hazardous Waste Biennial Report" using Ohio EPA forms EPA 9027, EPA 9028, and EPA 9029 provided by the director upon the request of the generator.	3734.12	state required, federal required	40 CFR 262.41 (a)	yes	both	no
3745-52-41	(A)	shall	The "Hazardous Waste Biennial Report" shall cover generator activities during the previous calendar year, and shall include the following information:	3734.12	state required, federal required	40 CFR 262.41 (a)	yes	both	no

3745-52-41	(A)	shall	The "Hazardous Waste Biennial Report" shall cover generator activities during the previous calendar year, and shall include the following information:	3734.12	state required, federal required	40 CFR 262.41 (a)	yes	both	no
3745-52-41	(A)(5)	shall	This information shall be listed by U.S. EPA identification number of each such off-site facility to which waste was shipped.	3734.12	state required, federal required	40 CFR 262.41 (a)(5)	yes	both	no
3745-52-41	(B)	shall	Any generator who treats, stores, or disposes of hazardous waste on-site shall submit a "Hazardous Waste Biennial Report" covering those wastes in accordance with rules 3745-50-40 to 3745-50-235 and Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, and 3745-266 of the Administrative Code.	3734.12	state required, federal required	40 CFR 262.41 (b)	yes	both	no
3745-52-41	(B)[Comment]	required	[Comment: Reporting for exports of hazardous waste is not required on the "Biennial Report" form; however, 40 CFR 262.83 requires a separate annual report. The annual report is to be submitted to U.S. EPA and not to Ohio EPA.]	3734.12	state required, federal required	40 CFR 262.41 none	yes	no	no
3745-52-41	(B)[Comment]	requires	[Comment: Reporting for exports of hazardous waste is not required on the "Biennial Report" form; however, 40 CFR 262.83 requires a separate annual report. The annual report is to be submitted to U.S. EPA and not to Ohio EPA.]	3734.12	state required, federal required	40 CFR 262.41 none	yes	no	no
3745-52-50	text	shall	A "primary exporter" (as defined in 40 CFR 262.81) of hazardous waste shall comply with the special requirements of 40 CFR Part 262 subpart H, and a transporter transporting hazardous waste for export to a foreign country shall comply with applicable requirements of Chapter 3745-53 of the Administrative Code.	3734.12	state required, federal required	40 CFR 262.50	yes	both	no
3745-52-50	text	shall	A "primary exporter" (as defined in 40 CFR 262.81) of hazardous waste shall comply with the special requirements of 40 CFR Part 262 subpart H, and a transporter transporting hazardous waste for export to a foreign country shall comply with applicable requirements of Chapter 3745-53 of the Administrative Code.	3734.12	state required, federal required	40 CFR 262.50	yes	both	no
3745-52-60	(A)	shall	Any person who imports hazardous waste from a foreign country into the state of Ohio shall comply with Chapter 3745-52 of the Administrative Code and the special requirements of 40 CFR Part 262 subpart H.	3734.12	state required, federal required	40 CFR 262.60 (a)	yes	both	no
3745-52-60	(B)	shall	When importing hazardous waste from a foreign country into Ohio, a person shall comply with rule 3745-52-20 of the Administrative Code for the manifest except that:	3734.12	state required, federal required	40 CFR 262.60 (b)	yes	both	no
3745-52-60	(B)(1)	shall	In place of the generator's name, address, and U.S. EPA identification number, the name and address of the foreign generator and the importer's name, address, and U.S. EPA identification number shall be used.	3734.12	state required, federal required	40 CFR 262.60 (b)(1)	yes	both	no
3745-52-60	(B)(2)	shall	In place of the generator's signature on the certification statement, the Ohio importer or the Ohio importer's agent shall sign and date the certification and obtain the signature of the initial transporter.	3734.12	state required, federal required	40 CFR 262.60 (b)(2)	yes	both	no
3745-52-60	(D)	shall	In the "International Shipments" block, the importer shall check the import box and enter the point of entry (city and state) into the United States.	3734.12	state required, federal required	40 CFR 262.60 (d)	yes	both	no
3745-52-60	(E)	shall	The importer shall provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to U.S. EPA in accordance with paragraph (A)(3) of rule 3745-54-71 and paragraph (A)(3) of rule 3745-65-71 of the Administrative Code.	3734.12	state required, federal required	40 CFR 262.60 (e)	yes	both	no
3745-52-200	(A)	shall	A central accumulation area at an eligible academic entity that chooses to be subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code shall also comply with rule 3745-52-11 of the Administrative Code when accumulating unwanted material or hazardous waste.	3734.12	state required, federal required	40 CFR 262.200 @ central accumulation area	yes	both	no
3745-52-200	(G)	required	A regularly scheduled removal of unwanted material as required by rule 3745-52-208 of the Administrative Code does not qualify as a laboratory clean-out.	3734.12	state required, federal required	40 CFR 262.200 @ laboratory clean-out	yes	both	no
3745-52-203	(A)	shall	An eligible academic entity shall notify Ohio EPA in writing, using Ohio EPA form EPA 9029, that the eligible academic entity is electing to be subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code for all the laboratories owned by the eligible academic entity under the same U.S. EPA identification number.	3734.12	state required, federal required	40 CFR 262.203 (a)	yes	both	no

3745-52-203	(A)	shall	An eligible academic entity that is a conditionally exempt small quantity generator and does not have a U.S. EPA identification number shall notify that the eligible academic entity is electing to be subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code for all the laboratories owned by the eligible academic entity that are "on-site," as defined in rule 3745-50-10 of the Administrative Code.	3734.12	state required, federal required	40 CFR 262.203 (a)	yes	both	no
3745-52-203	(A)	shall	An eligible academic entity shall submit a separate notification (Ohio EPA form EPA 9029) for each U.S. EPA identification number (or site, for conditionally exempt small quantity generators) that is electing to be subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code, and shall submit the Ohio EPA form EPA 9029 before the eligible academic entity begins to operate under rules 3745-52-200 to 3745-52-216 of the Administrative Code.	3734.12	state required, federal required	40 CFR 262.203 (a)	yes	both	no
3745-52-203	(A)	shall	An eligible academic entity shall submit a separate notification (Ohio EPA form EPA 9029) for each U.S. EPA identification number (or site, for conditionally exempt small quantity generators) that is electing to be subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code, and shall submit the Ohio EPA form EPA 9029 before the eligible academic entity begins to operate under rules 3745-52-200 to 3745-52-216 of the Administrative Code.	3734.12	state required, federal required	40 CFR 262.203 (a)	yes	both	no
3745-52-203	(B)	shall	When submitting the Ohio EPA form EPA 9029, the eligible academic entity shall, at a minimum, fill out the following fields on the form:	3734.12	state required, federal required	40 CFR 262.203 (b)	yes	both	no
3745-52-203	(C)	shall	An eligible academic entity shall keep a copy of the notification (Ohio EPA form EPA 9029) on file at the eligible academic entity for as long as the eligible academic entity's laboratories are subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code.	3734.12	state required, federal required	40 CFR 262.203 (c)	yes	both	no
3745-52-203	(D)	shall	A teaching hospital that is not owned by a college or university shall keep a copy of the teaching hospital's formal written affiliation agreement with a college or university on file at the teaching hospital for as long as the teaching hospital's laboratories are subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code.	3734.12	state required, federal required	40 CFR 262.203 (d)	yes	both	no
3745-52-203	(E)	shall	A non-profit research institute that is not owned by a college or university shall keep a copy of the non-profit research institute's formal written affiliation agreement with a college or university on file at the non-profit research institute for as long as the non-profit research institute's laboratories are subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code.	3734.12	state required, federal required	40 CFR 262.203 (e)	yes	both	no
3745-52-204	(A)	shall	An eligible academic entity shall notify Ohio EPA in writing, using Ohio EPA form EPA 9029, that the eligible academic entity is electing to no longer be subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code for all the laboratories owned by the eligible academic entity under the same U.S. EPA identification number and that the eligible academic entity will comply with rule 3745-52-11 and paragraph (C) of rule 3745-52-34 of the Administrative Code for small quantity generators and large quantity generators.	3734.12	state required, federal required	40 CFR 262.204 (a)	yes	both	no
3745-52-204	(A)	shall	An eligible academic entity that is a conditionally exempt small quantity generator and does not have a U.S. EPA identification number shall notify that the eligible academic entity is withdrawing from rules 3745-52-200 to 3745-52-216 of the Administrative Code for all the laboratories owned by the eligible academic entity that are "on-site" as defined in rule 3745-50-10 of the Administrative Code, and that the eligible academic entity will comply with the conditional exemption in paragraph (B) of rule 3745-51-05 of the Administrative Code.	3734.12	state required, federal required	40 CFR 262.204 (a)	yes	both	no
3745-52-204	(A)	shall	An eligible academic entity shall submit a separate notification (Ohio EPA form EPA 9029) for each U.S. EPA identification number (or site, for conditionally exempt small quantity generators) that is withdrawing from rules 3745-52-200 to 3745-52-216 of the Administrative Code and shall submit the Ohio EPA form EPA 9029 before the eligible academic entity begins to operate under rule 3745-52-11 and paragraph (C) of rule 3745-52-34 of the Administrative Code for small quantity generators and large quantity generators, or paragraph (B) of rule 3745-51-05 of the Administrative Code for conditionally exempt small quantity generators.	3734.12	state required, federal required	40 CFR 262.204 (a)	yes	both	no

3745-52-204	(A)	shall	An eligible academic entity shall submit a separate notification (Ohio EPA form EPA 9029) for each U.S. EPA identification number (or site, for conditionally exempt small quantity generators) that is withdrawing from rules 3745-52-200 to 3745-52-216 of the Administrative Code and shall submit the Ohio EPA form EPA 9029 before the eligible academic entity begins to operate under rule 3745-52-11 and paragraph (C) of rule 3745-52-34 of the Administrative Code for small quantity generators and large quantity generators, or paragraph (B) of rule 3745-51-05 of the Administrative Code for conditionally exempt small quantity generators.	3734.12	state required, federal required	40 CFR 262.204 (a)	yes	both	no
3745-52-204	(B)	shall	When submitting the Ohio EPA form EPA 9029, the eligible academic entity shall, at a minimum, fill out the following fields on the form:	3734.12	state required, federal required	40 CFR 262.204 (b)	yes	both	no
3745-52-204	(C)	shall	An eligible academic entity shall keep a copy of the withdrawal notice (Ohio EPA form EPA 9029) on file at the eligible academic entity for three years after the date of the notification.	3734.12	state required, federal required	40 CFR 262.204 (c)	yes	both	no
3745-52-206	intro	shall	An eligible academic entity shall manage containers of unwanted material while in the laboratory in accordance with this rule.	3734.12	state required, federal required	40 CFR 262.206 intro	yes	both	no
3745-52-206	(A)(1)	shall	The following information shall be affixed or attached to the container:	3734.12	state required, federal required	40 CFR 262.206 (a)(1)	yes	both	no
3745-52-206	(A)(2)	shall	The following information may be affixed or attached to the container, but shall at a minimum be associated with the container:	3734.12	state required, federal required	40 CFR 262.206 (a)(2)	yes	both	no
3745-52-206	(B)	shall	An eligible academic entity shall properly manage containers of unwanted material in the laboratory to assure safe storage of the unwanted material, to prevent leaks, spills, emissions to the air, adverse chemical reactions, and dangerous situations that may result in harm to human health or the environment.	3734.12	state required, federal required	40 CFR 262.206 (b)	yes	both	no
3745-52-206	(B)	shall	Proper container management shall include the following:	3734.12	state required, federal required	40 CFR 262.206 (b)	yes	both	no
3745-52-206	(B)(3)	shall	Containers shall be kept closed at all times, except:	3734.12	state required, federal required	40 CFR 262.206 (b)(3)	yes	both	no
3745-52-206	(B)(3)(b)	shall	A working container may be open until the end of the procedure or work shift, or until it is full, whichever comes first, at which time the working container either shall be closed or the contents shall be emptied into a separate container that is then closed; or	3734.12	state required, federal required	40 CFR 262.206 (b)(3)(ii)	yes	both	no
3745-52-206	(B)(3)(b)	shall	A working container may be open until the end of the procedure or work shift, or until it is full, whichever comes first, at which time the working container either shall be closed or the contents shall be emptied into a separate container that is then closed; or	3734.12	state required, federal required	40 CFR 262.206 (b)(3)(ii)	yes	both	no
3745-52-209	(A)	shall	An eligible academic entity shall ensure that a trained professional makes a hazardous waste determination, pursuant to rule 3745-52-11 of the Administrative Code, for unwanted material in any of the following areas:	3734.12	state required, federal required	40 CFR 262.209 (a)	yes	both	no
3745-52-209	(B)	shall	An eligible academic entity shall ensure that a trained professional makes a hazardous waste determination, pursuant to rule 3745-52-11 of the Administrative Code, for unwanted material in the laboratory before the unwanted material is removed from the laboratory, in accordance with rule 3745-52-210 of the Administrative Code.	3734.12	state required, federal required	40 CFR 262.209 (b)	yes	both	no
3745-52-210	intro	shall	If an eligible academic entity makes the hazardous waste determination pursuant to rule 3745-52-11 of the Administrative Code, for unwanted material in the laboratory, the eligible academic entity shall comply with the following:	3734.12	state required, federal required	40 CFR 262.210 intro	yes	both	no
3745-52-210	(A)	shall	A trained professional shall make the hazardous waste determination, pursuant to rule 3745-52-11 of the Administrative Code, before the unwanted material is removed from the laboratory.	3734.12	state required, federal required	40 CFR 262.210 (a)	yes	both	no
3745-52-210	(B)	shall	If an unwanted material is a hazardous waste, the eligible academic entity shall do the following:	3734.12	state required, federal required	40 CFR 262.210 (b)	yes	both	no
3745-52-210	(C)	shall	A trained professional shall accompany all hazardous waste that is transferred from the laboratories to an on-site central accumulation area or on-site interim or permitted treatment, storage, or disposal facility.	3734.12	state required, federal required	40 CFR 262.210 (c)	yes	both	no
3745-52-210	(D)(1)	shall	Large quantity generators and small quantity generators shall ensure it is taken directly from the laboratories to an on-site central accumulation area, or on-site interim or permitted treatment, storage, or disposal facility, or transported off-site.	3734.12	state required, federal required	40 CFR 262.210 (d)(1)	yes	both	no

3745-52-210	(D)(2)	shall	Conditionally exempt small quantity generators shall ensure it is taken directly from the laboratories to any of the types of facilities listed in paragraph (F)(3) of rule 3745-51-05 of the Administrative Code for acute hazardous waste, or in paragraph (G)(3) of rule 3745-51-05 of the Administrative Code for hazardous waste.	3734.12	state required, federal required	40 CFR 262.210 (d)(2)	yes	both	no
3745-52-211	intro	shall	If an eligible academic entity makes the hazardous waste determination, pursuant to rule 3745-52-11 of the Administrative Code, for unwanted material at an on-site central accumulation area, the eligible academic entity shall comply with the following:	3734.12	state required, federal required	40 CFR 262.211 intro	yes	both	no
3745-52-211	(A)	shall	A trained professional shall accompany all unwanted material that is transferred from the laboratories to an on-site central accumulation area.	3734.12	state required, federal required	40 CFR 262.211 (a)	yes	both	no
3745-52-211	(B)	shall	All unwanted material removed from the laboratories shall be taken directly from the laboratories to the on-site central accumulation area.	3734.12	state required, federal required	40 CFR 262.211 (b)	yes	both	no
3745-52-211	(D)	shall	A trained professional shall determine, pursuant to rule 3745-52-11 of the Administrative Code, if the unwanted material is a hazardous waste within four calendar days after the unwanted material arrives at the on-site central accumulation area.	3734.12	state required, federal required	40 CFR 262.211 (d)	yes	both	no
3745-52-211	(E)	shall	If the unwanted material is a hazardous waste, the eligible academic entity shall do the following:	3734.12	state required, federal required	40 CFR 262.211 (e)	yes	both	no
3745-52-212	intro	shall	If an eligible academic entity makes the hazardous waste determination pursuant to rule 3745-52-11 of the Administrative Code, for unwanted material at an on-site interim or permitted treatment, storage, or disposal facility, that eligible academic entity shall comply with the following:	3734.12	state required, federal required	40 CFR 262.212 intro	yes	both	no
3745-52-212	(A)	shall	A trained professional shall accompany all unwanted material that is transferred from the laboratories to an on-site interim or permitted treatment, storage, or disposal facility.	3734.12	state required, federal required	40 CFR 262.212 (a)	yes	both	no
3745-52-212	(B)	shall	All unwanted material removed from the laboratories shall be taken directly from the laboratories to the on-site interim or permitted treatment, storage, or disposal facility.	3734.12	state required, federal required	40 CFR 262.212 (b)	yes	both	no
3745-52-212	(D)	shall	A trained professional shall determine, pursuant to rule 3745-52-11 of the Administrative Code, if the unwanted material is a hazardous waste within four calendar days after the unwanted material arrives at an on-site interim or permitted treatment, storage, or disposal facility.	3734.12	state required, federal required	40 CFR 262.212 (d)	yes	both	no
3745-52-212	(E)	shall	If the unwanted material is a hazardous waste, the eligible academic entity shall do all of the following:	3734.12	state required, federal required	40 CFR 262.212 (e)	yes	both	no
3745-52-215	(B)	shall	If an unwanted material does not meet the definition of "hazardous waste" in rule 3745-51-03 of the Administrative Code, the unwanted material is no longer subject to rules 3745-52-200 to 3745-52-216 of the Administrative Code or to the hazardous waste rules, but shall be managed in compliance with any other applicable rules or conditions.	3734.12	state required, federal required	40 CFR 262.215 (b)	yes	both	no

OAC Rule #	Paragraph	Restriction	Description/Quotation	Statutory Authority	State or Fed Law?	If Fed, crosswalk?	Federally delegated program?	Removal would require state or federal law change?	Requirement on the agency or director?
3745-53-10	(A)	requires	Chapter 3745-53 of the Administrative Code establishes standards which apply to persons transporting hazardous waste within the state of Ohio if the transportation requires a hazardous waste manifest under Chapter 3745-52 of the Administrative Code.	3734.12	state required, federal required	40 CFR 263.10 (a)	yes	both	no
3745-53-10	(C)	shall	A transporter of hazardous waste also shall comply with Chapter 3745-52 of the Administrative Code, if the transporter does either of the following:	3734.12	state required, federal required	40 CFR 263.10 (c)	yes	both	no
3745-53-11	(A)	shall not	A transporter shall not transport hazardous wastes without having received a U.S. EPA identification number.	3734.12	state required, federal required	40 CFR 263.11 (a)	yes	both	no
3745-53-20	(A)	may not	A transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest signed in accordance with rule 3745-52-23 of the Administrative Code.	3734.12	state required, federal required	40 CFR 263.20 (a)	yes	both	no
3745-53-30	(A)	shall	In the event of a discharge of hazardous waste during transportation, the transporter shall take appropriate immediate action to protect human health and the environment (e.g., notify local authorities and Ohio EPA, dike the discharge area).	3734.12	state required, federal required	40 CFR 263.30 (a)	yes	both	no
3745-53-30	(C)	shall	An air, rail, highway, or water transporter who has discharged hazardous waste shall:	3734.12	state required, federal required	40 CFR 263.30 (c)	yes	both	no
3745-53-30	(C)(1)	required	Give notice, if required by 49 CFR 171.15, to the "National Response Center" at 800/424-8802.	3734.12	state required, federal required	40 CFR 263.30	yes	both	no
3745-53-30	(C)(1) [Comment]	requires	[Comment: The public utilities commission of Ohio, which has adopted 49 CFR 171.15 by reference, also requires notice of such discharge.]	3734.12	state required, federal required	none	yes	no	no
3745-53-30	(C)(2)	required	Report in writing as required by 49 CFR 171.16.	3734.12	state required, federal required	40 CFR 263.30 (c)(2)	yes	both	no

OAC Rule #	Paragraph	Restriction	Description/Quotation	Statutory Authority	State or Fed Law?	If Fed, crosswalk?	Federally delegated program?	Removal would require state or federal law change?	Requirement on the agency or director?
3745-54-01	(G)(6)	shall	The owner or operator of an "elementary neutralization unit" or a "wastewater treatment unit" as defined in rule 3745 50 10 of the Administrative Code, provided that if the owner or operator is diluting hazardous ignitable waste (D001) [other than the D001 high total organic carbon (TOC) subcategory described in rule 3745-270-40 of the Administrative Code in the table of treatment standards for hazardous waste], or reactive waste (D003), to remove the characteristic before land disposal, the owner or operator shall comply with paragraph (B) of rule 3745-54-17 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.1 (g)(6)	yes	both	no
3745-54-01	(G)(8)(b)	shall	An owner or operator of a facility otherwise regulated by Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code shall comply with all applicable requirements of rules 3745-54-30 to 3745-54-37 and 3745-54-50 to 3745-54-56 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.1 (g)(8)(ii)	yes	both	no
3745-54-01	(G)(8)(d)	shall	In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for three years identifying the dates of the response, the names of the responsible persons responding, the type and description of material addressed, and its disposition.	3734.12	state required, federal required	40 CFR 264.1 (g)(8)(iv)	yes	both	no
3745-54-01	(J)	shall	Instead of rules 3745-54-10 to 3745-54-19, 3745-54-30 to 3745-54-37, and 3745-54-50 to 3745-54-56 of the Administrative Code, owners or operators of remediation waste management sites shall do the following:	3734.12	state required, federal required	40 CFR 264.1 (j)	yes	both	no
3745-54-01	(J)(2)	shall	At a minimum, the analysis shall contain all of the information which is required to be known to treat, store, or dispose of the waste according to Chapters 3745-54 to 3745-57, 3745-205, and 3745-270 of the Administrative Code, and shall be kept accurate and up to date.	3734.12	state required, federal required	40 CFR 264.1 (j)(2)	yes	both	no
3745-54-01	(J)(2)	required	At a minimum, the analysis shall contain all of the information which is required to be known to treat, store, or dispose of the waste according to Chapters 3745-54 to 3745-57, 3745-205, and 3745-270 of the Administrative Code, and shall be kept accurate and up to date.	3734.12	state required, federal required	40 CFR 264.1 (j)(2)	yes	both	no
3745-54-01	(J)(2)	shall	At a minimum, the analysis shall contain all of the information which is required to be known to treat, store, or dispose of the waste according to Chapters 3745-54 to 3745-57, 3745-205, and 3745-270 of the Administrative Code, and shall be kept accurate and up to date.	3734.12	state required, federal required	40 CFR 264.1 (j)(2)	yes	both	no
3745-54-01	(J)(4)	shall	The owner or operator shall conduct these inspections often enough to identify problems in time to correct the problems before the problems harm human health or the environment, and shall remedy the problem before the problem leads to a human health or environmental hazard.	3734.12	state required, federal required	40 CFR 264.1 (j)(4)	yes	both	no
3745-54-01	(J)(4)	shall	The owner or operator shall conduct these inspections often enough to identify problems in time to correct the problems before the problems harm human health or the environment, and shall remedy the problem before the problem leads to a human health or environmental hazard.	3734.12	state required, federal required	40 CFR 264.1 (j)(4)	yes	both	no
3745-54-01	(J)(4)	shall	Where a hazard is imminent or has already occurred, the owner or operator shall take remedial action immediately.	3734.12	state required, federal required	40 CFR 264.1 (j)(4)	yes	both	no
3745-54-01	(J)(7)	shall	For remediation waste management sites subject to regulation under rules 3745-55-70 to 3745-55-78, 3745-55-90 to 3745-55-99, 3745-57-02 to 3745-57-17, 3745-57-40 to 3745-57-51, 3745-57-90 to 3745-57-93, and Chapter 3745-56 of the Administrative Code, the owner or operator shall design, construct, operate, and maintain a unit within a one-hundred-year floodplain to prevent washout of any hazardous waste by a one-hundred-year flood, unless the owner or operator can meet the demonstration of paragraph (B) of rule 3745-54-18 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.1 (j)(7)	yes	both	no
3745-54-01	(J)(9)	required	Develop and maintain a construction quality assurance program for all surface impoundments, waste piles, and landfill units that are required to comply with paragraphs (C) and (D) of rule 3745-56-21, paragraphs (C) and (D) of rule 3745-56-51, and paragraphs (C) and (D) of rule 3745-57-03 of the Administrative Code at the remediation waste management site, according to rule 3745-54-19 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.1 (j)(9)	yes	both	no

3745-54-01	(J)(10)	shall	These procedures shall address proper design, construction, maintenance, and operation of remediation waste management units at the site.	3734.12	state required, federal required	40 CFR 264.1 (j)(10)	yes	both	no
3745-54-01	(J)(10)	shall	The goal of the plan shall be to minimize the possibility of, and the hazards from, a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment.	3734.12	state required, federal required	40 CFR 264.1 (j)(10)	yes	both	no
3745-54-01	(J)(10)	shall	The plan shall explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and shall be implemented immediately whenever a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.	3734.12	state required, federal required	40 CFR 264.1 (j)(10)	yes	both	no
3745-54-01	(J)(10)	shall	The plan shall explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and shall be implemented immediately whenever a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.	3734.12	state required, federal required	40 CFR 264.1 (j)(10)	yes	both	no
3745-54-01	(J)(11)	shall	This emergency coordinator shall be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout.	3734.12	state required, federal required	40 CFR 264.1 (j)(11)	yes	both	no
3745-54-01	(J)(11)	shall	In addition, this person shall have the authority to commit the resources needed to carry out the contingency plan.	3734.12	state required, federal required	40 CFR 264.1 (j)(11)	yes	both	no
3745-54-12	title	required	Required notices.	3734.12	state required, federal required	40 CFR 264.12 title	yes	both	no
3745-54-12	(A)(1)	shall	The owner or operator of a facility who has arranged to receive hazardous waste from a foreign source shall notify the regional administrator in writing at least four weeks in advance of the date the waste is expected to arrive at the facility.	3734.12	state required, federal required	40 CFR 264.12 former (a)(1)	yes	no; OH text will change to address fed changes soon	no
3745-54-12	(A)(1)	required	Notice of subsequent shipments of the same waste from the same foreign source is not required.	3734.12	state required, federal required	40 CFR 264.12 former (a)(1)	yes	no; OH text will change to address fed changes soon	no
3745-54-12	(A)(2)	shall	The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to 40 CFR Part 262 subpart H shall provide a copy of the movement document bearing all required signatures to the foreign exporter; to the "Office of Federal Activities, International Compliance Assurance Division (2254A), United States Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC" 20460, and to the competent authorities of all other countries concerned.	3734.12	state required, federal required	40 CFR 264.12 former (a)(2)	yes	no; OH text will change to address fed changes soon	no
3745-54-12	(A)(2)	required	The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to 40 CFR Part 262 subpart H shall provide a copy of the movement document bearing all required signatures to the foreign exporter; to the "Office of Federal Activities, International Compliance Assurance Division (2254A), United States Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC" 20460, and to the competent authorities of all other countries concerned.	3734.12	state required, federal required	40 CFR 264.12 former (a)(2)	yes	no; OH text will change to address fed changes soon	no
3745-54-12	(A)(2)	shall	This shall occur within three working days after receipt of the shipment.	3734.12	state required, federal required	40 CFR 264.12 (a)(2)	yes	both	no
3745-54-12	(A)(2)	must	The original signed copy of the movement document must be maintained at the facility for at least three years after the date of signature.	3734.12	state required, federal required	40 CFR 264.12 (a)(2)	yes	both	no

3745-54-12	(A)(2)	shall	In addition, such owner or operator, as soon as possible but no later than thirty days after the completion of recovery and no later than one calendar year after the receipt of the hazardous waste, shall submit a certificate of recovery to the foreign exporter, to the competent authority of the country of export, and to U.S. EPA's "Office of Enforcement and Compliance Assurance" at the above address.	3734.12	state required, federal required	40 CFR 264.12 former (a)(2)	yes	no; OH text will change to address fed changes soon	no
3745-54-12	(B)	shall	The owner or operator of a facility that receives hazardous waste from an off-site source, except where the owner or operator is also the generator, shall inform the generator in writing that the owner or operator of the receiving facility has the appropriate permits for, and will accept, the waste the generator is shipping.	3734.12	state required, federal required	40 CFR 264.12 (b)	yes	both	no
3745-54-12	(B)	shall	The owner or operator shall keep a copy of this written notice as part of the operating record.	3734.12	state required, federal required	40 CFR 264.12 (b)	yes	both	no
3745-54-12	(C)	shall	Before transferring ownership or operation of a facility during the facility's operating life, or of a disposal facility during the post-closure care period, the owner or operator shall notify the new owner or operator in writing of the requirements of rules 3745-50-40 to 3745-50-235 and Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.12 (c)	yes	both	no
3745-54-13	(A)(1)	shall	Before an owner or operator treats, stores, or disposes of any hazardous wastes, or nonhazardous wastes if applicable under paragraph (D) of rule 3745-55-13 of the Administrative Code, the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the wastes.	3734.12	state required, federal required	40 CFR 264.13 (a)(1)	yes	both	no
3745-54-13	(A)(1)	shall	At a minimum, this analysis shall contain all the information which shall be known to treat, store, or dispose of the waste in accordance with Chapters 3745-54 to 3745-57, 3745-205, and 3745-270 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.13 (a)(1)	yes	both	no
3745-54-13	(A)(1)	shall	At a minimum, this analysis shall contain all the information which shall be known to treat, store, or dispose of the waste in accordance with Chapters 3745-54 to 3745-57, 3745-205, and 3745-270 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.13 (a)(1)	yes	both	no
3745-54-13	(A)(2)[Comment]	required	For example, the facility's records of analyses performed on the waste before April 15, 1981, or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility, may be included in the data base required to comply with paragraph (A)(1) of this rule.	3734.12	state required, federal required	40 CFR 264.13 (a)(2)[Comment]	yes	both	no
3745-54-13	(A)(2)[Comment]	required	The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part of the information required by paragraph (A)(1) of this rule, except as otherwise specified in paragraphs (B) and (C) of rule 3745-270-07 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.13 (a)(2)[Comment]	yes	both	no
3745-54-13	(A)(2)[Comment]	required	If the generator does not supply the information, and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this rule.	3734.12	state required, federal required	40 CFR 264.13 (a)(2)[Comment]	yes	both	no
3745-54-13	(A)(3)	shall	The analysis shall be repeated as necessary to ensure that the analysis is accurate and up to date.	3734.12	state required, federal required	40 CFR 264.13 (a)(3)	yes	both	no
3745-54-13	(A)(3)	shall	At a minimum, the analysis shall be repeated:	3734.12	state required, federal required	40 CFR 264.13 (a)(3)	yes	both	no
3745-54-13	(A)(3)(b)	required	For off-site facilities, when the results of the inspection required in paragraph (A)(4) of this rule indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.	3734.12	state required, federal required	40 CFR 264.13 (a)(3)(ii)	yes	both	no
3745-54-13	(A)(4)	shall	The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether the hazardous waste matches the identity of the waste specified on the accompanying manifest or shipping paper.	3734.12	state required, federal required	40 CFR 264.13 (a)(4)	yes	both	no
3745-54-13	(B)	shall	The owner or operator shall develop and follow a written waste analysis plan which describes the procedures to be implemented in order to comply with paragraph (A) of this rule.	3734.12	state required, federal required	40 CFR 264.13 (b)	yes	both	no
3745-54-13	(B)	shall	The owner or operator shall keep this plan at the facility.	3734.12	state required, federal required	40 CFR 264.13 (b)	yes	both	no

3745-54-13	(B)	shall	At a minimum, the plan shall specify:	3734.12	state required, federal required	40 CFR 264.13 (b)	yes	both	no
3745-54-13	(B)(7)(c)(ii)(a)	prohibited	Such residues are prohibited from land disposal under Section 3004(d) of RCRA; or	3734.12	state required, federal required	40 CFR 264.13 (b)(7)(iii)(B)(1)	yes	both	no
3745-54-13	(C)	required	For off-site facilities, the waste analysis plan required in paragraph (B) of this rule also shall specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that the hazardous waste matches the identity of the waste designated on the accompanying manifest or shipping paper.	3734.12	state required, federal required	40 CFR 264.13 (c)	yes	both	no
3745-54-13	(C)	shall	For off-site facilities, the waste analysis plan required in paragraph (B) of this rule also shall specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that the hazardous waste matches the identity of the waste designated on the accompanying manifest or shipping paper.	3734.12	state required, federal required	40 CFR 264.13 (c)	yes	both	no
3745-54-13	(C)	shall	At a minimum, the plan shall describe:	3734.12	state required, federal required	40 CFR 264.13 (c)	yes	both	no
3745-54-13	ending [Comment 1]	shall	The waste analysis plan shall be submitted with "Part B" of the permit application.	3734.12	state required, federal required	40 CFR 264.13 [Comment]	yes	both	no
3745-54-15	(A)	shall	The owner or operator shall inspect the facility for malfunctions and deterioration, operator errors, and discharges which may be causing or may lead to either:	3734.12	state required, federal required	40 CFR 264.15 (a)	yes	both	no
3745-54-15	(A)(2)	shall	The owner or operator shall conduct these inspections with such regularity as to be able to identify problems in time to correct them before such problems harm human health or the environment.	3734.12	state required, federal required	40 CFR 264.15 (a)(2)	yes	both	no
3745-54-15	(B)(1)	shall	The owner or operator shall develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.	3734.12	state required, federal required	40 CFR 264.15 (b)(1)	yes	both	no
3745-54-15	(B)(2)	shall	The owner or operator shall keep this schedule at the facility.	3734.12	state required, federal required	40 CFR 264.15 (b)(2)	yes	both	no
3745-54-15	(B)(3)	shall	The schedule shall identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, and other such problems).	3734.12	state required, federal required	40 CFR 264.15 (b)(3)	yes	both	no
3745-54-15	(B)(4)	shall	Areas subject to spills, such as loading or unloading areas, shall be inspected daily when in use.	3734.12	state required, federal required	40 CFR 264.15 (b)(4)	yes	both	no
3745-54-15	(B)(4)	shall	At a minimum, the inspection schedule shall include the terms and frequencies called for in rules 3745-55-74, 3745-55-93, 3745-55-95, 3745-56-26, 3745-56-54, 3745-56-78, 3745-57-05, 3745-57-47, and 3745-57-92 of the Administrative Code, where applicable.	3734.12	state required, federal required	40 CFR 264.15 (b)(4)	yes	both	no
3745-54-15	(B)(4)[Comment t]	require	Rules 3745-50-40 to 3745-50-235 of the Administrative Code require the inspection schedule to be submitted with "Part B" of the permit application.	3734.12	state required, federal required	40 CFR 264.15 formerly @ (b)[Comment]	yes	both	no
3745-54-15	(C)	shall	The owner or operator shall remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard.	3734.12	state required, federal required	40 CFR 264.15 (c)	yes	both	no
3745-54-15	(C)	shall	Where a hazard is imminent or has already occurred, remedial action shall be taken immediately.	3734.12	state required, federal required	40 CFR 264.15 (c)	yes	both	no
3745-54-15	(D)	shall	The owner or operator shall record inspections in an inspection log or summary.	3734.12	state required, federal required	40 CFR 264.15 (d)	yes	both	no
3745-54-15	(D)	shall	The owner or operator shall keep these records for at least three years after the date of inspection.	3734.12	state required, federal required	40 CFR 264.15 (d)	yes	both	no

3745-54-15	(D)	shall	At a minimum, these records shall include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.	3734.12	state required, federal required	40 CFR 264.15 (d)	yes	both	no
3745-54-16	(A)(1)	shall	Facility personnel shall successfully complete a program of classroom instruction or on-the-job training that teaches facility personnel to perform facility personnel's duties in a way that ensures the facility's compliance with Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.16 (a)(1)	yes	both	no
3745-54-16	(A)(1)	shall	The owner or operator shall ensure that this training program includes all the elements described in the document required under paragraph (D)(3) of this rule.	3734.12	state required, federal required	40 CFR 264.16 (a)(1)	yes	both	no
3745-54-16	(A)(1)	required	The owner or operator shall ensure that this training program includes all the elements described in the document required under paragraph (D)(3) of this rule.	3734.12	state required, federal required	40 CFR 264.16 (a)(1)	yes	both	no
3745-54-16	(A)(1)[Comment]	require	Rules 3745-50-40 to 3745-50-235 of the Administrative Code require that owners and operators submit, with "Part B" of the permit application, an outline of the training program used (or to be used) at the facility and a brief description of how the training program is designed to meet actual job tasks.	3734.12	state required, federal required	40 CFR 264.16 (a)(1)[Comment]	yes	both	no
3745-54-16	(A)(2)	shall	This training program shall be directed by a person trained in hazardous waste management procedures, and shall include instruction which teaches facility personnel hazardous waste management procedures, including contingency plan implementation, relevant to the positions in which facility personnel are employed.	3734.12	state required, federal required	40 CFR 264.16 (a)(2)	yes	both	no
3745-54-16	(A)(2)	shall	This training program shall be directed by a person trained in hazardous waste management procedures, and shall include instruction which teaches facility personnel hazardous waste management procedures, including contingency plan implementation, relevant to the positions in which facility personnel are employed.	3734.12	state required, federal required	40 CFR 264.16 (a)(2)	yes	both	no
3745-54-16	(A)(3)	shall	At a minimum, the training program shall be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing facility personnel with emergency procedures, emergency equipment, and emergency systems, including, where applicable:	3734.12	state required, federal required	40 CFR 264.16 (a)(3)	yes	both	no
3745-54-16	(A)(4)	not required	For facility employees who receive emergency response training pursuant to "Occupational Safety and Health Administration" (OSHA) regulations 29 CFR 1910.120(p)(8) and 29 CFR 1910.120(q), the facility is not required to provide separate emergency response training pursuant to this rule, provided that the overall facility training meets all the requirements of this rule.	3734.12	state required, federal required	40 CFR 264.16 (a)(4)	yes	both	no
3745-54-16	(B)	shall	Facility personnel shall successfully complete the training program required in paragraph (A) of this rule within six months after April 15, 1981 or six months after the date of employment or assignment to a facility, or to a new position at a facility, whichever is later.	3734.12	state required, federal required	40 CFR 264.16 (b)	yes	both	no
3745-54-16	(B)	required	Facility personnel shall successfully complete the training program required in paragraph (A) of this rule within six months after April 15, 1981 or six months after the date of employment or assignment to a facility, or to a new position at a facility, whichever is later.	3734.12	state required, federal required	40 CFR 264.16 (b)	yes	both	no
3745-54-16	(B)	shall not	Employees hired after April 15, 1981 shall not work in unsupervised positions until such employees have completed the training requirements of paragraph (A) of this rule.	3734.12	state required, federal required	40 CFR 264.16 (b)	yes	both	no
3745-54-16	(C)	shall	Facility personnel shall take part in an annual review of the initial training required in paragraph (A) of this rule during each period from January first to December thirty-first.	3734.12	state required, federal required	40 CFR 264.16 (c)	yes	both	no
3745-54-16	(C)	required	Facility personnel shall take part in an annual review of the initial training required in paragraph (A) of this rule during each period from January first to December thirty-first.	3734.12	state required, federal required	40 CFR 264.16 (c)	yes	both	no
3745-54-16	(C)	shall	The review shall occur within fifteen months after the previous review.	3734.12	rule is state required, federal required but not this sentence	not federal language	yes	no	no
3745-54-16	(D)	shall	The owner or operator shall maintain the following documents and records at the facility:	3734.12	state required, federal required	40 CFR 264.16 (d)	yes	both	no

3745-54-16	(D)(2)	shall	This description may be consistent in the degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but shall include the requisite skill, education, or other qualifications, and duties of employees assigned to each position.	3734.12	state required, federal required	40 CFR 264.16 (d)(2)	yes	both	no
3745-54-16	(D)(4)	required	Records that document that the training or job experience required under paragraphs (A), (B), and (C) of this rule has been given to, and completed by, facility personnel.	3734.12	state required, federal required	40 CFR 264.16 (d)(4)	yes	both	no
3745-54-16	(E)	shall	Training records on current personnel shall be kept until closure of the facility.	3734.12	state required, federal required	40 CFR 264.16 (e)	yes	both	no
3745-54-16	(E)	shall	Training records on former employees shall be kept for at least three years from the date the employee last worked at the facility.	3734.12	state required, federal required	40 CFR 264.16 (e)	yes	both	no
3745-54-18	(A)(1)	shall not	Portions of new facilities where treatment, storage, or disposal of hazardous waste will be conducted shall not be located within sixty-one meters (two hundred feet) of a fault which has had displacement in Holocene time.	3734.12	state required, federal required	40 CFR 264.18 (a)(1)	yes	both	no
3745-54-18	(B)(1)	shall	A facility located in a one-hundred-year floodplain shall 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:	3734.12	state required, federal required	40 CFR 264.18 (b)(1)	yes	both	no
3745-54-18	(B)(1)(b)(iv)[Comment]	shall	The location where wastes are moved shall 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 3745-50-235 and Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.18 (b)(1)(ii)(D)[Comment]	yes	both	no
3745-54-18	(C)	prohibited	The placement of any noncontainerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine, or cave is prohibited.	3734.12	state required, federal required	40 CFR 264.18 (c)	yes	both	no
3745-54-53	intro	shall	A copy of the contingency plan and all revisions to the plan shall be both:	3734.12	state required, federal required	40 CFR 264.53 intro	yes	both	no
3745-54-53	[Comment]	shall	A copy of the contingency plan shall be submitted as part of "Part B" permit application pursuant to rule 3745-50-44 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.53 [Comment]	yes	not necessarily	no
3745-54-53	[Comment]	shall	If the contingency plan is revised, that constitutes a permit modification pursuant to rule 3745-50-51 of the Administrative Code, and the revised contingency plan shall be submitted to Ohio EPA in the permit modification process, and shall be maintained and submitted as required by this rule.]	3734.12	state required, federal required	40 CFR 264.53 [Comment]	yes	not necessarily	no
3745-54-53	[Comment]	shall	If the contingency plan is revised, that constitutes a permit modification pursuant to rule 3745-50-51 of the Administrative Code, and the revised contingency plan shall be submitted to Ohio EPA in the permit modification process, and shall be maintained and submitted as required by this rule.	3734.12	state required, federal required	40 CFR 264.53 [Comment]	yes	not necessarily	no
3745-54-53	[Comment]	required	If the contingency plan is revised, that constitutes a permit modification pursuant to rule 3745-50-51 of the Administrative Code, and the revised contingency plan shall be submitted to Ohio EPA in the permit modification process, and shall be maintained and submitted as required by this rule.	3734.12	state required, federal required	40 CFR 264.53 [Comment]	yes	not necessarily	no
3745-54-54	(A)	shall	The contingency plan shall be reviewed, and immediately amended if necessary, whenever any of the following:	3734.12	state required, federal required	40 CFR 264.54 intro	yes	both	no

3745-54-54	(A)(6)	required	Required by the director.	3734.12	rule is state required, federal required, but not this provision	not in fed rule	yes	no	no
3745-54-56	(A)	shall	Whenever there is an imminent or actual emergency situation, the emergency coordinator, or the emergency coordinator's designee when the emergency coordinator is on call, shall immediately:	3734.12	state required, federal required	40 CFR 264.56 (a)	yes	both	no
3745-54-56	(B)	shall	Whenever there is a release, fire, or explosion, the emergency coordinator shall immediately identify the character, exact source, amount, and areal extent of any released materials.	3734.12	state required, federal required	40 CFR 264.56 (b)	yes	both	no
3745-54-56	(C)	shall	In addition to the requirements in paragraphs (A) and (B) of this rule, the emergency coordinator shall assess possible hazards to human health or the environment that may result from the release, fire, or explosion.	3734.12	state required, federal required	40 CFR 264.56 (c)	yes	both	no
3745-54-56	(C)	shall	This assessment shall consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-off from water or chemical agents used to control fire and heat-induced explosions).	3734.12	state required, federal required	40 CFR 264.56 (c)	yes	both	no
3745-54-56	(D)(1)	shall	If the emergency coordinator's assessment indicates that evacuation of local areas may be advisable, the emergency coordinator shall immediately notify appropriate local authorities, and shall be available to help appropriate officials decide whether local areas should be evacuated.	3734.12	state required, federal required	40 CFR 264.56 (d)(1)	yes	both	no
3745-54-56	(D)(1)	shall	If the emergency coordinator's assessment indicates that evacuation of local areas may be advisable, the emergency coordinator shall immediately notify appropriate local authorities, and shall be available to help appropriate officials decide whether local areas should be evacuated.	3734.12	state required, federal required	40 CFR 264.56 (d)(1)	yes	both	no
3745-54-56	(D)(2)	shall	The emergency coordinator shall immediately notify the Ohio EPA "Emergency Response Unit" at 800/282-9378.	3734.12	state required, federal required	40 CFR 264.56 (d)(2)	yes	both	no
3745-54-56	(D)(2)	shall	The notification shall include all of the following:	3734.12	state required, federal required	40 CFR 264.56 (d)(2)	yes	both	no
3745-54-56	(E)	shall	During an emergency, the emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility.	3734.12	state required, federal required	40 CFR 264.56 (e)	yes	both	no
3745-54-56	(E)	shall	These measures shall include, where applicable, stopping processes and operations, collecting and containing release waste, and removing or isolating containers.	3734.12	state required, federal required	40 CFR 264.56 (e)	yes	both	no
3745-54-56	(F)	shall	If the facility stops operations in response to a fire, explosion, or release, the emergency coordinator shall monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.	3734.12	state required, federal required	40 CFR 264.56 (f)	yes	both	no
3745-54-56	(G)	shall	Immediately after an emergency, the emergency coordinator shall provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.	3734.12	state required, federal required	40 CFR 264.56 (g)	yes	both	no
3745-54-56	(G)[Comment]	shall	Unless the owner or operator can demonstrate, in accordance with paragraph (C) or (D) of rule 3745-51-03 of the Administrative Code, that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage such waste in accordance with all applicable requirements of Chapters 3745-52, 3745-53, 3745-54 to 3745-57, and 3745-205 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.56 (g)[Comment]	yes	both	no
3745-54-56	(H)	shall	The emergency coordinator shall ensure that in the affected areas of the facility:	3734.12	state required, federal required	40 CFR 264.56 (h)	yes	both	no
3745-54-56	(I)	shall	The owner or operator shall note in the operating record the time, date, and details of any incident that requires the contingency plan to be implemented.	3734.12	state required, federal required	40 CFR 264.56 (i)	yes	both	no
3745-54-56	(I)	requires	The owner or operator shall note in the operating record the time, date, and details of any incident that requires the contingency plan to be implemented.	3734.12	state required, federal required	40 CFR 264.56 (i)	yes	both	no
3745-54-56	(I)	shall	Within fifteen days after the incident, the owner or operator shall submit a written report on the incident to the director.	3734.12	state required, federal required	40 CFR 264.56 (i)	yes	both	no

3745-54-56	(I)	shall	The report shall include all of the following:	3734.12	state required, federal required	40 CFR 264.56 (i)	yes	both	no
3745-54-71	(A)(1)	shall	If a facility receives hazardous waste accompanied by a manifest, the owner or operator or the owner's or operator's agent shall sign and date the manifest, as indicated in paragraphs (A)(2) to (A)(2)(e) of this rule, to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the discrepancy space of the manifest.	3734.12	state required, federal required	40 CFR 264.71 (a)(1)	yes	both	no
3745-54-71	(A)(2)	shall	If a facility receives a hazardous waste shipment accompanied by a manifest, the owner or operator or the owner's or operator's agent shall do all of the following:	3734.12	state required, federal required	40 CFR 264.71 (a)(2)	yes	both	no
3745-54-71	(A)(2)(b)[Comment]	shall	It is not the intent of Ohio EPA that the owner or operator of a facility whose procedures under paragraph (C) of rule 3745-54-13 of the Administrative Code include waste analysis shall perform that analysis before signing the manifest and giving the manifest to the transporter.	3734.12	rule is state required, federal required, but not this [Comment]	not in federal rule	yes	no	no
3745-54-71	(A)(2)(b)[Comment]	requires	Paragraph (B) of rule 3745-54-72 of the Administrative Code, however, requires reporting an unreconciled discrepancy discovered during later analysis.	3734.12	rule is state required, federal required, but not this [Comment]	not in federal rule	yes	both	no
3745-54-71	(A)(3)	shall	If a facility receives hazardous waste imported from a foreign source, the receiving facility shall mail a copy of the manifest and documentation confirming U.S. EPA's consent to the import of hazardous waste to the following address within thirty days after delivery: "Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), United States Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC" 20460.	3734.12	state required, federal required	40 CFR 264.71 formerly in (a)(3)	yes	both	no
3745-54-71	(B)	required	If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest, excluding the U.S. EPA identification numbers, generator's certification, and signatures, the owner or operator, or the owner's or operator's agent, shall do all of the following:	3734.12	state required, federal required	40 CFR 264.71 (b)	yes	both	no
3745-54-71	(B)	shall	If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest, excluding the U.S. EPA identification numbers, generator's certification, and signatures, the owner or operator, or the owner's or operator's agent, shall do all of the following:	3734.12	state required, federal required	40 CFR 264.71 (b)	yes	both	no
3745-54-71	(B)(2)[Comment]	shall	It is not the intent of Ohio EPA that the owner or operator of a facility whose procedures under paragraph (C) of rule 3745-54-13 of the Administrative Code include waste analysis shall perform that analysis before signing the shipping paper and giving the shipping paper to the transporter.	3734.12	state required, federal required	40 CFR 264.71 (b)(2)[Comment]	yes	both	no
3745-54-71	(B)(2)[Comment]	requires	Paragraph (B) of rule 3745-54-72 of the Administrative Code, however, requires reporting an unreconciled discrepancy discovered during later analysis.]	3734.12	state required, federal required	40 CFR 264.71 (b)(2)[Comment]	yes	both	no
3745-54-71	(B)(4)[Comment]	requires	Paragraph (C) of rule 3745-52-23 of the Administrative Code requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).	3734.12	state required, federal required	40 CFR 264.71 (b)(4)[Comment]	yes	both	no
3745-54-71	(C)	shall	Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility shall comply with Chapter 3745-52 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.71 (c)	yes	both	no
3745-54-71	(D)	shall	Within three working days after the receipt of a shipment subject to 40 CFR Part 262 subpart H, the owner or operator of a facility shall provide a copy of the movement document bearing all required signatures to the exporter, to the "Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), United States Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC" 20460, and to competent authorities of all other concerned countries.	3734.12	state required, federal required	40 CFR 264.71 (d)	yes	both	no

3745-54-71	(D)	required	Within three working days after the receipt of a shipment subject to 40 CFR Part 262 subpart H, the owner or operator of a facility shall provide a copy of the movement document bearing all required signatures to the exporter, to the "Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), United States Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC" 20460, and to competent authorities of all other concerned countries.	3734.12	state required, federal required	40 CFR 264.71 (d)	yes	both	no
3745-54-71	(D)	shall	The original signed copy of the movement document shall be maintained at the facility for at least three years after the date of signature.	3734.12	state required, federal required	40 CFR 264.71 (d)	yes	both	no
3745-54-71	(E)	shall	A facility shall determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated by U.S. EPA) as hazardous wastes under the consignment state's hazardous waste program.	3734.12	state required, federal required	40 CFR 264.71 (e)	yes	both	no
3745-54-71	(E)	shall	Facilities shall also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states.	3734.12	state required, federal required	40 CFR 264.71 (e)	yes	both	no
3745-54-71	(E)	requires	Facilities shall also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states.	3734.12	state required, federal required	40 CFR 264.71 (e)	yes	both	no
3745-54-73	(A)	shall	The owner or operator shall keep a written operating record at the facility.	3734.12	state required, federal required	40 CFR 264.73 (a)	yes	both	no
3745-54-73	(B)	shall	The following information shall be recorded, as it becomes available, and maintained in the operating record for three years unless noted as follows:	3734.12	state required, federal required	40 CFR 264.73 (b)	yes	both	no
3745-54-73	(B)(1)	required	A description and the quantity of each hazardous waste received, and the methods and dates of its treatment, storage, or disposal at the facility as required by the appendix to this rule.	3734.12	state required, federal required	40 CFR 264.73 (b)(1)	yes	both	no
3745-54-73	(B)(1)	shall	This information shall be maintained in the operating record until closure of the facility.	3734.12	state required, federal required	40 CFR 264.73 (b)(1)	yes	both	no
3745-54-73	(B)(2)	shall	For disposal facilities, the location and quantity of each hazardous waste shall be recorded on a map or diagram that shows each cell or disposal area.	3734.12	state required, federal required	40 CFR 264.73 (b)(2)	yes	both	no
3745-54-73	(B)(2)	shall	For all facilities, this information shall include cross references to manifest document numbers if the waste was accompanied by a manifest.	3734.12	state required, federal required	40 CFR 264.73 (b)(2)	yes	both	no
3745-54-73	(B)(2)	shall	This information shall be maintained in the operating record until closure of the facility.	3734.12	state required, federal required	40 CFR 264.73 (b)(2)	yes	both	no
3745-54-73	(B)(4)	require	Summary reports and details of all incidents that require implementation of the contingency plan as specified in paragraph (I) of rule 3745-54-56 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.73 (b)(4)	yes	both	no
3745-54-73	(B)(5)	required	Records and results of inspections as required by paragraph (D) of rule 3745-54-15 of the Administrative Code, except these data need be kept only three years.	3734.12	state required, federal required	40 CFR 264.73 (b)(5)	yes	both	no
3745-54-73	(B)(6)	required	Monitoring, testing or analytical data, and corrective action where required by rules 3745-54-19, 3745-54-90 to 3745-54-101, 3745-55-91, 3745-55-93, 3745-55-95, 3745-56-22, 3745-56-23, 3745-56-26, 3745-56-52 to 3745-56-54, 3745-56-76, 3745-56-78, 3745-56-80, 3745-57-04 to 3745-57-06, 3745-57-09, and 3745-57-92 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.73 (b)(6)	yes	both	no
3745-54-73	(B)(6)	shall	Maintain in the operating record for three years, except for records and results pertaining to ground water monitoring and cleanup which shall be maintained in the operating record until closure of the facility.	3734.12	state required, federal required	40 CFR 264.73 (b)(6)	yes	both	no
3745-54-73	(B)(8)	shall	This information shall be maintained in the operating record until closure of the facility.	3734.12	state required, federal required	40 CFR 264.73 (b)(8)	yes	both	no
3745-54-73	(B)(10)	required	Records of the quantities and date of placement for each shipment of hazardous waste placed in land disposal units under an extension to the effective date of any land disposal restriction granted pursuant to rule 3745-270-05 of the Administrative Code, a petition pursuant to rule 3745-270-06 of the Administrative Code, and the applicable notice required by a generator under paragraph (A) of rule 3745-270-07 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.73 (b)(10)	yes	both	no
3745-54-73	(B)(10)	shall	This information shall be maintained in the operating record until closure of the facility.	3734.12	state required, federal required	40 CFR 264.73 (b)(10)	yes	both	no

3745-54-73	(B)(11)	required	For an off-site treatment facility, a copy of the notice required by the generator or the owner or operator under rule 3745-270-07 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.73 (b)(11)	yes	both	no
3745-54-73	(B)(12)	required	For an on-site treatment facility, the information contained in the notice (except the manifest number) required by the generator or the owner or operator under rule 3745-270-07 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.73 (b)(12)	yes	both	no
3745-54-73	(B)(13)	required	For an off-site land disposal facility a copy of the notice required by the generator or the owner or operator of a treatment facility under rule 3745-270-07 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.73 (b)(13)	yes	both	no
3745-54-73	(B)(14)	required	For an on-site land disposal facility, the information contained in the notice required by the generator or the owner or operator of a treatment facility under rule 3745-270-07 of the Administrative Code, except for the manifest number.	3734.12	state required, federal required	40 CFR 264.73 (b)(14)	yes	both	no
3745-54-73	(B)(15)	required	For an off-site storage facility, a copy of the notice required by the generator or the owner or operator under rule 3745-270-07 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.73 (b)(15)	yes	both	no
3745-54-73	(B)(16)	required	For an on-site storage facility, the information contained in the notice (except the manifest number) required by the generator or the owner or operator under rule 3745-270-07 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.73 (b)(16)	yes	both	no
3745-54-73	(B)(17)	required	Any records required under paragraph (J)(13) of rule 3745-54-01 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.73 (b)(17)	yes	both	no
3745-54-73	(B)(18)	required	Monitoring, testing or any analytical data where required by rule 3745-57-47 of the Administrative Code shall be maintained in the operating record for five years.	3734.12	state required, federal required	40 CFR 264.73 (b)(18)	yes	both	no
3745-54-73	(B)(18)	shall	Monitoring, testing or any analytical data where required by rule 3745-57-47 of the Administrative Code shall be maintained in the operating record for five years.	3734.12	state required, federal required	40 CFR 264.73 (b)(18)	yes	both	no
3745-54-73	(B)(19)	required	Certifications as required by paragraph (F) of rule 3745-55-96 of the Administrative Code shall be maintained in the operating record until closure of the facility.	3734.12	state required, federal required	40 CFR 264.73 (b)(19)	yes	both	no
3745-54-73	(B)(19)	shall	Certifications as required by paragraph (F) of rule 3745-55-96 of the Administrative Code shall be maintained in the operating record until closure of the facility.	3734.12	state required, federal required	40 CFR 264.73 (b)(19)	yes	both	no
3745-54-73	appendix, intro	shall	The recordkeeping provisions of rule 3745-54-73 of the Administrative Code specify that an owner or operator shall keep a written operating record at the facility.	3734.12	state required, federal required	40 CFR Part 264 appendix 1	yes	both	no
3745-54-73	appendix, intro	shall	The following information shall be recorded, as the information becomes available, and maintained in the operating record until closure of the facility in the following manner:	3734.12	state required, federal required	40 CFR Part 264 appendix 1	yes	both	no
3745-54-73	appendix @ (1)	shall	The waste description also shall include the waste's physical form, i.e., liquid, sludge, solid, or contained gas.	3734.12	state required, federal required	40 CFR Part 264 appendix 1	yes	both	no
3745-54-73	appendix @ (1)	shall	If the waste is not listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code, the description also shall include the process that produced the waste (for example, solid filter cake from production of EPA hazardous waste number W051).	3734.12	state required, federal required	40 CFR Part 264 appendix 1	yes	both	no
3745-54-73	appendix @ (1)	shall	This number shall be used for recordkeeping and reporting purposes.	3734.12	state required, federal required	40 CFR Part 264 appendix 1	yes	both	no
3745-54-73	appendix @ (1)	shall	Where a hazardous waste contains more than one listed hazardous waste, or where more than one hazardous waste characteristic applies to the waste, the waste description shall include all applicable EPA hazardous waste numbers.	3734.12	state required, federal required	40 CFR Part 264 appendix 1	yes	both	no
3745-54-77	intro	shall	In addition to submitting the biennial report and unmanifested waste report described in rules 3745-54-75 and 3745-54-76 of the Administrative Code, the owner or operator also shall report to the director all of the following:	3734.12	state required, federal required	40 CFR 264.77 intro	yes	both	no
3745-54-77	intro	requires	As otherwise required by rules 3745-54-90 to 3745-54-101, 3745-56-20 to 3745-56-31, 3745-56-50 to 3745-56-59, 3745-56-70 to 3745-56-83, and 3745-57-02 to 3745-57-17 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.77 (c)	yes	both	no
3745-54-93	(B)	shall	In deciding whether to grant an exemption, the director shall consider the following:	3734.12	state required, federal required	40 CFR 264.93 (b)	yes	both	yes, director

3745-54-94	(A)	shall	The facility permit shall specify the concentration limits in the ground water for hazardous constituents established under rule 3745-54-93 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.94 (a)	yes	both	no
3745-54-94	(A)	shall	The concentration of a hazardous constituent shall meet one or more of the following:	3734.12	state required, federal required	40 CFR 264.94 (a)	yes	both	no
3745-54-94	(A)(1)	shall not	Shall not exceed the background level of that constituent in the ground water at the time that limit is specified in the permit.	3734.12	state required, federal required	40 CFR 264.94 (a)(1)	yes	both	no
3745-54-94	(A)(2)	shall not	For any of the constituents listed in the table in this rule, the concentration of the constituent shall not exceed the respective value given in the table in this rule if the background level of the constituent is below the value given in the table in this rule.	3734.12	state required, federal required	40 CFR 264.94 (a)(2)	yes	both	no
3745-54-94	(A)(3)	shall not	Shall not exceed an alternate limit established in the permit under paragraph (B) of this rule.	3734.12	state required, federal required	40 CFR 264.94 (a)(3)	yes	both	no
3745-54-94	(B)	shall	If approved by the director, an alternate concentration limit may be established for a hazardous constituent if it is found that the constituent shall not pose a substantial present or potential hazard to human health or the environment as long as the alternate concentration limit is not exceeded.	3734.12	state required, federal required	40 CFR 264.94 (b)	yes	both	no
3745-54-94	(B)	shall	The director shall consider the following factors when making a determination on the alternate concentration limit:	3734.12	state required, federal required	40 CFR 264.94 (b)	yes	both	yes, director

OAC Rule #	Paragraph	Restriction	Description/Quotation	Statutory Authority	State or Fed Law?	If Fed, crosswalk?	Federally delegated program?	Removal would require state or federal law change?	Requirement on the agency or director?
3745-55-18	(A)	shall	The owner or operator of a hazardous waste disposal unit shall have a written post closure plan.	3734.12	state required, federal required	40 CFR 264.118 (a)	yes	both	no
3745-55-18	(A)	required	In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous wastes at partial or final closure are required by paragraph (C)(2) of rule 3745-56-28 and paragraph (C)(1) of rule 3745-56-58 of the Administrative Code to have contingent post closure plans.	3734.12	state required, federal required	40 CFR 264.118 (a)	yes	both	no
3745-55-18	(A)	required	Owners or operators of surface impoundments and waste piles not otherwise required to prepare contingent post closure plans under paragraph (C)(2) of rule 3745-56-28 and paragraph (C)(1) of rule 3745-56-58 of the Administrative Code shall submit a post closure plan to the director within ninety days after the date that the owner or operator or director determines that the hazardous waste management unit shall be closed as a landfill, subject to rules 3745-55-17 to 3745-55-20 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.118 (a)	yes	both	no
3745-55-18	(A)	shall	Owners or operators of surface impoundments and waste piles not otherwise required to prepare contingent post closure plans under paragraph (C)(2) of rule 3745-56-28 and paragraph (C)(1) of rule 3745 56 58 of the Administrative Code shall submit a post closure plan to the director within ninety days after the date that the owner or operator or director determines that the hazardous waste management unit shall be closed as a landfill, subject to rules 3745-55-17 to 3745-55-20 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.118 (a)	yes	both	no
3745-55-18	(A)	shall	Owners or operators of surface impoundments and waste piles not otherwise required to prepare contingent post closure plans under paragraph (C)(2) of rule 3745-56-28 and paragraph (C)(1) of rule 3745-56-58 of the Administrative Code shall submit a post closure plan to the director within ninety days after the date that the owner or operator or director determines that the hazardous waste management unit shall be closed as a landfill, subject to rules 3745-55-17 to 3745-55-20 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.118 (a)	yes	both	no
3745-55-18	(A)	shall	The post-closure plan shall be submitted with the permit application, in accordance with paragraph (A)(13) of rule 3745-50-44 of the Administrative Code, and approved by the director as part of the permit issuance procedures under rules 3745-50-40 to 3745-50-235 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.118 (a)	yes	both	no
3745-55-18	(B)	shall	For each hazardous waste management unit subject to this rule, the post closure plan shall identify the activities that will be carried on after closure of each disposal unit and the frequency of these activities, and shall include at least:	3734.12	state required, federal required	40 CFR 264.118 (b)	yes	both	no
3745-55-18	(B)	shall	For each hazardous waste management unit subject to this rule, the post closure plan shall identify the activities that will be carried on after closure of each disposal unit and the frequency of these activities, and shall include at least:	3734.12	state required, federal required	40 CFR 264.118 (b)	yes	both	no
3745-55-18	(C)	shall	Until final closure of the facility, a copy of the approved post closure plan shall be furnished to the director upon request, including request by mail.	3734.12	state required, federal required	40 CFR 264.118 (c)	yes	both	no
3745-55-18	(C)	shall	After final closure has been certified, the person or office specified in paragraph (B)(3) of this rule shall keep the approved post closure plan during the remainder of the post closure period.	3734.12	state required, federal required	40 CFR 264.118 (c)	yes	both	no
3745-55-18	(D)	shall	The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in the approved post closure plan in accordance with the applicable requirements of rules 3745-50-40 to 3745-50-235 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.118 (d)	yes	both	no
3745-55-18	(D)	shall	The written notification or request shall include a copy of the amended post closure plan for review or approval by the director.	3734.12	state required, federal required	40 CFR 264.118 (d)	yes	both	no
3745-55-18	(D)(2)	shall	The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in the approved post closure plan whenever any of these occur:	3734.12	state required, federal required	40 CFR 264.118 (d)(2)	yes	both	no

3745-55-18	(D)(3)	shall	The owner or operator shall submit a written request for a permit modification at least sixty days prior to the proposed change in facility design or operation, or no later than sixty days after an unexpected event has occurred which has affected the post closure plan.	3734.12	state required, federal required	40 CFR 264.118 (d)(3)	yes	both	no
3745-55-18	(D)(3)	required	An owner or operator of a surface impoundment or waste pile who intends to remove all hazardous waste at closure and is not otherwise required to submit a contingent post closure plan under paragraph (C)(2) of rule 3745-56-28 and paragraph (C)(1) of rule 3745-56-58 of the Administrative Code shall submit a post closure plan to the director no later than ninety days after the date that the owner or operator or director determines that the hazardous waste management unit shall be closed as a landfill, subject to rule 3745-57-10 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.118 (d)(3)	yes	both	no
3745-55-18	(D)(3)	shall	An owner or operator of a surface impoundment or waste pile who intends to remove all hazardous waste at closure and is not otherwise required to submit a contingent post closure plan under paragraph (C)(2) of rule 3745-56-28 and paragraph (C)(1) of rule 3745-56-58 of the Administrative Code shall submit a post closure plan to the director no later than ninety days after the date that the owner or operator or director determines that the hazardous waste management unit shall be closed as a landfill, subject to rule 3745-57-10 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.118 (d)(3)	yes	both	no
3745-55-18	(D)(3)	shall	An owner or operator of a surface impoundment or waste pile who intends to remove all hazardous waste at closure and is not otherwise required to submit a contingent post closure plan under paragraph (C)(2) of rule 3745-56-28 and paragraph (C)(1) of rule 3745-56-58 of the Administrative Code shall submit a post closure plan to the director no later than ninety days after the date that the owner or operator or director determines that the hazardous waste management unit shall be closed as a landfill, subject to rule 3745-57-10 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.118 (d)(3)	yes	both	no
3745-55-18	(D)(4)	shall	The owner or operator shall submit the modified post-closure plan no later than sixty days after the director's request, or no later than ninety days after the director's request if the unit is a surface impoundment or waste pile not previously required to prepare a contingent post closure plan.	3734.12	state required, federal required	40 CFR 264.118 (d)(4)	yes	both	no
3745-55-18	(D)(4)	required	The owner or operator shall submit the modified post-closure plan no later than sixty days after the director's request, or no later than ninety days after the director's request if the unit is a surface impoundment or waste pile not previously required to prepare a contingent post closure plan.	3734.12	state required, federal required	40 CFR 264.118 (d)(4)	yes	both	no
3745-55-42	(A)	shall	The owner or operator shall have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with rules 3745-55-11 to 3745-55-15 of the Administrative Code and applicable closure requirements in rules 3745-55-78, 3745-55-97, 3745-56-28, 3745-56-58, 3745-56-80, 3745-57-10, 3745-57-51, 3745-57-91 to 3745-57-93, and 3745-205-102 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.142 (a)	yes	both	no
3745-55-42	(A)(1)	shall	The closure cost estimate shall equal the cost of final closure at the point in the facility's active life when the extent and manner of the facility's operation would make closure the most expensive, as indicated by the facility's closure plan [see paragraph (B) of rule 3745-55-12 of the Administrative Code].	3734.12	state required, federal required	40 CFR 264.142 (a)(1)	yes	both	no
3745-55-42	(A)(2)	shall	The closure cost estimate shall be based on the costs to the owner or operator of hiring a third party to close the facility.	3734.12	state required, federal required	40 CFR 264.142 (a)(2)	yes	both	no
3745-55-42	(A)(3)	may not	The closure cost estimate may not incorporate any salvage value that may be realized with the sale of hazardous wastes, or nonhazardous wastes if applicable under paragraph (D) of rule 3745-55-13 of the Administrative Code, facility structures or equipment, land, or other assets associated with the facility at the time of partial or final closure.	3734.12	state required, federal required	40 CFR 264.142 (a)(3)	yes	both	no
3745-55-42	(A)(4)	may not	The owner or operator may not incorporate a zero cost for hazardous wastes, or nonhazardous wastes if applicable under paragraph (D) of rule 3745-55-13 of the Administrative Code, that might have economic value.	3734.12	state required, federal required	40 CFR 264.142 (a)(4)	yes	both	no

3745-55-42	(B)	shall	During the active life of the facility, the owner or operator shall adjust the closure cost estimate for inflation within sixty days prior to the anniversary date of the establishment of the financial instruments used to comply with rule 3745-55-43 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.142 (b)	yes	both	no
3745-55-42	(B)	shall	For owners and operators using the financial test or corporate guarantee, the closure cost estimate shall be updated for inflation within thirty days after the close of the owner or operator's fiscal year and before submittal of updated information to the director as specified in paragraph (F)(3) of rule 3745-55-43 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.142 (b)	yes	both	no
3745-55-42	(C)	shall	During the active life of the facility, the owner or operator shall revise the closure cost estimate no later than thirty days after the director has approved the request to modify the closure plan, if the change in the closure plan increases the cost of closure.	3734.12	state required, federal required	40 CFR 264.142 (c)	yes	both	no
3745-55-42	(C)	shall	The revised closure cost estimate shall be adjusted for inflation as specified in paragraph (B) of this rule.	3734.12	state required, federal required	40 CFR 264.142 (c)	yes	both	no
3745-55-42	(D)	shall	The owner or operator shall keep the following at the facility during the operating life of the facility: the latest closure cost estimate prepared in accordance with paragraphs (A) and (C) of this rule and, when this estimate has been adjusted in accordance with paragraph (B) of this rule, the latest adjusted closure cost estimate.	3734.12	state required, federal required	40 CFR 264.142 (d)	yes	both	no
3745-55-42	(E)	shall	A copy of the facility's current, detailed closure cost estimate prepared and maintained in accordance with paragraphs (A) and (B) of this rule shall be submitted annually to the director.	3734.12	state required, federal required, but not this provision	none	yes		no
3745-55-42	(E)(1)	shall	For owners or operators using a financial mechanism other than the financial test, such submittal of the closure cost estimate to the director shall be made within sixty days following a revision or update to the estimate made in accordance with paragraph (B) of this rule.	3734.12	state required, federal required, but not this provision	none	yes		no
3745-55-42	(E)(2)	shall	For owners or operators using a financial test, such submittal of the closure cost estimate to the director shall be made within ninety days after the close of the firm's fiscal year following a revision or update to the estimate made in accordance with paragraph (B) of this rule.	3734.12	state required, federal required, but not this provision	none	yes		no
3745-55-43	intro	shall	An owner or operator of each facility shall establish financial assurance for closure of the facility.	3734.12	state required, federal required	40 CFR 264.143 intro	yes	both	no
3745-55-43	intro	shall	The owner or operator shall choose from among the following options:	3734.12	state required, federal required	40 CFR 264.143 intro	yes	both	no
3745-55-43	(A)(1)	shall	An owner or operator of a new facility shall send the originally signed duplicate of the trust agreement to the director by certified mail at least sixty days before the date on which hazardous waste is first received for treatment, storage, or disposal.	3734.12	state required, federal required	40 CFR 264.143 (a)(1)	yes	both	no
3745-55-43	(A)(1)	shall	The trustee shall be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.	3734.12	state required, federal required	40 CFR 264.143 (a)(1)	yes	both	no
3745-55-43	(A)(2)	shall	The wording of the trust agreement shall be identical to the wording specified in paragraph (A)(1) of rule 3745-55-51 of the Administrative Code and the trust agreement shall be accompanied by a formal certification of acknowledgement.	3734.12	state required, federal required	40 CFR 264.143 (a)(2)	yes	both	no
3745-55-43	(A)(2)	shall	The wording of the trust agreement shall be identical to the wording specified in paragraph (A)(1) of rule 3745-55-51 of the Administrative Code and the trust agreement shall be accompanied by a formal certification of acknowledgement.	3734.12	state required, federal required	40 CFR 264.143 (a)(2)	yes	both	no
3745-55-43	(A)(2)	shall	"Schedule A" of the trust agreement shall be updated within sixty days after a change in the amount of the current closure cost estimate covered by the agreement.	3734.12	state required, federal required	40 CFR 264.143 (a)(2)	yes	both	no
3745-55-43	(A)(3)	shall	Payments to the trust fund shall be made annually by the owner or operator over the term of the initial hazardous waste permit or over the remaining operating life of the facility as estimated in the closure plan, whichever period is shorter.	3734.12	state required, federal required	40 CFR 264.143 (a)(3)	yes	both	no
3745-55-43	(A)(3)	shall	The payments into the closure trust fund shall be made as follows:	3734.12	state required, federal required	40 CFR 264.143 (a)(3)	yes	both	no

3745-55-43	(A)(3)(a)	shall	For a new facility, the first payment shall be made before the initial receipt of hazardous waste for treatment, storage, or disposal.	3734.12	state required, federal required	40 CFR 264.143 (a)(3)(i)	yes	both	no
3745-55-43	(A)(3)(a)	shall	A receipt from the trustee for this payment shall be submitted by the owner or operator to the director before this initial receipt of hazardous waste.	3734.12	state required, federal required	40 CFR 264.143 (a)(3)(i)	yes	both	no
3745-55-43	(A)(3)(a)	shall	The first payment shall be at least equal to the current closure cost estimate (see rule 3745-55-42 of the Administrative Code) except as provided in paragraph (G) of this rule, divided by the number of years in the pay in period.	3734.12	state required, federal required	40 CFR 264.143 (a)(3)(i)	yes	both	no
3745-55-43	(A)(3)(a)	shall	Subsequent payments shall be made no later than thirty days after each anniversary date of the first payment.	3734.12	state required, federal required	40 CFR 264.143 (a)(3)(i)	yes	both	no
3745-55-43	(A)(3)(a)	shall	The amount of each subsequent payment shall be determined by this formula:	3734.12	state required, federal required	40 CFR 264.143 (a)(3)(i)	yes	both	no
3745-55-43	(A)(3)(b)	shall	If an owner or operator establishes a trust fund as specified in paragraph (A) of this rule, and the value of that trust fund is less than the current closure cost estimate when a permit is issued to the facility, the amount of the current closure cost estimate still to be paid into the trust fund shall be paid in over the pay in period as described in paragraph (A)(3) of this rule.	3734.12	state required, federal required	40 CFR 264.143 (a)(3)(ii)	yes	both	no
3745-55-43	(A)(3)(b)	shall	Payments shall continue to be made no later than thirty days after each anniversary date of the first payment made pursuant to Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.143 (a)(3)(ii)	yes	both	no
3745-55-43	(A)(3)(b)	shall	The amount of each payment shall be determined by this formula:	3734.12	state required, federal required	40 CFR 264.143 (a)(3)(ii)	yes	both	no
3745-55-43	(A)(4)	shall	However, the owner or operator shall maintain the value of the fund at no less than the value the fund would have if annual payments were made as specified in paragraph (A)(3) of this rule.	3734.12	state required, federal required	40 CFR 264.143 (a)(4)	yes	both	no
3745-55-43	(A)(5)	shall	If the owner or operator establishes a closure trust fund after having used one or more alternate mechanisms specified in this rule or in rule 3745-66-43 of the Administrative Code, the owner's or operator's first payment shall be in at least the amount that the fund would contain if the trust fund were established initially and annual payments made according to paragraph (A)(3) of this rule and paragraph (A) of rule 3745-66-43 of the Administrative Code, as applicable.	3734.12	state required, federal required	40 CFR 264.143 (a)(5)	yes	both	no
3745-55-43	(A)(6)	shall	After the pay in period is completed, whenever the current closure cost estimate changes, the owner or operator shall compare the new estimate with the trustee's most recent annual valuation of the trust fund.	3734.12	state required, federal required	40 CFR 264.143 (a)(6)	yes	both	no
3745-55-43	(A)(6)	shall	If the value of the fund is less than the amount of the new estimate, the owner or operator, within sixty days after the change in the cost estimate, shall either deposit an amount into the fund so that the value of the fund after this deposit at least equals the amount of the current closure cost estimate, or obtain other financial assurance as specified in this rule to cover the difference.	3734.12	state required, federal required	40 CFR 264.143 (a)(6)	yes	both	no
3745-55-43	(A)(10)	required	If the director has reason to believe that the maximum cost of closure over the remaining life of the facility will be significantly greater than the value of the trust fund, the director may withhold reimbursement of such amounts as the director deems prudent until the director determines, in accordance with paragraph (I) of this rule, that the owner or operator is no longer required to maintain financial assurance for final closure of the facility.	3734.12	state required, federal required	40 CFR 264.143 (a)(10)	yes	both	no
3745-55-43	(B)(1)	shall	An owner or operator of a new facility shall submit the surety bond to the director by certified mail at least sixty days before the date on which hazardous waste is first received for treatment, storage, or disposal.	3734.12	state required, federal required	40 CFR 264.143 (b)(1)	yes	both	no
3745-55-43	(B)(1)	shall	The bond shall be effective before this initial receipt of hazardous waste.	3734.12	state required, federal required	40 CFR 264.143 (b)(1)	yes	both	no

3745-55-43	(B)(1)	shall	The surety company issuing the bond shall, at a minimum, be among those listed as acceptable sureties on federal bonds in "Circular 570" of the U.S. department of the treasury.	3734.12	state required, federal required	40 CFR 264.143 (b)(1)	yes	both	no
3745-55-43	(B)(2)	shall	The wording of the surety bond shall be identical to the wording specified in paragraph (B) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.143 (b)(2)	yes	both	no
3745-55-43	(B)(3)	shall	The owner or operator who uses a surety bond to satisfy the requirements of this rule shall also establish a standby trust fund by the time the bond is obtained.	3734.12	state required, federal required	40 CFR 264.143 (b)(3)	yes	both	no
3745-55-43	(B)(3)	shall	This standby trust fund shall meet the requirements specified in paragraph (A) of this rule, except that:	3734.12	state required, federal required	40 CFR 264.143 (b)(3)	yes	both	no
3745-55-43	(B)(3)(a)	shall	An originally signed duplicate of the trust agreement shall be submitted to the director with the surety bond; and	3734.12	state required, federal required	40 CFR 264.143 (b)(3)(i)	yes	both	no
3745-55-43	(B)(3)(b)	not required	Until the standby trust fund is funded pursuant to this rule, the following are not required:	3734.12	state required, federal required	40 CFR 264.143 (b)(3)(ii)	yes	both	no
3745-55-43	(B)(3)(b)(iii)	shall	Annual valuations as required by the trust agreement; and	3734.12	state required, federal required	40 CFR 264.143 (b)(3)(ii)(C)	yes	both	no
3745-55-43	(B)(3)(b)(iv)	shall	Notices of nonpayment as required by the trust agreement.	3734.12	state required, federal required	40 CFR 264.143 (b)(3)(ii)(D)	yes	both	no
3745-55-43	(B)(4)	shall	The bond shall guarantee that the owner or operator will:	3734.12	state required, federal required	40 CFR 264.143 (b)(4)	yes	both	no
3745-55-43	(B)(5)	required	Following a determination by the director that the owner or operator has failed to perform final closure in accordance with the approved closure plan and other permit requirements when required to do so, under the terms of the bond the surety will perform final closure as guaranteed by the bond, or will deposit the amount of the penal sum into the standby trust fund.	3734.12	state required, federal required	40 CFR 264.143 (c)(4)	yes	both	no
3745-55-43	(B)(6)	shall	The penal sum of the bond shall be in an amount at least equal to the current closure cost estimate (see rule 3745-55-42 of the Administrative Code) except as provided in paragraph (G) of this rule.	3734.12	state required, federal required	40 CFR 264.143 (b)(6)	yes	both	no
3745-55-43	(B)(7)	shall	Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within sixty days after the increase, shall either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule to cover the increase.	3734.12	state required, federal required	40 CFR 264.143 (b)(7)	yes	both	no
3745-55-43	(B)(7)	shall	Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within sixty days after the increase, shall either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule to cover the increase.	3734.12	state required, federal required	40 CFR 264.143 (b)(7)	yes	both	no
3745-55-43	(B)(8)	may not	Cancellation may not occur, however, during the one hundred twenty days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the director, as evidenced by the return receipts.	3734.12	state required, federal required	40 CFR 264.143 (b)(8)	yes	both	no
3745-55-43	(C)(1)	shall	An owner or operator of a new facility shall submit the bond to the director by certified mail at least sixty days before the date on which hazardous waste is first received for treatment, storage, or disposal.	3734.12	state required, federal required	40 CFR 264.143 (c)(1)	yes	both	no
3745-55-43	(C)(1)	shall	The bond shall be effective before this initial receipt of hazardous waste.	3734.12	state required, federal required	40 CFR 264.143 (c)(1)	yes	both	no
3745-55-43	(C)(1)	shall	The surety company issuing the bond shall, at a minimum, be among those listed as acceptable sureties on federal bonds in "Circular 570" of the U.S. department of the treasury.	3734.12	state required, federal required	40 CFR 264.143 (c)(1)	yes	both	no
3745-55-43	(C)(2)	shall	The wording of the surety bond shall be identical to the wording specified in paragraph (C) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.143 (c)(2)	yes	both	no

3745-55-43	(C)(3)	shall	The owner or operator who uses a surety bond to satisfy the requirements of this rule shall also establish a standby trust fund.	3734.12	state required, federal required	40 CFR 264.143 (c)(3)	yes	both	no
3745-55-43	(C)(3)	shall	This standby trust shall meet the requirements specified in paragraph (A) of this rule, except that:	3734.12	state required, federal required	40 CFR 264.143 (c)(3)	yes	both	no
3745-55-43	(C)(3)(a)	shall	An originally signed duplicate of the trust agreement shall be submitted to the director with the surety bond; and	3734.12	state required, federal required	40 CFR 264.143 (c)(3)(i)	yes	both	no
3745-55-43	(C)(3)(b)	not required	Unless the standby trust fund is funded pursuant to this rule, the following are not required:	3734.12	state required, federal required	40 CFR 264.143 (c)(3)(ii)	yes	both	no
3745-55-43	(C)(3)(b)(iii)	required	Annual valuations as required by the trust agreement; and	3734.12	state required, federal required	40 CFR 264.143 (c)(3)(ii)(C)	yes	both	no
3745-55-43	(C)(3)(b)(iv)	required	Notices of nonpayment as required by the trust agreement.	3734.12	state required, federal required	40 CFR 264.143 (c)(3)(ii)(D)	yes	both	no
3745-55-43	(C)(4)	shall	The bond shall guarantee that the owner or operator will either:	3734.12	state required, federal required	40 CFR 264.143 (c)(4)	yes	both	no
3745-55-43	(C)(4)(a)	required	Perform final closure in accordance with the closure plan and other requirements of the permit for the facility whenever required to do so.	3734.12	state required, federal required	40 CFR 264.143 (c)(4)(i)	yes	both	no
3745-55-43	(C)(5)	required	Following a determination pursuant to Chapter 3734. of the Revised Code or Section 3008 of RCRA that the owner or operator has failed to perform final closure in accordance with the approved closure plan and other permit requirements when required to do so, under the terms of the bond the surety will perform final closure as guaranteed by the bond or will deposit the amount of the penal sum into the standby trust fund.	3734.12	state required, federal required	40 CFR 264.143 (c)(5)	yes	both	no
3745-55-43	(C)(6)	shall	The penal sum of the bond shall be in an amount at least equal to the amount of the current closure cost estimate (see rule 3745 55 42 of the Administrative Code).	3734.12	state required, federal required	40 CFR 264.143 (c)(6)	yes	both	no
3745-55-43	(C)(7)	shall	Whenever the current closure cost estimate increases to an amount greater than the amount of the penal sum, the owner or operator, within sixty days after the increase, shall either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule.	3734.12	state required, federal required	40 CFR 264.143 (c)(7)	yes	both	no
3745-55-43	(C)(7)	shall	Whenever the current closure cost estimate increases to an amount greater than the amount of the penal sum, the owner or operator, within sixty days after the increase, shall either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule.	3734.12	state required, federal required	40 CFR 264.143 (c)(7)	yes	both	no
3745-55-43	(C)(8)	may not	Cancellation may not occur, however, during the one hundred twenty days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the director, as evidenced by return receipts.	3734.12	state required, federal required	40 CFR 264.143 (c)(8)	yes	both	no
3745-55-43	(D)(1)	shall	An owner or operator of a new facility shall submit the letter of credit to the director by certified mail at least sixty days before the date on which hazardous waste is first received for treatment, storage, or disposal.	3734.12	state required, federal required	40 CFR 264.143 (d)(1)	yes	both	no
3745-55-43	(D)(1)	shall	The letter of credit shall be effective before this initial receipt of hazardous waste.	3734.12	state required, federal required	40 CFR 264.143 (d)(1)	yes	both	no
3745-55-43	(D)(1)	shall	The issuing institution shall be an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency.	3734.12	state required, federal required	40 CFR 264.143 (d)(1)	yes	both	no
3745-55-43	(D)(2)	shall	The wording of the letter of credit shall be identical to the wording specified in paragraph (D) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.143 (d)(2)	yes	both	no

3745-55-43	(D)(3)	shall	An owner or operator who uses a letter of credit to satisfy the requirements of this rule shall also establish a standby trust fund.	3734.12	state required, federal required	40 CFR 264.143 (d)(3)	yes	both	no
3745-55-43	(D)(3)	shall	This standby trust fund shall meet the requirements of the trust fund specified in paragraph (A) of this rule, except that:	3734.12	state required, federal required	40 CFR 264.143 (d)(3)	yes	both	no
3745-55-43	(D)(3)(a)	shall	An originally signed duplicate of the trust agreement shall be submitted to the director with the letter of credit; and	3734.12	state required, federal required	40 CFR 264.143 (d)(3)(i)	yes	both	no
3745-55-43	(D)(3)(b)	not required	Unless the standby trust fund is funded pursuant to this rule, the following are not required:	3734.12	state required, federal required	40 CFR 264.143 (d)(3)(ii)	yes	both	no
3745-55-43	(D)(3)(b)(iii)	required	Annual valuations as required by the trust agreement; and	3734.12	state required, federal required	40 CFR 264.143 (d)(3)(ii)(C)	yes	both	no
3745-55-43	(D)(3)(b)(iv)	required	Notices of nonpayment as required by the trust agreement.	3734.12	state required, federal required	40 CFR 264.143 (d)(3)(ii)(D)	yes	both	no
3745-55-43	(D)(4)	shall	The letter of credit shall be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date, and providing the U.S. EPA identification number, name, and address of the facility, and the amount of funds assured for closure of the facility by the letter of credit.	3734.12	state required, federal required	40 CFR 264.143 (d)(4)	yes	both	no
3745-55-43	(D)(5)	shall	The letter of credit shall be irrevocable and issued for a period of at least one year.	3734.12	state required, federal required	40 CFR 264.143 (d)(5)	yes	both	no
3745-55-43	(D)(5)	shall	The letter of credit shall provide that the expiration date will be automatically extended for a period of at least one year unless, at least one hundred twenty days before the current expiration date, the issuing institution notifies both the owner or operator and the director by certified mail of a decision not to extend the expiration date.	3734.12	state required, federal required	40 CFR 264.143 (d)(5)	yes	both	no
3745-55-43	(D)(6)	shall	The letter of credit shall be issued in an amount at least equal to the current closure cost estimate, except as provided in paragraph (G) of this rule.	3734.12	state required, federal required	40 CFR 264.143 (d)(6)	yes	both	no
3745-55-43	(D)(7)	shall	Whenever the current closure cost estimate increases to an amount greater than the amount of the credit, the owner or operator, within sixty days after the increase, shall either cause the amount of the credit to be increased to so that the amount of the credit at least equals the current closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule to cover the increase.	3734.12	state required, federal required	40 CFR 264.143 (d)(7)	yes	both	no
3745-55-43	(D)(7)	shall	Whenever the current closure cost estimate increases to an amount greater than the amount of the credit, the owner or operator, within sixty days after the increase, shall either cause the amount of the credit to be increased to so that the amount of the credit at least equals the current closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule to cover the increase.	3734.12	state required, federal required	40 CFR 264.143 (d)(7)	yes	both	no
3745-55-43	(D)(8)	required	Following a determination pursuant to Chapter 3734. of the Revised Code or Section 3008 of RCRA that the owner or operator has failed to perform final closure in accordance with the closure plan and other permit requirements when required to do so, the director may draw on the letter of credit.	3734.12	state required, federal required	40 CFR 264.143 (d)(8)	yes	both	no
3745-55-43	(E)(1)	shall	An owner or operator of a new facility shall submit the certificate of insurance to the director at least sixty days before the date on which hazardous waste is first received for treatment, storage, or disposal.	3734.12	state required, federal required	40 CFR 264.143 (e)(1)	yes	both	no
3745-55-43	(E)(1)	shall	The insurance shall be effective before this initial receipt of hazardous waste.	3734.12	state required, federal required	40 CFR 264.143 (e)(1)	yes	both	no
3745-55-43	(E)(1)	shall	At a minimum, the insurer shall be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states.	3734.12	state required, federal required	40 CFR 264.143 (e)(1)	yes	both	no
3745-55-43	(E)(2)	shall	The wording of the certificate of insurance shall be identical to the wording specified in paragraph (E) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.143 (e)(2)	yes	both	no

3745-55-43	(E)(3)	shall	The closure insurance policy shall be issued for a face amount at least equal to the current closure cost estimate, except as provided in paragraph (G) of this rule.	3734.12	state required, federal required	40 CFR 264.143 (e)(3)	yes	both	no
3745-55-43	(E)(4)	shall	The closure insurance policy shall guarantee that funds will be available to close the facility whenever final closure occurs.	3734.12	state required, federal required	40 CFR 264.143 (e)(4)	yes	both	no
3745-55-43	(E)(4)	shall	The policy shall also guarantee that once final closure begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the director, to such party or parties as the director specifies.	3734.12	state required, federal required	40 CFR 264.143 (e)(4)	yes	both	no
3745-55-43	(E)(5)	required	If the director has reason to believe that the maximum cost of closure over the remaining life of the facility will be significantly greater than the face amount of the policy, the director may withhold reimbursement of such amounts as the director deems prudent until the director determines, in accordance with paragraph (I) of this rule, that the owner or operator is no longer required to maintain financial assurance for final closure of the facility.	3734.12	state required, federal required	40 CFR 264.143 (e)(5)	yes	both	no
3745-55-43	(E)(6)	shall	The owner or operator shall maintain the policy in full force and effect until the director consents to termination of the policy by the owner or operator as specified in paragraph (E)(10) of this rule.	3734.12	state required, federal required	40 CFR 264.143 (e)(6)	yes	both	no
3745-55-43	(E)(7)	shall	Each policy shall contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.	3734.12	state required, federal required	40 CFR 264.143 (e)(7)	yes	both	no
3745-55-43	(E)(8)	shall	The policy shall provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium.	3734.12	state required, federal required	40 CFR 264.143 (e)(8)	yes	both	no
3745-55-43	(E)(8)	may not	The policy shall provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium.	3734.12	state required, federal required	40 CFR 264.143 (e)(8)	yes	both	no
3745-55-43	(E)(8)	shall	The automatic renewal of the policy shall, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy.	3734.12	state required, federal required	40 CFR 264.143 (e)(8)	yes	both	no
3745-55-43	(E)(8)	may not	Cancellation, termination, or failure to renew may not occur, however, during the one hundred twenty days beginning with the date of receipt of the notice by both the director and the owner or operator, as evidenced by the return receipts.	3734.12	state required, federal required	40 CFR 264.143 (e)(8)	yes	both	no
3745-55-43	(E)(8)	may not	Cancellation, termination, or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration:	3734.12	state required, federal required	40 CFR 264.143 (e)(8)	yes	both	no
3745-55-43	(E)(9)	shall	Whenever the current closure cost estimate increases to an amount greater than the face amount of the policy, the owner or operator, within sixty days after the increase, shall either cause the face amount to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule to cover the increase.	3734.12	state required, federal required	40 CFR 264.143 (e)(9)	yes	both	no
3745-55-43	(E)(9)	shall	Whenever the current closure cost estimate increases to an amount greater than the face amount of the policy, the owner or operator, within sixty days after the increase, shall either cause the face amount to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule to cover the increase.	3734.12	state required, federal required	40 CFR 264.143 (e)(9)	yes	both	no
3745-55-43	(F)(1)	shall	To pass this test, the owner or operator shall meet the criteria of either paragraph (F)(I)(a) or (F)(I)(b) of this rule.	3734.12	state required, federal required	40 CFR 264.143 (f)(1)	yes	both	no
3745-55-43	(F)(1)(a)	shall	The owner or operator shall have:	3734.12	state required, federal required	40 CFR 264.143 (f)(1)(i)	yes	both	no
3745-55-43	(F)(1)(b)	shall	The owner or operator shall have:	3734.12	state required, federal required	40 CFR 264.143 (f)(1)(ii)	yes	both	no
3745-55-43	(F)(2)	required	The phrase "current closure and post closure cost estimates" as used in paragraphs (F)(1) to (F)(1)(b)(iv) of this rule refers to the cost estimates required to be shown in paragraphs one through four of the letter from the owner's or operator's chief financial officer [paragraph (F) of rule 3745-55-51 of the Administrative Code].	3734.12	state required, federal required	40 CFR 264.143 (f)(2)	yes	both	no

3745-55-43	(F)(2)	required	The phrase "current plugging and abandonment cost estimates" as used in paragraphs (F)(1) to (F)(1)(b)(iv) of this rule refers to the cost estimates required to be shown in paragraphs one through four of the letter from the owner's or operator's chief financial officer [see paragraph (F) of rule 3745-55-51 of the Administrative Code].	3734.12	state required, federal required	40 CFR 264.143 (f)(2)	yes	both	no
3745-55-43	(F)(3)	shall	To demonstrate that the owner or operator meets this test, the owner or operator shall submit the following items to the director:	3734.12	state required, federal required	40 CFR 264.143 (f)(3)	yes	both	no
3745-55-43	(F)(4)	shall	An owner or operator of a new facility shall submit the items specified in paragraph (F)(3) of this rule to the director at least sixty days before the date on which hazardous waste is first received for treatment, storage, or disposal.	3734.12	state required, federal required	40 CFR 264.143 (f)(4)	yes	both	no
3745-55-43	(F)(5)	shall	After the initial submittal of items specified in paragraph (F)(3) of this rule, the owner or operator shall send updated information to the director within ninety days after the close of each succeeding fiscal year.	3734.12	state required, federal required	40 CFR 264.143 (f)(5)	yes	both	no
3745-55-43	(F)(5)	shall	This information shall consist of all three items specified in paragraph (F)(3) of this rule.	3734.12	state required, federal required	40 CFR 264.143 (f)(5)	yes	both	no
3745-55-43	(F)(6)	shall	If the owner or operator no longer meets the requirements of paragraph (F)(1) of this rule, the owner or operator shall send notice to the director of intent to establish alternate financial assurance as specified in this rule.	3734.12	state required, federal required	40 CFR 264.143 (f)(6)	yes	both	no
3745-55-43	(F)(6)	shall	The notice shall be sent by certified mail within ninety days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements.	3734.12	state required, federal required	40 CFR 264.143 (f)(6)	yes	both	no
3745-55-43	(F)(6)	shall	The owner or operator shall provide the alternate financial assurance within one hundred twenty days after the end of such fiscal year.	3734.12	state required, federal required	40 CFR 264.143 (f)(6)	yes	both	no
3745-55-43	(F)(7)	require	The director, based on a reasonable belief that the owner or operator may no longer meet the requirements of paragraph (F)(1) of this rule, may require reports of financial condition at any time from the owner or operator in addition to those specified in paragraph (F)(3) of this rule.	3734.12	state required, federal required	40 CFR 264.143 (f)(7)	yes	both	no
3745-55-43	(F)(7)	shall	If the director finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of paragraph (F)(1) of this rule, the owner or operator shall provide alternate financial assurance as specified in this rule within thirty days after notification of such a finding.	3734.12	state required, federal required	40 CFR 264.143 (f)(7)	yes	both	no
3745-55-43	(F)(8)	shall	The owner or operator shall provide alternate financial assurance as specified in this rule within thirty days after notification of the disallowance.	3734.12	state required, federal required	40 CFR 264.143 (f)(8)	yes	both	no
3745-55-43	(F)(9)	required	The owner or operator is no longer required to submit the items specified in paragraph (F)(3) of this rule when either:	3734.12	state required, federal required	40 CFR 264.143 (f)(9)	yes	both	no
3745-55-43	(F)(10)	shall	The guarantor shall be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator.	3734.12	state required, federal required	40 CFR 264.143 (f)(10)	yes	both	no
3745-55-43	(F)(10)	shall	The guarantor shall meet the requirements for owners or operators in paragraphs (F)(1) to (F)(8) of this rule and shall comply with the terms of the guarantee	3734.12	state required, federal required	40 CFR 264.143 (f)(10)	yes	both	no
3745-55-43	(F)(10)	shall	The guarantor shall meet the requirements for owners or operators in paragraphs (F)(1) to (F)(8) of this rule and shall comply with the terms of the guarantee	3734.12	state required, federal required	40 CFR 264.143 (f)(10)	yes	both	no
3745-55-43	(F)(10)	shall	The wording of the guarantee shall be identical to the wording specified in paragraph (H) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.143 (f)(10)	yes	both	no
3745-55-43	(F)(10)	shall	A certified copy of the guarantee shall accompany the items sent to the director as specified in paragraph (F)(3) of this rule.	3734.12	state required, federal required	40 CFR 264.143 (f)(10)	yes	both	no
3745-55-43	(F)(10)	shall	One of these items shall be the letter from the guarantor's chief financial officer.	3734.12	state required, federal required	40 CFR 264.143 (f)(10)	yes	both	no

3745-55-43	(F)(10)	shall	If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter shall describe the value received in consideration of the guarantee.	3734.12	state required, federal required	40 CFR 264.143 (f)(10)	yes	both	no
3745-55-43	(F)(10)	shall	If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter shall describe this "substantial business"	3734.12	state required, federal required	40 CFR 264.143 (f)(10)	yes	both	no
3745-55-43	(F)(10)	shall	The terms of the guarantee shall provide that:	3734.12	state required, federal required	40 CFR 264.143 (f)(10)	yes	both	no
3745-55-43	(F)(10)(a)	required	If the owner or operator fails to perform final closure of a facility covered by the corporate guarantee in accordance with the closure plan and other permit requirements whenever required to do so, the guarantor will do so or establish a trust fund as specified in paragraph (A) of this rule in the name of the owner or operator.	3734.12	state required, federal required	40 CFR 264.143 (f)(10)(i)	yes	both	no
3745-55-43	(F)(10)(b)	may not	Cancellation may not occur, however, during the one hundred twenty days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the director, as evidenced by the return receipts.	3734.12	state required, federal required	40 CFR 264.143 (f)(10)(ii)	yes	both	no
3745-55-43	(G)	shall	The mechanisms shall be as specified in paragraphs (A), (B), (D), and (E) of this rule, except that it is the combination of mechanisms, rather than the single mechanism, which shall provide financial assurance for an amount at least equal to the current closure cost estimate.	3734.12	state required, federal required	40 CFR 264.143 (g)	yes	both	no
3745-55-43	(G)	shall	The mechanisms shall be as specified in paragraphs (A), (B), (D), and (E) of this rule, except that it is the combination of mechanisms, rather than the single mechanism, which shall provide financial assurance for an amount at least equal to the current closure cost estimate.	3734.12	state required, federal required	40 CFR 264.143 (g)	yes	both	no
3745-55-43	(H)	shall	Evidence of financial assurance submitted to the director shall include a list showing, for each facility, the U.S. EPA identification number, name, address, and the amount of funds for closure assured by the mechanism.	3734.12	state required, federal required	40 CFR 264.143 (h)	yes	both	no
3745-55-43	(H)	shall	If the facilities covered by the mechanism are in more than one U.S. EPA region, identical evidence of financial assurance shall be submitted to and maintained with the U.S. EPA regional administrators of all such regions or the directors of state programs in states authorized to administer such programs.	3734.12	state required, federal required	40 CFR 264.143 (h)	yes	both	no
3745-55-43	(H)	shall	The amount of funds available through the mechanism shall be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility.	3734.12	state required, federal required	40 CFR 264.143 (h)	yes	both	no
3745-55-43	(I)	required	Within sixty days after receiving certifications from the owner or operator and a qualified professional engineer that final closure has been completed in accordance with the approved closure plan, the director will notify the owner or operator in writing that the owner or operator is no longer required by this rule to maintain financial assurance for closure of the facility, unless the director has reason to believe that final closure has not been in accordance with the approved closure plan.	3734.12	state required, federal required	40 CFR 264.143 (i)	yes	both	no
3745-55-44	(A)	required	The owner or operator of a disposal surface impoundment, disposal miscellaneous unit, land treatment unit, or landfill unit, or of a surface impoundment or waste pile that is required under rules 3745-56-28 and 3745-56-58 of the Administrative Code to prepare a contingent closure and post closure plan, shall have a detailed written estimate, in current dollars, of the annual cost of post closure monitoring and maintenance of the facility in accordance with the applicable post closure requirements in rules 3745-55-17 to 3745-55-20, 3745-56-28, 3745-56-58, 3745-56-80, 3745-57-10, and 3745-57-93 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.144 (a)	yes	both	no

3745-55-44	(A)	shall	The owner or operator of a disposal surface impoundment, disposal miscellaneous unit, land treatment unit, or landfill unit, or of a surface impoundment or waste pile that is required under rules 3745-56-28 and 3745-56-58 of the Administrative Code to prepare a contingent closure and post closure plan, shall have a detailed written estimate, in current dollars, of the annual cost of post closure monitoring and maintenance of the facility in accordance with the applicable post closure requirements in rules 3745-55-17 to 3745-55-20, 3745-56-28, 3745-56-58, 3745-56-80, 3745-57-10, and 3745-57-93 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.144 (a)	yes	both	no
3745-55-44	(A)(1)	shall	The post closure cost estimate shall be based on the costs to the owner or operator of hiring a third party to conduct post closure care activities.	3734.12	state required, federal required	40 CFR 264.144 (a)(1)	yes	both	no
3745-55-44	(A)(2)	required	The post closure cost estimate is calculated by multiplying the annual post closure cost estimate by the number of years of post-closure care required in rule 3745-55-17 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.144 (a)(2)	yes	both	no
3745-55-44	(B)	shall	During the active life of the facility, the owner or operator shall adjust the post-closure cost estimate for inflation within sixty days prior to the anniversary date of the establishment of the financial instruments used to comply with rule 3745-55-45 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.144 (b)	yes	both	no
3745-55-44	(B)	shall	For owners or operators using the financial test or corporate guarantee, the post closure cost estimate shall be updated for inflation within thirty days after the close of the firm's fiscal year and before the submittal of updated information to the director as specified in paragraph (F) of rule 3745-55-45 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.144 (b)	yes	both	no
3745-55-44	(C)	shall	During the active life of the facility, the owner or operator shall revise the post-closure cost estimate within thirty days after the director has approved the request to modify the post closure plan if the change in the post closure plan increases the cost of post closure care.	3734.12	state required, federal required	40 CFR 264.144 (c)	yes	both	no
3745-55-44	(C)	shall	The revised post-closure cost estimate shall be adjusted for inflation as specified in paragraph (B) of this rule.	3734.12	state required, federal required	40 CFR 264.144 (c)	yes	both	no
3745-55-44	(D)	shall	The owner or operator shall keep the following at the facility during the operating life of the facility: the latest post closure cost estimate prepared in accordance with paragraphs (A) and (C) of this rule and, when this estimate has been adjusted in accordance with paragraph (B) of this rule, the latest adjusted post closure cost estimate.	3734.12	state required, federal required	40 CFR 264.144 (d)	yes	both	no
3745-55-44	(E)	shall	A copy of the facility's current, detailed post-closure cost estimate prepared and maintained in accordance with paragraphs (A) and (B) of this rule shall be submitted annually to the director.	3734.12	state required, federal required, but not this provision	this paragraph not in fed rule	yes	none	no
3745-55-44	(E)(1)	shall	For owners or operators using a financial mechanism other than the financial test, such submittal of the post-closure cost estimate to the director shall be made within sixty days following a revision or update to the estimate made in accordance with paragraph (B) of this rule.	3734.12	state required, federal required, but not this provision	this paragraph not in fed rule	yes	none	no
3745-55-44	(E)(2)	shall	For owners or operators using a financial test, such submittal of the post-closure cost estimate to the director shall be made within ninety days after the close of the firm's fiscal year following a revision or update to the estimate made in accordance with paragraph (B) of this rule.	3734.12	state required, federal required, but not this provision	this paragraph not in fed rule	yes		no
3745-55-45	intro	shall	The owner or operator of a hazardous waste management unit subject to 3745-55-44 of the Administrative Code shall establish financial assurance for post-closure care in accordance with the approved post-closure plan for the facility sixty days prior to the initial receipt of hazardous waste or August 26, 1983, whichever is later.	3734.12	state required, federal required	40 CFR 264.145 intro	yes	both	no
3745-55-45	intro	shall	The owner or operator shall choose from the following options:	3734.12	state required, federal required	40 CFR 264.145 intro	yes	both	no
3745-55-45	(A)(1)	shall	An owner or operator of a new facility shall submit the originally signed duplicate of the trust agreement to the director by certified mail at least sixty days before the date on which hazardous waste is first received for disposal.	3734.12	state required, federal required	40 CFR 264.145 (a)(1)	yes	both	no
3745-55-45	(A)(1)	shall	The trustee shall be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.	3734.12	state required, federal required	40 CFR 264.145 (a)(1)	yes	both	no

3745-55-45	(A)(2)	shall	The wording of the trust agreement shall be identical to the wording specified in paragraph (A)(1) of rule 3745-55-51 of the Administrative Code, and the trust agreement shall be accompanied by a formal certification of acknowledgement [for example, see paragraph (A)(2) of rule 3745-55-51 of the Administrative Code].	3734.12	state required, federal required	40 CFR 264.145 (a)(2)	yes	both	no
3745-55-45	(A)(2)	shall	The wording of the trust agreement shall be identical to the wording specified in paragraph (A)(1) of rule 3745-55-51 of the Administrative Code, and the trust agreement shall be accompanied by a formal certification of acknowledgement [for example, see paragraph (A)(2) of rule 3745-55-51 of the Administrative Code].	3734.12	state required, federal required	40 CFR 264.145 (a)(2)	yes	both	no
3745-55-45	(A)(2)	shall	"Schedule A" of the trust agreement shall be updated within sixty days after a change in the amount of the current post-closure cost estimate covered by the agreement.	3734.12	state required, federal required	40 CFR 264.145 (a)(2)	yes	both	no
3745-55-45	(A)(3)	shall	Payments to the trust fund shall be made annually by the owner or operator over the term of the hazardous waste permit, or over the remaining operating life of the facility as estimated in the closure plan, whichever period is shorter.	3734.12	state required, federal required	40 CFR 264.145 (a)(3)	yes	both	no
3745-55-45	(A)(3)	shall	The payments to the post-closure trust fund shall be made as follows:	3734.12	state required, federal required	40 CFR 264.145 (a)(3)	yes	both	no
3745-55-45	(A)(3)(a)	shall	For a new facility, the first payment shall be made before the initial receipt of hazardous waste for disposal.	3734.12	state required, federal required	40 CFR 264.145 (a)(3)(i)	yes	both	no
3745-55-45	(A)(3)(a)	shall	A receipt from the trustee for this payment shall be submitted by the owner or operator to the director before this initial receipt of hazardous waste.	3734.12	state required, federal required	40 CFR 264.145 (a)(3)(i)	yes	both	no
3745-55-45	(A)(3)(a)	shall	The first payment shall be at least equal to the current post-closure cost estimate, except as provided in paragraph (G) of this rule, divided by the number of years in the pay-in period.	3734.12	state required, federal required	40 CFR 264.145 (a)(3)(i)	yes	both	no
3745-55-45	(A)(3)(a)	shall	Subsequent payments shall be made no later than thirty days after each anniversary date of the first payment.	3734.12	state required, federal required	40 CFR 264.145 (a)(3)(i)	yes	both	no
3745-55-45	(A)(3)(a)	shall	The amount of each subsequent payment shall be determined by this formula:	3734.12	state required, federal required	40 CFR 264.145 (a)(3)(i)	yes	both	no
3745-55-45	(A)(3)(b)	shall	If an owner or operator establishes a trust fund as specified in paragraph (A) of rule 3745-66-45 of the Administrative Code, and the value of that trust fund is less than the current post-closure cost estimate when a permit is awarded for the facility, the amount of the current post-closure cost estimate still to be paid into the fund shall be paid in over the "pay-in period" as defined in paragraph (A)(3) of this rule.	3734.12	state required, federal required	40 CFR 264.145 (a)(3)(ii)	yes	both	no
3745-55-45	(A)(3)(b)	shall	Payments shall continue to be made no later than thirty days after each anniversary date of the first payment made pursuant to Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.145 (a)(3)(ii)	yes	both	no
3745-55-45	(A)(3)(b)	shall	The amount of each payment shall be determined by this formula:	3734.12	state required, federal required	40 CFR 264.145 (a)(3)(ii)	yes	both	no
3745-55-45	(A)(4)	shall	However, the owner or operator shall maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in paragraph (A)(3) of this rule.	3734.12	state required, federal required	40 CFR 264.145 (a)(4)	yes	both	no
3745-55-45	(A)(5)	shall	If the owner or operator establishes a post-closure trust fund after having used one or more alternate mechanisms specified in this rule or in rule 3745-66-45 of the Administrative Code, the owner's or operator's first payment shall be in at least the amount that the fund would contain if the trust fund were established initially and annual payments made according to specifications of this paragraph and paragraph (A) of rule 3745-66-45 of the Administrative Code, as applicable.	3734.12	state required, federal required	40 CFR 264.145 (a)(5)	yes	both	no

3745-55-45	(A)(6)	shall	After the pay-in period is completed, whenever the current post-closure cost estimate changes during the operating life of the facility, the owner or operator shall compare the new estimate with the trustee's most recent annual valuation of the trust fund.	3734.12	state required, federal required	40 CFR 264.145 (a)(6)	yes	both	no
3745-55-45	(A)(6)	shall	If the value of the fund is less than the amount of the new estimate, the owner or operator, within sixty days after the change in the cost estimate, either shall deposit an amount into the fund so that the value of the fund after this deposit at least equals the amount of the current post-closure cost estimate, or shall obtain other financial assurance as specified in this rule to cover the difference.	3734.12	state required, federal required	40 CFR 264.145 (a)(6)	yes	both	no
3745-55-45	(A)(6)	shall	If the value of the fund is less than the amount of the new estimate, the owner or operator, within sixty days after the change in the cost estimate, either shall deposit an amount into the fund so that the value of the fund after this deposit at least equals the amount of the current post-closure cost estimate, or shall obtain other financial assurance as specified in this rule to cover the difference.	3734.12	state required, federal required	40 CFR 264.145 (a)(6)	yes	both	no
3745-55-45	(B)(1)	shall	An owner or operator of a new facility shall submit the bond to the director by certified mail at least sixty days before the date on which hazardous waste is first received for disposal.	3734.12	state required, federal required	40 CFR 264.145 (b)(1)	yes	both	no
3745-55-45	(B)(1)	shall	The bond shall be effective before this initial receipt of hazardous waste.	3734.12	state required, federal required	40 CFR 264.145 (b)(1)	yes	both	no
3745-55-45	(B)(1)	shall	The surety company issuing the bond, at a minimum, shall be among those listed as acceptable sureties on federal bonds in "Circular 570" of the U.S. department of the treasury.	3734.12	state required, federal required	40 CFR 264.145 (b)(1)	yes	both	no
3745-55-45	(B)(2)	shall	The wording of the surety bond shall be identical to the wording specified in paragraph (B) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.145 (b)(2)	yes	both	no
3745-55-45	(B)(3)	shall	The owner or operator who uses a surety bond to satisfy the requirements of this rule shall also establish a standby trust fund.	3734.12	state required, federal required	40 CFR 264.145 (b)(3)	yes	both	no
3745-55-45	(B)(3)	shall	This standby trust fund shall meet the requirements specified in paragraph (A) of this rule, except that:	3734.12	state required, federal required	40 CFR 264.145 (b)(3)	yes	both	no
3745-55-45	(B)(3)(a)	shall	An originally signed duplicate of the trust agreement shall be submitted to the director with the surety bond.	3734.12	state required, federal required	40 CFR 264.145 (b)(3)(i)	yes	both	no
3745-55-45	(B)(3)(b)	not required	Until the standby trust fund is funded pursuant to this rule, the following are not required:	3734.12	state required, federal required	40 CFR 264.145 (b)(3)(ii)	yes	both	no
3745-55-45	(B)(3)(b)(iii)	required	Annual valuations as required by the trust agreement.	3734.12	state required, federal required	40 CFR 264.145 (b)(3)(ii)(C)	yes	both	no
3745-55-45	(B)(3)(b)(iv)	required	Notices of nonpayment as required by the trust agreement.	3734.12	state required, federal required	40 CFR 264.145 (b)(3)(ii)(D)	yes	both	no
3745-55-45	(B)(4)	shall	The bond shall guarantee that the owner or operator will do any of the following:	3734.12	state required, federal required	40 CFR 264.145 (b)(4)	yes	both	no
3745-55-45	(B)(6)	shall	The penal sum of the bond shall be in an amount at least equal to the current post-closure cost estimate, except as provided in paragraph (G) of this rule.	3734.12	state required, federal required	40 CFR 264.145 (b)(6)	yes	both	no
3745-55-45	(B)(7)	shall	Whenever the current post-closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within sixty days after the increase, either shall cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule to cover the increase.	3734.12	state required, federal required	40 CFR 264.145 (b)(7)	yes	both	no
3745-55-45	(B)(7)	shall	Whenever the current post-closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within sixty days after the increase, either shall cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule to cover the increase.	3734.12	state required, federal required	40 CFR 264.145 (b)(7)	yes	both	no

3745-55-45	(B)(7)	shall	Notice of an increase or decrease in the penal sum shall be sent to the director by certified mail within sixty days after the change.	3734.12	state required, federal required, but not this sentence	this sentence is not in fed rule	yes	no	no
3745-55-45	(B)(8)	may not	Cancellation may not occur, however, during the one hundred twenty days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the director, as evidenced by the return receipts.	3734.12	state required, federal required	40 CFR 264.145 (b)(8)	yes	both	no
3745-55-45	(C)(1)	shall	An owner or operator of a new facility shall submit the bond to the director by certified mail at least sixty days before the date on which hazardous waste is first received for disposal.	3734.12	state required, federal required	40 CFR 264.145 (c)(1)	yes	both	no
3745-55-45	(C)(1)	shall	The bond shall be effective before this initial receipt of hazardous waste.	3734.12	state required, federal required	40 CFR 264.145 (c)(1)	yes	both	no
3745-55-45	(C)(1)	shall	The surety company issuing the bond, at a minimum, shall be among those listed as acceptable sureties on federal bonds in "Circular 570" of the U. S. department of treasury.	3734.12	state required, federal required	40 CFR 264.145 (c)(1)	yes	both	no
3745-55-45	(C)(2)	shall	The wording of the surety bond shall be identical to the wording specified in paragraph (C) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.145 (c)(2)	yes	both	no
3745-55-45	(C)(3)	shall	The owner or operator who uses a surety bond to satisfy the requirements of this rule shall also establish a standby trust fund.	3734.12	state required, federal required	40 CFR 264.145 (c)(3)	yes	both	no
3745-55-45	(C)(3)	shall	This standby trust fund shall meet the requirements specified in paragraph (A) of this rule, except that:	3734.12	state required, federal required	40 CFR 264.145 (c)(3)	yes	both	no
3745-55-45	(C)(3)(a)	shall	An originally signed duplicate of the trust agreement shall be submitted to the director with the surety bond.	3734.12	state required, federal required	40 CFR 264.145 (c)(3)(i)	yes	both	no
3745-55-45	(C)(3)(b)	not required	Unless the standby trust fund is funded pursuant to this rule, the following are not required:	3734.12	state required, federal required	40 CFR 264.145 (c)(3)(ii)	yes	both	no
3745-55-45	(C)(3)(b)(iii)	required	Annual valuations as required by the trust agreement.	3734.12	state required, federal required	40 CFR 264.145 (c)(3)(ii)(C)	yes	both	no
3745-55-45	(C)(3)(b)(iv)	required	Notices of nonpayment as required by the trust agreement.	3734.12	state required, federal required	40 CFR 264.145 (c)(3)(ii)(D)	yes	both	no
3745-55-45	(C)(4)	shall	The bond shall guarantee that the owner or operator will either:	3734.12	state required, federal required	40 CFR 264.145 (c)(4)	yes	both	no
3745-55-45	(C)(6)	shall	The penal sum of the bond shall be in an amount at least equal to the current post-closure cost estimate.	3734.12	state required, federal required	40 CFR 264.145 (c)(6)	yes	both	no
3745-55-45	(C)(7)	shall	Whenever the current post-closure cost estimate increases to an amount greater than the penal sum during the operating life of the facility, the owner or operator, within sixty days after the increase, either shall cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule.	3734.12	state required, federal required	40 CFR 264.145 (c)(7)	yes	both	no
3745-55-45	(C)(7)	shall	Whenever the current post-closure cost estimate increases to an amount greater than the penal sum during the operating life of the facility, the owner or operator, within sixty days after the increase, either shall cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule.	3734.12	state required, federal required	40 CFR 264.145 (c)(7)	yes	both	no
3745-55-45	(C)(9)	may not	Cancellation may not occur, however, during the one hundred twenty days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the director, as evidenced by the return receipts.	3734.12	state required, federal required	40 CFR 264.145 (c)(9)	yes	both	no
3745-55-45	(D)(1)	shall	An owner or operator of a new facility shall submit the letter of credit to the director by certified mail at least sixty days before the date on which hazardous waste is first received for disposal.	3734.12	state required, federal required	40 CFR 264.145 (d)(1)	yes	both	no

3745-55-45	(D)(1)	shall	The letter of credit shall be effective before this initial receipt of hazardous waste.	3734.12	state required, federal required	40 CFR 264.145 (d)(1)	yes	both	no
3745-55-45	(D)(1)	shall	The issuing institution shall be an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency.	3734.12	state required, federal required	40 CFR 264.145 (d)(1)	yes	both	no
3745-55-45	(D)(2)	shall	The wording of the letter of credit shall be identical to the wording specified in paragraph (D) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.145 (d)(2)	yes	both	no
3745-55-45	(D)(3)	shall	An owner or operator who uses a letter of credit to satisfy the requirements of this rule shall also establish a standby trust fund.	3734.12	state required, federal required	40 CFR 264.145 (d)(3)	yes	both	no
3745-55-45	(D)(3)	shall	The standby trust fund shall meet the requirements of the trust fund specified in paragraph (A) of this rule, except that:	3734.12	state required, federal required	40 CFR 264.145 (d)(3)	yes	both	no
3745-55-45	(D)(3)(a)	shall	An originally signed duplicate of the trust agreement shall be submitted to the director with the letter of credit.	3734.12	state required, federal required	40 CFR 264.145 (d)(3)(i)	yes	both	no
3745-55-45	(D)(3)(b)	not required	Unless the standby trust fund is funded pursuant to this rule, the following are not required:	3734.12	state required, federal required	40 CFR 264.145 (d)(3)(ii)	yes	both	no
3745-55-45	(D)(3)(b)(iii)	required	Annual valuations as required by the trust agreement.	3734.12	state required, federal required	40 CFR 264.145 (d)(3)(ii)(C)	yes	both	no
3745-55-45	(D)(3)(b)(iv)	required	Notices of nonpayment as required by the trust agreement.	3734.12	state required, federal required	40 CFR 264.145 (d)(3)(ii)(D)	yes	both	no
3745-55-45	(D)(4)	shall	The letter of credit shall be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date, and providing the U.S. EPA identification number, name and address of the facility, and the amount of funds assured for post-closure care of the facility by the letter of credit.	3734.12	state required, federal required	40 CFR 264.145 (d)(4)	yes	both	no
3745-55-45	(D)(5)	shall	The letter of credit shall be irrevocable and issued for a period of at least one year.	3734.12	state required, federal required	40 CFR 264.145 (d)(5)	yes	both	no
3745-55-45	(D)(5)	shall	The letter of credit shall provide that the expiration date will be automatically extended for a period of at least one year unless, at least one hundred twenty days before the current expiration date, the issuing institution notifies both the owner or operator and the director by certified mail of a decision not to extend the expiration date.	3734.12	state required, federal required	40 CFR 264.145 (d)(5)	yes	both	no
3745-55-45	(D)(6)	shall	The letter of credit shall be issued in an amount at least equal to the current post-closure cost estimate, except as provided in paragraph (G) of this rule.	3734.12	state required, federal required	40 CFR 264.145 (d)(6)	yes	both	no
3745-55-45	(D)(7)	shall	Whenever the current post-closure cost estimate increases to an amount greater than the amount of the credit during the operating life of the facility, the owner or operator, within sixty days after the increase, either shall cause the amount of the credit to be increased so that the amount at least equals the current post-closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule to cover the increase.	3734.12	state required, federal required	40 CFR 264.145 (d)(7)	yes	both	no
3745-55-45	(D)(7)	shall	Whenever the current post-closure cost estimate increases to an amount greater than the amount of the credit during the operating life of the facility, the owner or operator, within sixty days after the increase, either shall cause the amount of the credit to be increased so that the amount at least equals the current post-closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule to cover the increase.	3734.12	state required, federal required	40 CFR 264.145 (d)(7)	yes	both	no
3745-55-45	(E)(1)	shall	An owner or operator of a new facility shall submit the certificate of insurance to the director at least sixty days before the date on which hazardous waste is first received for disposal.	3734.12	state required, federal required	40 CFR 264.145 (e)(1)	yes	both	no
3745-55-45	(E)(1)	shall	The insurance shall be effective before this initial receipt of hazardous waste.	3734.12	state required, federal required	40 CFR 264.145 (e)(1)	yes	both	no

3745-55-45	(E)(1)	shall	At a minimum, the insurer shall be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states.	3734.12	state required, federal required	40 CFR 264.145 (e)(1)	yes	both	no
3745-55-45	(E)(2)	shall	The wording of the certificate of insurance shall be identical to the wording specified in paragraph (E) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.145 (e)(2)	yes	both	no
3745-55-45	(E)(3)	shall	The post-closure insurance policy shall be issued for a face amount at least equal to the current post-closure cost estimate, except as provided in paragraph (G) of this rule.	3734.12	state required, federal required	40 CFR 264.145 (e)(3)	yes	both	no
3745-55-45	(E)(4)	shall	The post-closure insurance policy shall guarantee that funds will be available to provide post-closure care of the facility whenever the post-closure period begins.	3734.12	state required, federal required	40 CFR 264.145 (e)(4)	yes	both	no
3745-55-45	(E)(4)	shall	The policy shall also guarantee that once post-closure care begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the director, to such party or parties as the director specifies.	3734.12	state required, federal required	40 CFR 264.145 (e)(4)	yes	both	no
3745-55-45	(E)(6)	shall	The owner or operator shall maintain the policy in full force and effect until the director consents to termination of the policy by the owner or operator as specified in paragraph (E)(11) of this rule.	3734.12	state required, federal required	40 CFR 264.145 (e)(6)	yes	both	no
3745-55-45	(E)(7)	shall	Each policy shall contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.	3734.12	state required, federal required	40 CFR 264.145 (e)(7)	yes	both	no
3745-55-45	(E)(8)	shall	The policy shall provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium.	3734.12	state required, federal required	40 CFR 264.145 (e)(8)	yes	both	no
3745-55-45	(E)(8)	may not	The policy shall provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium.	3734.12	state required, federal required	40 CFR 264.145 (e)(8)	yes	both	no
3745-55-45	(E)(8)	shall	The automatic renewal of the policy, at a minimum, shall provide the insured with the option of renewal at the face amount of the expiring policy.	3734.12	state required, federal required	40 CFR 264.145 (e)(8)	yes	both	no
3745-55-45	(E)(8)	may not	Cancellation, termination, or failure to renew may not occur, however, during the one hundred twenty days beginning with the date of receipt of the notice by both the director and the owner or operator, as evidenced by the return receipts.	3734.12	state required, federal required	40 CFR 264.145 (e)(8)	yes	both	no
3745-55-45	(E)(8)	may not	Cancellation, termination, or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration, any of the following occurs:	3734.12	state required, federal required	40 CFR 264.145 (e)(8)	yes	both	no
3745-55-45	(E)(9)	shall	Whenever the current post-closure cost estimate increases to an amount greater than the face amount of the policy during the operating life of the facility, the owner or operator, within sixty days after the increase, either shall cause the face amount to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule to cover the increase.	3734.12	state required, federal required	40 CFR 264.145 (e)(9)	yes	both	no
3745-55-45	(E)(9)	shall	Whenever the current post-closure cost estimate increases to an amount greater than the face amount of the policy during the operating life of the facility, the owner or operator, within sixty days after the increase, either shall cause the face amount to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule to cover the increase.	3734.12	state required, federal required	40 CFR 264.145 (e)(9)	yes	both	no
3745-55-45	(E)(10)	shall	Such increase shall be equivalent to the face amount of the policy, less any payments made, multiplied by an amount equivalent to eighty-five per cent of the most recent investment rate or of the equivalent coupon-issue yield announced by the U.S. treasury for twenty-six-week treasury securities.	3734.12	state required, federal required	40 CFR 264.145 (e)(10)	yes	both	no
3745-55-45	(F)(1)	shall	To pass this test, the owner or operator shall meet the criteria of either paragraph (F)(1)(a) or (F)(1)(b) of this rule.	3734.12	state required, federal required	40 CFR 264.145 (f)(1)	yes	both	no
3745-55-45	(F)(1)(a)	shall	The owner or operator shall have the following:	3734.12	state required, federal required	40 CFR 264.145 (f)(1)(i)	yes	both	no
3745-55-45	(F)(1)(b)	shall	The owner or operator shall have the following:	3734.12	state required, federal required	40 CFR 264.145 (f)(1)(ii)	yes	both	no

3745-55-45	(F)(2)	required	The phrase "current closure and post-closure cost estimates" as used in paragraph (F)(1) of this rule refers to the cost estimates required to be shown in paragraphs 1-4 of the letter from the owner's or operator's chief financial officer.	3734.12	state required, federal required	40 CFR 264.145 (f)(2)	yes	both	no
3745-55-45	(F)(2)	required	The phrase "current plugging and abandonment cost estimates" as used paragraph (F)(1) of this rule refers to the cost estimates required to be shown in paragraphs 1-4 of the letter from the owner's or operator's chief financial officer (see rule 3745-55-51 of the Administrative Code).	3734.12	state required, federal required	40 CFR 264.145 (f)(2)	yes	both	no
3745-55-45	(F)(3)	shall	To demonstrate that the owner or operator meets this test, the owner or operator shall submit the following items to the director:	3734.12	state required, federal required	40 CFR 264.145 (f)(3)	yes	both	no
3745-55-45	(F)(4)	shall	An owner or operator of a new facility shall submit the items specified in paragraph (F)(3) of this rule to the director at least sixty days before the date on which hazardous waste is first received for disposal.	3734.12	state required, federal required	40 CFR 264.145 (f)(4)	yes	both	no
3745-55-45	(F)(5)	shall	After the initial submittal of items specified in paragraph (F)(3) of this rule, the owner or operator shall send updated information to the director within ninety days after the close of each succeeding fiscal year.	3734.12	state required, federal required	40 CFR 264.145 (f)(5)	yes	both	no
3745-55-45	(F)(5)	shall	This information shall consist of all three items specified in paragraph (F)(3) of this rule.	3734.12	state required, federal required	40 CFR 264.145 (f)(5)	yes	both	no
3745-55-45	(F)(6)	shall	If the owner or operator no longer meets the requirements of paragraph (F)(1) of this rule, the owner or operator shall send notice to the director of intent to establish alternate financial assurance as specified in this rule.	3734.12	state required, federal required	40 CFR 264.145 (f)(6)	yes	both	no
3745-55-45	(F)(6)	shall	The notice shall be sent by certified mail within ninety days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements.	3734.12	state required, federal required	40 CFR 264.145 (f)(6)	yes	both	no
3745-55-45	(F)(6)	shall	The owner or operator shall provide the alternate financial assurance within one hundred twenty days after the end of such fiscal year.	3734.12	state required, federal required	40 CFR 264.145 (f)(6)	yes	both	no
3745-55-45	(F)(7)	require	The director, based on a reasonable belief that the owner or operator may no longer meet the requirements of paragraph (F)(1) of this rule, may require reports of financial condition at any time from the owner or operator in addition to those specified in paragraph (F)(3) of this rule.	3734.12	state required, federal required	40 CFR 264.145 (f)(7)	yes	both	no
3745-55-45	(F)(7)	shall	If the director finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of paragraph (F)(1) of this rule, the owner or operator shall provide alternate financial assurance as specified in this rule within thirty days after notification of such a finding.	3734.12	state required, federal required	40 CFR 264.145 (f)(7)	yes	both	no
3745-55-45	(F)(8)	shall	The owner or operator shall provide alternate financial assurance as specified in this rule within thirty days after notification of the disallowance.	3734.12	state required, federal required	40 CFR 264.145 (f)(8)	yes	both	no
3745-55-45	(F)(10)	required	The owner or operator is no longer required to submit the items specified in paragraph (F)(3) of this rule when either:	3734.12	state required, federal required	40 CFR 264.145 (f)(10)	yes	both	no
3745-55-45	(F)(11)	shall	The guarantor shall be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator.	3734.12	state required, federal required	40 CFR 264.145 (f)(11)	yes	both	no
3745-55-45	(F)(11)	shall	The guarantor shall meet the requirements for owners or operators in paragraphs (F)(1) to (F)(9) of this rule and shall comply with the terms of the guarantee.	3734.12	state required, federal required	40 CFR 264.145 (f)(11)	yes	both	no
3745-55-45	(F)(11)	shall	The guarantor shall meet the requirements for owners or operators in paragraphs (F)(1) to (F)(9) of this rule and shall comply with the terms of the guarantee.	3734.12	state required, federal required	40 CFR 264.145 (f)(11)	yes	both	no
3745-55-45	(F)(11)	shall	The wording of the guarantee shall be identical to the wording specified in paragraph (H) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.145 (f)(11)	yes	both	no
3745-55-45	(F)(11)	shall	A certified copy of the guarantee shall accompany the items sent to the director as specified in paragraph (F)(3) of this rule.	3734.12	state required, federal required	40 CFR 264.145 (f)(11)	yes	both	no

3745-55-45	(F)(11)	shall	One of these items shall be the letter from the guarantor's chief financial officer.	3734.12	state required, federal required	40 CFR 264.145 (f)(11)	yes	both	no
3745-55-45	(F)(11)	shall	If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter shall describe the value received in consideration of the guarantee.	3734.12	state required, federal required	40 CFR 264.145 (f)(11)	yes	both	no
3745-55-45	(F)(11)	shall	If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter shall describe this "substantial business relationship" and the value received in consideration of the guarantee.	3734.12	state required, federal required	40 CFR 264.145 (f)(11)	yes	both	no
3745-55-45	(F)(11)	shall	The terms of the guarantee shall provide that:	3734.12	state required, federal required	40 CFR 264.145 (f)(11)	yes	both	no
3745-55-45	(F)(11)(a)	required	If the owner or operator fails to perform post-closure care of a facility covered by the corporate guarantee in accordance with the post-closure plan and other permit requirements whenever required to do so, the guarantor will do so or establish a trust fund as specified in paragraph (A) of this rule in the name of the owner or operator.	3734.12	state required, federal required	40 CFR 264.145 (f)(11)(i)	yes	both	no
3745-55-45	(F)(11)(b)	may not	Cancellation may not occur, however, during the one hundred twenty days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the director, as evidenced by the return receipts.	3734.12	state required, federal required	40 CFR 264.145 (f)(11)(ii)	yes	both	no
3745-55-45	(G)	shall	The mechanisms shall be as specified in paragraphs (A), (B), (D), and (E) of this rule, except that it is the combination of mechanisms, rather than the single mechanism, which shall provide financial assurance for an amount at least equal to the current post-closure cost estimate.	3734.12	state required, federal required	40 CFR 264.145 (g)	yes	both	no
3745-55-45	(G)	shall	The mechanisms shall be as specified in paragraphs (A), (B), (D), and (E) of this rule, except that it is the combination of mechanisms, rather than the single mechanism, which shall provide financial assurance for an amount at least equal to the current post-closure cost estimate.	3734.12	state required, federal required	40 CFR 264.145 (g)	yes	both	no
3745-55-45	(H)	shall	Evidence of financial assurance submitted to the director shall include a list showing, for each facility, the U.S. EPA identification number, name, address, and the amount of funds for post-closure care assured by the mechanism.	3734.12	state required, federal required	40 CFR 264.145 (h)	yes	both	no
3745-55-45	(H)	shall	If the facilities covered by the mechanism are in more than one U.S. EPA region, identical evidence of financial assurance shall be submitted to and maintained with the U.S. EPA regional administrators of all such U.S. EPA regions or the directors of state programs in states authorized to administer such programs.	3734.12	state required, federal required	40 CFR 264.145 (h)	yes	both	no
3745-55-45	(H)	shall	The amount of funds available through the mechanism shall be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility.	3734.12	state required, federal required	40 CFR 264.145 (h)	yes	both	no
3745-55-45	(I)	required	Within sixty days after receiving certifications from the owner or operator and a qualified professional engineer that the post-closure care period has been completed for a hazardous waste disposal unit in accordance with the approved plan, the director will notify the owner or operator that the owner or operator is no longer required to maintain financial assurance for post-closure of that unit, unless the director has reason to believe that post-closure care has not been in accordance with the approved post-closure plan.	3734.12	state required, federal required	40 CFR 264.145 (i)	yes	both	no
3745-55-45	(I)	shall	The director shall provide the owner or operator a detailed written statement of any such reason to believe that post-closure care has not been in accordance with the approved post-closure plan.	3734.12	state required, federal required	40 CFR 264.145 (i)	yes	both	yes, director
3745-55-47	(A)	shall	An owner or operator of a hazardous waste treatment, storage, or disposal facility, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities.	3734.12	state required, federal required	40 CFR 264.147 (a)	yes	both	no
3745-55-47	(A)	shall	The owner or operator shall have and maintain liability coverage for sudden accidental occurrences in the amount of at least one million dollars per occurrence with an annual aggregate of at least two million dollars, exclusive of legal defense costs.	3734.12	state required, federal required	40 CFR 264.147 (a)	yes	both	no

3745-55-47	(A)(1)	required	An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in paragraphs (A) to (A)(7)(c) of this rule.	3734.12	state required, federal required	40 CFR 264.147 (a)(1)	yes	both	no
3745-55-47	(A)(1)(a)	shall	Each insurance policy shall be amended by attachment of the "Hazardous Waste Facility Liability Endorsement" or evidenced by a "Certificate of Liability Insurance."	3734.12	state required, federal required	40 CFR 264.147 (a)(1)(i)	yes	both	no
3745-55-47	(A)(1)(a)	shall	The wording of the endorsement shall be identical to the wording specified in paragraph (I) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.147 (a)(1)(i)	yes	both	no
3745-55-47	(A)(1)(a)	shall	The wording of the certificate of insurance shall be identical to the wording specified in paragraph (J) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.147 (a)(1)(i)	yes	both	no
3745-55-47	(A)(1)(a)	shall	The owner or operator shall submit an originally signed duplicate of the endorsement or the certificate of insurance to the director.	3734.12	state required, federal required	40 CFR 264.147 (a)(1)(i)	yes	both	no
3745-55-47	(A)(1)(a)	shall	If requested by the director, the owner or operator shall provide an originally signed duplicate of the insurance policy.	3734.12	state required, federal required	40 CFR 264.147 (a)(1)(i)	yes	both	no
3745-55-47	(A)(1)(a)	shall	An owner or operator of a new facility shall submit the originally signed duplicate of the "Hazardous Waste Facility Liability Endorsement" or the "Certificate of Liability Insurance" to the director at least sixty days before the date on which hazardous waste is first received for treatment, storage, or disposal.	3734.12	state required, federal required	40 CFR 264.147 (a)(1)(i)	yes	both	no
3745-55-47	(A)(1)(a)	shall	The insurance shall be effective before this initial receipt of hazardous waste.	3734.12	state required, federal required	40 CFR 264.147 (a)(1)(i)	yes	both	no
3745-55-47	(A)(1)(b)	shall	Each insurance policy shall be issued by an insurer which, at a minimum, is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states.	3734.12	state required, federal required	40 CFR 264.147 (a)(1)(ii)	yes	both	no
3745-55-47	(A)(6)	required	An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee, letter of credit, surety bond, and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor.	3734.12	state required, federal required	40 CFR 264.147 (a)(6)	yes	both	no
3745-55-47	(A)(6)	may not	An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee, letter of credit, surety bond, and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor.	3734.12	state required, federal required	40 CFR 264.147 (a)(6)	yes	both	no
3745-55-47	(A)(6)	shall	The amounts of coverage demonstrated shall total at least the minimum amounts required by this rule.	3734.12	state required, federal required	40 CFR 264.147 (a)(6)	yes	both	no
3745-55-47	(A)(6)	required	The amounts of coverage demonstrated shall total at least the minimum amounts required by this rule.	3734.12	state required, federal required	40 CFR 264.147 (a)(6)	yes	both	no
3745-55-47	(A)(6)	required	If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under paragraphs (A) to (A)(7)(c) of this rule, the owner or operator shall specify at least one such assurance as "primary" coverage and shall specify other assurance as "excess" coverage.	3734.12	state required, federal required	40 CFR 264.147 (a)(6)	yes	both	no
3745-55-47	(A)(6)	shall	If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under paragraphs (A) to (A)(7)(c) of this rule, the owner or operator shall specify at least one such assurance as "primary" coverage and shall specify other assurance as "excess" coverage.	3734.12	state required, federal required	40 CFR 264.147 (a)(6)	yes	both	no

3745-55-47	(A)(6)	shall	If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under paragraphs (A) to (A)(7)(c) of this rule, the owner or operator shall specify at least one such assurance as "primary" coverage and shall specify other assurance as "excess" coverage.	3734.12	state required, federal required	40 CFR 264.147 (a)(6)	yes	both	no
3745-55-47	(A)(7)	shall	An owner or operator shall notify the director in writing within thirty days whenever any of the following occurs:	3734.12	state required, federal required	40 CFR 264.147 (a)(7)	yes	both	no
3745-55-47	(B)	shall	An owner or operator of a surface impoundment, landfill, or land treatment facility, or disposal miscellaneous unit that is used to manage hazardous waste, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities.	3734.12	state required, federal required	40 CFR 264.147 (b)	yes	both	no
3745-55-47	(B)	shall	An owner or operator shall have and maintain liability coverage for nonsudden accidental occurrences in the amount of at least three million dollars per occurrence with an annual aggregate of at least six million dollars, exclusive of legal defense costs.	3734.12	state required, federal required	40 CFR 264.147 (b)	yes	both	no
3745-55-47	(B)	shall	An owner or operator who shall meet the requirements of this rule may combine the required per-occurrence coverage levels for sudden and nonsudden accidental occurrences into a single per occurrence level, and combine the required annual aggregate coverage levels for sudden and nonsudden accidental occurrences into a single annual aggregate level.	3734.12	state required, federal required	40 CFR 264.147 (b)	yes	both	no
3745-55-47	(B)	required	An owner or operator who shall meet the requirements of this rule may combine the required per-occurrence coverage levels for sudden and nonsudden accidental occurrences into a single per occurrence level, and combine the required annual aggregate coverage levels for sudden and nonsudden accidental occurrences into a single annual aggregate level.	3734.12	state required, federal required	40 CFR 264.147 (b)	yes	both	no
3745-55-47	(B)	required	An owner or operator who shall meet the requirements of this rule may combine the required per-occurrence coverage levels for sudden and nonsudden accidental occurrences into a single per occurrence level, and combine the required annual aggregate coverage levels for sudden and nonsudden accidental occurrences into a single annual aggregate level.	3734.12	state required, federal required	40 CFR 264.147 formerly in (b)	yes	both	no
3745-55-47	(B)	shall	Owners or operators who combine coverage levels for sudden and nonsudden accidental occurrences shall maintain liability coverage in the amount of at least four million dollars per occurrence and eight million dollars annual aggregate.	3734.12	state required, federal required	40 CFR 264.147 (b)	yes	both	no
3745-55-47	(B)(1)	required	An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in paragraphs (B) to (B)(7)(c) of this rule.	3734.12	state required, federal required	40 CFR 264.147 (b)(1)	yes	both	no
3745-55-47	(B)(1)(a)	shall	Each insurance policy shall be amended by attachment of the "Hazardous Waste Facility Liability Endorsement" or evidenced by a "Certificate of Liability Insurance."	3734.12	state required, federal required	40 CFR 264.147 (b)(1)(i)	yes	both	no
3745-55-47	(B)(1)(a)	shall	The wording of the endorsement shall be identical to the wording specified in paragraph (I) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.147 (b)(1)(i)	yes	both	no
3745-55-47	(B)(1)(a)	shall	The wording of the certificate of insurance shall be identical to the wording specified in paragraph (J) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.147 (b)(1)(i)	yes	both	no
3745-55-47	(B)(1)(a)	shall	The owner or operator shall submit an originally signed duplicate of the endorsement or the certificate of insurance to the director.	3734.12	state required, federal required	40 CFR 264.147 (b)(1)(i)	yes	both	no
3745-55-47	(B)(1)(a)	shall	If requested by the director, the owner or operator shall provide an originally signed duplicate of the insurance policy.	3734.12	state required, federal required	40 CFR 264.147 (b)(1)(i)	yes	both	no
3745-55-47	(B)(1)(a)	shall	An owner or operator of a new facility shall submit the originally signed duplicate of the "Hazardous Waste Facility Liability Endorsement" or the "Certificate of Liability Insurance" to the director at least sixty days before the date on which hazardous waste is first received for treatment, storage, or disposal.	3734.12	state required, federal required	40 CFR 264.147 (b)(1)(i)	yes	both	no

3745-55-47	(B)(1)(a)	shall	The insurance shall be effective before this initial receipt of hazardous waste.	3734.12	state required, federal required	40 CFR 264.147 (b)(1)(i)	yes	both	no
3745-55-47	(B)(1)(b)	shall	Each insurance policy shall be issued by an insurer which, at a minimum, is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states.	3734.12	state required, federal required	40 CFR 264.147 (b)(1)(ii)	yes	both	no
3745-55-47	(B)(6)	required	An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee, letter of credit, surety bond, and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor.	3734.12	state required, federal required	40 CFR 264.147 (b)(6)	yes	both	no
3745-55-47	(B)(6)	may not	An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee, letter of credit, surety bond, and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor.	3734.12	state required, federal required	40 CFR 264.147 (b)(6)	yes	both	no
3745-55-47	(B)(6)	shall	The amounts of coverage demonstrated shall total at least the minimum amount required by this rule.	3734.12	state required, federal required	40 CFR 264.147 (b)(6)	yes	both	no
3745-55-47	(B)(6)	required	The amounts of coverage demonstrated shall total at least the minimum amount required by this rule.	3734.12	state required, federal required	40 CFR 264.147 (b)(6)	yes	both	no
3745-55-47	(B)(6)	required	If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under paragraphs (B) to (B)(7)(c) of this rule, the owner or operator shall specify at least one such assurance as "primary" coverage and shall specify other assurance as "excess" coverage.	3734.12	state required, federal required	40 CFR 264.147 (b)(6)	yes	both	no
3745-55-47	(B)(6)	shall	If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under paragraphs (B) to (B)(7)(c) of this rule, the owner or operator shall specify at least one such assurance as "primary" coverage and shall specify other assurance as "excess" coverage.	3734.12	state required, federal required	40 CFR 264.147 (b)(6)	yes	both	no
3745-55-47	(B)(6)	shall	If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under paragraphs (B) to (B)(7)(c) of this rule, the owner or operator shall specify at least one such assurance as "primary" coverage and shall specify other assurance as "excess" coverage.	3734.12	state required, federal required	40 CFR 264.147 (b)(6)	yes	both	no
3745-55-47	(B)(7)	shall	An owner or operator shall notify the director in writing within thirty days whenever any of the following occurs:	3734.12	state required, federal required	40 CFR 264.147 (b)(7)	yes	both	no
3745-55-47	(C)	required	If an owner or operator can satisfactorily demonstrate that the levels of financial responsibility required by paragraph (A) or (B) of this rule are not consistent with the degree and duration of risk associated with the treatment, storage, or disposal at a facility or group of facilities, the owner or operator may obtain a variance from the director.	3734.12	state required, federal required	40 CFR 264.147 (c)	yes	both	no
3745-55-47	(C)	shall	The request for a variance shall be submitted as part of the permit application under rule 3745-50-44 of the Administrative Code for a facility that does not have a permit, or pursuant to the procedures for permit modification for a facility that has a permit.	3734.12	state required, federal required	40 CFR 264.147 (c)	yes	both	no
3745-55-47	(C)	required	If granted, the variance will take the form of an adjusted level of required liability coverage, such level to be based on the director's assessment of the degree and duration of risks associated with the ownership or operation of each facility or group of facilities.	3734.12	state required, federal required	40 CFR 264.147 (c)	yes	both	no
3745-55-47	(C)	require	The director may require an owner or operator who requests a variance to provide such technical and engineering information as is deemed necessary by the director to determine a level of financial responsibility other than that required by paragraph (A) or (B) of this rule.	3734.12	state required, federal required	40 CFR 264.147 (c)	yes	both	no
3745-55-47	(C)	required	The director may require an owner or operator who requests a variance to provide such technical and engineering information as is deemed necessary by the director to determine a level of financial responsibility other than that required by paragraph (A) or (B) of this rule.	3734.12	state required, federal required	40 CFR 264.147 (c)	yes	both	no

3745-55-47	(D)	required	If the director determines that the levels of financial responsibility required by paragraph (A) or (B) of this rule are not consistent with the degree and duration of risks associated with treatment, storage, or disposal at a facility or group of facilities, the director may adjust the level of financial responsibility required under paragraph (A) or (B) of this rule as may be necessary to protect human health and the environment.	3734.12	state required, federal required	40 CFR 264.147 (d)	yes	both	no
3745-55-47	(D)	required	If the director determines that the levels of financial responsibility required by paragraph (A) or (B) of this rule are not consistent with the degree and duration of risks associated with treatment, storage, or disposal at a facility or group of facilities, the director may adjust the level of financial responsibility required under paragraph (A) or (B) of this rule as may be necessary to protect human health and the environment.	3734.12	state required, federal required	40 CFR 264.147 (d)	yes	both	no
3745-55-47	(D)	require	In addition, if the director determines that there is a significant risk to human health and the environment from nonsudden accidental occurrences resulting from the operations of a facility that is not a surface impoundment, landfill, or land treatment facility, the director may require that an owner or operator of the facility comply with paragraph (B) of this rule.	3734.12	state required, federal required	40 CFR 264.147 (d)	yes	both	no
3745-55-47	(D)	shall	An owner or operator shall furnish the director, within a reasonable time, any information which the director requests in order to determine whether cause exists for such adjustments of level or type of required coverage.	3734.12	state required, federal required	40 CFR 264.147 (d)	yes	both	no
3745-55-47	(D)	required	An owner or operator shall furnish the director, within a reasonable time, any information which the director requests in order to determine whether cause exists for such adjustments of level or type of required coverage.	3734.12	state required, federal required	40 CFR 264.147 (d)	yes	both	no
3745-55-47	(E)	required	Within sixty days after receiving certifications from the owner or operator and a qualified professional engineer that final closure has been completed in accordance with the approved closure plan, the director will notify the owner or operator in writing that the owner or operator is no longer required by this rule to maintain liability coverage for that facility, unless the director has reason to believe that closure has not been in accordance with the approved closure plan.	3734.12	state required, federal required	40 CFR 264.147 (e)	yes	both	no
3745-55-47	(F)(1)	shall	To pass this test the owner or operator shall meet the criteria of paragraph (F)(I)(a) or (F)(I)(b) of this rule.	3734.12	state required, federal required	40 CFR 264.147 (f)(1)	yes	both	no
3745-55-47	(F)(1)(a)	shall	The owner or operator shall have:	3734.12	state required, federal required	40 CFR 264.147 (f)(1)(i)	yes	both	no
3745-55-47	(F)(1)(b)	shall	The owner or operator shall have:	3734.12	state required, federal required	40 CFR 264.147 (f)(1)(ii)	yes	both	no
3745-55-47	(F)(2)	required	The phrase "amount of liability coverage" as used in paragraph (F)(1) of this rule refers to the annual aggregate amounts for which coverage is required under paragraphs (A) and (B) of this rule.	3734.12	state required, federal required	40 CFR 264.147 (f)(2)	yes	both	no
3745-55-47	(F)(3)	shall	To demonstrate that the owner or operator meets this test, the owner or operator shall submit the following three items to the director:	3734.12	state required, federal required	40 CFR 264.147 (f)(3)	yes	both	no
3745-55-47	(F)(3)(a)	shall	If an owner or operator is using the financial test to demonstrate both assurance for closure or post closure care, as specified by paragraph (F) of rule 3745-55-43, paragraph (F) of rule 3745-55-45, paragraph (E) of rule 3745-66-43, and paragraph (E) of rule 3745-66-45 of the Administrative Code, and liability coverage, the owner or operator shall submit the letter specified in paragraph (G) of rule 3745-55-51 of the Administrative Code to cover both forms of financial responsibility.	3734.12	state required, federal required	40 CFR 264.147 (f)(3)(i)	yes	both	no
3745-55-47	(F)(3)(a)	not required	A separate letter as specified in paragraph (F) of rule 3745-55-51 of the Administrative Code is not required.	3734.12	state required, federal required	40 CFR 264.147 (f)(3)(i)	yes	both	no
3745-55-47	(F)(4)	shall	An owner or operator of a new facility shall submit the items specified in paragraph (F)(3) of this rule to the director at least sixty days before the date on which hazardous waste is first received for treatment, storage, or disposal.	3734.12	state required, federal required	40 CFR 264.147 (f)(4)	yes	both	no

3745-55-47	(F)(5)	shall	After the initial submittal of items specified in paragraph (F)(3) of this rule, the owner or operator shall send updated information to the director within ninety days after the close of each succeeding fiscal year.	3734.12	state required, federal required	40 CFR 264.147 (f)(5)	yes	both	no
3745-55-47	(F)(5)	shall	This information shall consist of all three items specified in paragraph (F)(3) of this rule.	3734.12	state required, federal required	40 CFR 264.147 (f)(5)	yes	both	no
3745-55-47	(F)(6)	shall	If the owner or operator no longer meets the requirements of paragraph (F)(1) of this rule, the owner or operator shall obtain insurance, a letter of credit, a surety bond, a trust fund, or a guarantee for the entire amount of required liability coverage as specified in this rule.	3734.12	state required, federal required	40 CFR 264.147 (f)(6)	yes	both	no
3745-55-47	(F)(6)	required	If the owner or operator no longer meets the requirements of paragraph (F)(1) of this rule, the owner or operator shall obtain insurance, a letter of credit, a surety bond, a trust fund, or a guarantee for the entire amount of required liability coverage as specified in this rule.	3734.12	state required, federal required	40 CFR 264.147 (f)(6)	yes	both	no
3745-55-47	(F)(6)	shall	Evidence of liability coverage shall be submitted to the director within ninety days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the test requirements.	3734.12	state required, federal required	40 CFR 264.147 (f)(6)	yes	both	no
3745-55-47	(F)(7)	shall	The owner or operator shall provide evidence of insurance for the entire amount of required liability coverage as specified in this rule within thirty days after notification of disallowance.	3734.12	state required, federal required	40 CFR 264.147 (f)(7)	yes	both	no
3745-55-47	(F)(7)	required	The owner or operator shall provide evidence of insurance for the entire amount of required liability coverage as specified in this rule within thirty days after notification of disallowance.	3734.12	state required, federal required	40 CFR 264.147 (f)(7)	yes	both	no
3745-55-47	(G)(1)	shall	The guarantor shall be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator.	3734.12	state required, federal required	40 CFR 264.147 (g)(1)	yes	both	no
3745-55-47	(G)(1)	shall	The guarantor shall meet the requirements for owners or operators in paragraphs (F)(1) to (F)(6) of this rule.	3734.12	state required, federal required	40 CFR 264.147 (g)(1)	yes	both	no
3745-55-47	(G)(1)	shall	The wording of the guarantee shall be identical to the wording specified in paragraph (H)(2) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.147 (g)(1)	yes	both	no
3745-55-47	(G)(1)	shall	A certified copy of the guarantee shall accompany the items sent to the director as specified in paragraph (F)(3) of this rule.	3734.12	state required, federal required	40 CFR 264.147 (g)(1)	yes	both	no
3745-55-47	(G)(1)	shall	One of these items shall be the letter from the guarantor's chief financial officer.	3734.12	state required, federal required	40 CFR 264.147 (g)(1)	yes	both	no
3745-55-47	(G)(1)	shall	If the guarantor's parent corporation is also the parent corporation of the owner or operator, this letter shall describe the value received in consideration of the guarantee.	3734.12	state required, federal required	40 CFR 264.147 (g)(1)	yes	both	no
3745-55-47	(G)(1)	shall	If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter shall describe this "substantial business relationship" and the value received in consideration of the guarantee.	3734.12	state required, federal required	40 CFR 264.147 (g)(1)	yes	both	no
3745-55-47	(H)(2)	shall	The financial institution issuing the letter of credit shall be an entity that has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency.	3734.12	state required, federal required	40 CFR 264.147 (h)(2)	yes	both	no
3745-55-47	(H)(3)	shall	The wording of the letter of credit shall be identical to the wording specified in paragraph (K) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.147 (h)(3)	yes	both	no
3745-55-47	(H)(4)	shall	The trustee of the standby trust fund shall be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.	3734.12	state required, federal required	40 CFR 264.147 (h)(4)	yes	both	no
3745-55-47	(H)(5)	shall	The wording of the standby trust fund shall be identical to the wording specified in paragraph (N) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.147 (h)(5)	yes	both	no
3745-55-47	(I)(2)	shall	The surety company issuing the bond shall be among those listed as acceptable sureties on federal bonds in the most recent "Circular 570" of the U.S. department of the treasury.	3734.12	state required, federal required	40 CFR 264.147 (i)(2)	yes	both	no
3745-55-47	(I)(3)	shall	The wording of the surety bond shall be identical to the wording specified in paragraph (L) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.147 (i)(3)	yes	both	no
3745-55-47	(J)(2)	shall	The trustee shall be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.	3734.12	state required, federal required	40 CFR 264.147 (j)(2)	yes	both	no

3745-55-47	(J)(3)	shall	The trust fund for liability coverage shall be funded for the full amount of the liability coverage to be provided by the trust fund before the trust fund may be relied upon to satisfy the requirements of this rule.	3734.12	state required, federal required	40 CFR 264.147 (j)(3)	yes	both	no
3745-55-47	(J)(3)	shall	If at any time after the trust fund is created the amount of funds in the trust fund is reduced below the full amount of the liability coverage to be provided, the owner or operator, by the anniversary date of the establishment of the fund, shall either add sufficient funds to the trust fund to cause the value of the trust fund to equal the full amount of liability coverage to be provided, or obtain other financial assurance as specified in this rule to cover the difference.	3734.12	state required, federal required	40 CFR 264.147 (j)(3)	yes	both	no
3745-55-47	(J)(3)	required	For purposes of paragraphs (J) to (J)(4) of this rule, "the full amount of the liability coverage to be provided" means the amount of coverage for sudden, nonsudden, or sudden and nonsudden occurrences required by this rule to be provided by the owner or operator, less the amount of financial assurance for liability coverage that is being provided by other financial assurance mechanisms being used by the owner or operator to demonstrate financial assurance.	3734.12	state required, federal required	40 CFR 264.147 (j)(3)	yes	both	no
3745-55-47	(J)(4)	shall	The wording of the trust fund shall be identical to the wording specified in paragraph (M) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.147 (j)(4)	yes	both	no
3745-55-74	text	shall	At least once during each period from Sunday to Saturday, the owner or operator shall inspect areas where containers are stored.	3734.12	state required, federal required	40 CFR 264.174 text	yes	both	no
3745-55-74	text	shall	The owner or operator shall look for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors.	3734.12	state required, federal required	40 CFR 264.174 text	yes	both	no
3745-55-74	[Comment]	required	See paragraph (C) of rule 3745-54-15 and rule 3745-55-71 of the Administrative Code for remedial action required if deterioration or leaks are detected.	3734.12	state required, federal required	40 CFR 264.174 formerly in [Comment]	yes	both	no
3745-55-95	(A)	shall	The owner or operator shall develop and follow a schedule and procedure for inspecting overfill controls.	3734.12	state required, federal required	40 CFR 264.195 (a)	yes	both	no
3745-55-95	(B)	shall	The owner or operator shall inspect at least once each operating day data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to the tank system's design.	3734.12	state required, federal required	40 CFR 264.195 (b)	yes	both	no
3745-55-95	(B)[Comment]	requires	Paragraph (C) of rule 3745-54-15 of the Administrative Code requires the owner or operator to remedy any deterioration or malfunction that is found.	3734.12	state required, federal required	40 CFR 264.195 (b)[Note]	yes	both	no
3745-55-95	(B)[Comment]	requires	Rule 3745-55-96 of the Administrative Code requires the owner or operator to notify the director within twenty-four hours after confirming a leak.	3734.12	state required, federal required	40 CFR 264.195 (b)[Note]	yes	both	no
3745-55-95	(B)[Comment]	require	Also, 40 CFR Part 302 may require the owner or operator to notify the "National Response Center" of a release.	3734.12	state required, federal required	40 CFR 264.195 (b)[Note]	yes	both	no
3745-55-95	(C)	shall	In addition, except as noted under paragraph (D) of this rule, the owner or operator shall inspect at least once each operating day:	3734.12	state required, federal required	40 CFR 264.195 (c)	yes	both	no
3745-55-95	(D)	shall	Owners or operators of tank systems that either use leak detection systems to alert facility personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified, shall inspect at least weekly those areas described in paragraphs (C)(1) and (C)(2) of this rule.	3734.12	state required, federal required	40 CFR 264.195 (d)	yes	both	no
3745-55-95	(D)	shall	Use of the alternate inspection schedule shall be documented in the facility's operating record.	3734.12	state required, federal required	40 CFR 264.195 (d)	yes	both	no
3745-55-95	(D)	shall	This documentation shall include a description of the established workplace practices at the facility.	3734.12	state required, federal required	40 CFR 264.195 (d)	yes	both	no
3745-55-95	(F)	shall	Ancillary equipment that is not provided with secondary containment, as described in paragraphs (F)(1) to (F)(4) of rule 3745-55-93 of the Administrative Code, shall be inspected at least once each operating day.	3734.12	state required, federal required	40 CFR 264.195 (f)	yes	both	no

3745-55-95	(G)	shall	The owner or operator shall inspect cathodic protection systems, if present, according to, at a minimum, the following schedule to ensure that the cathodic protection systems are functioning properly:	3734.12	state required, federal required	40 CFR 264.195 (g)	yes	both	no
3745-55-95	(G)(1)	shall	The proper operation of the cathodic protection system shall be confirmed within six months after initial installation and annually thereafter.	3734.12	state required, federal required	40 CFR 264.195 (g)(1)	yes	both	no
3745-55-95	(G)(2)	shall	All sources of impressed current shall be inspected or tested, as appropriate, at least bimonthly (i.e., every other month).	3734.12	state required, federal required	40 CFR 264.195 (g)(2)	yes	both	no
3745-55-95	(H)	shall	The owner or operator shall document in the operating record of the facility an inspection of those items in paragraphs (A) to (C) of this rule.	3734.12	state required, federal required	40 CFR 264.195 (h)	yes	both	no
3745-55-96	intro	shall	A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, shall be removed from service immediately, and the owner or operator shall comply with the following requirements:	3734.12	state required, federal required	40 CFR 264.196 intro	yes	both	no
3745-55-96	intro	shall	A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, shall be removed from service immediately, and the owner or operator shall comply with the following requirements:	3734.12	state required, federal required	40 CFR 264.196 intro	yes	both	no
3745-55-96	(A)	shall	The owner or operator shall immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.	3734.12	state required, federal required	40 CFR 264.196 (a)	yes	both	no
3745-55-96	(B)(1)	shall	If the release was from the tank system, the owner or operator shall, within twenty-four hours after detection of the leak, or, if the owner or operator demonstrates that it is not possible, at the earliest practicable time, remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed.	3734.12	state required, federal required	40 CFR 264.196 (b)(1)	yes	both	no
3745-55-96	(B)(2)	shall	If the material released was to a secondary containment system, all released materials shall be removed within twenty-four hours or in as timely a manner as is possible to prevent harm to human health and the environment.	3734.12	state required, federal required	40 CFR 264.196 (b)(2)	yes	both	no
3745-55-96	(C)	shall	The owner or operator shall immediately conduct a visual inspection of the release and, based upon that inspection, both:	3734.12	state required, federal required	40 CFR 264.196 (c)	yes	both	no
3745-55-96	(D)(1)	shall	Any release to the environment, except as provided in paragraph (D)(2) of this rule, shall be reported to the director within twenty-four hours after its detection.	3734.12	state required, federal required	40 CFR 264.196 (d)(1)	yes	both	no
3745-55-96	(D)(3)	shall	Within thirty days after detection of a release to the environment, a report containing all of the following information shall be submitted to the director:	3734.12	state required, federal required	40 CFR 264.196 (d)(3)	yes	both	no
3745-55-96	(D)(3)(c)	shall	If sampling or monitoring data relating to the release are not available within thirty days, these data shall be submitted to the director as soon as the data become available.	3734.12	state required, federal required	40 CFR 264.196 (d)(3)(iii)	yes	both	no
3745-55-96	(E)(1)	shall	Unless the owner or operator complies with paragraphs (E)(2) to (E)(4) of this rule, the tank system shall be closed in accordance with rule 3745-55-97 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.196 (e)(1)	yes	both	no
3745-55-96	(E)(3)	shall	If the cause of the release was a leak from the primary tank system into the secondary containment system, the system shall be repaired prior to returning the tank system to service.	3734.12	state required, federal required	40 CFR 264.196 (e)(3)	yes	both	no
3745-55-96	(E)(4)	shall	If the source of the release was a leak to the environment from a component of a tank system without secondary containment, the owner or operator shall provide the component of the system from which the leak occurred with secondary containment that complies with rule 3745-55-93 of the Administrative Code before it may be returned to service, unless the source of the leak is an aboveground portion of a tank system that can be inspected visually.	3734.12	state required, federal required	40 CFR 264.196 (e)(4)	yes	both	no
3745-55-96	(E)(4)	shall	If the source is an aboveground component that can be inspected visually, the component shall be repaired and may be returned to service without secondary containment as long as that component is in compliance with paragraph (F) of this rule.	3734.12	state required, federal required	40 CFR 264.196 (e)(4)	yes	both	no
3745-55-96	(E)(4)	shall	If a component is replaced to comply with this requirement, that component shall comply with new tank systems or components requirements in rules 3745-55-92 and 3745-55-93 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.196 (e)(4)	yes	both	no

3745-55-96	(E)(4)	shall	Additionally, if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an inground or onground tank), the entire component shall be provided with secondary containment in accordance with rule 3745-55-93 of the Administrative Code prior to being returned to use.	3734.12	state required, federal required	40 CFR 264.196 (e)(4)	yes	both	no
3745-55-96	(F)	shall not	If the owner or operator has repaired a tank system in accordance with paragraph (E) of this rule, and the repair has been extensive (e.g., installation of an internal liner, repair of a ruptured primary containment or secondary containment vessel), the tank system shall not be returned to service unless the owner or operator has obtained a certification by a qualified professional engineer in accordance with paragraph (D) of rule 3745-50-42 of the Administrative Code that the repaired system is capable of handling hazardous wastes without release for the intended life of the system.	3734.12	state required, federal required	40 CFR 264.196 (f)	yes	both	no
3745-55-96	(F)	shall	This certification shall be submitted to the director within seven days after returning the tank system to use, placed in the operating record, and maintained until closure of the facility.	3734.12	state required, federal required	40 CFR 264.196 (f)	yes	both	no
3745-55-96	[Comment 1]	requiring	The director, on the basis of any information received that there is or has been a release of hazardous waste or hazardous constituents into the environment, may issue an order under section 3734.20 of the Revised Code requiring corrective action or such other response as deemed necessary to protect human health or the environment.	3734.12	state required, federal required	40 CFR 264.196 [Note] 1 <sup>st</sup> one	yes	both	no
3745-55-96	[Comment 2]	require	Also, 40 CFR Part 302 may require the owner or operator to notify the "National Response Center" of a release of certain releases.	3734.12	state required, federal required	40 CFR 264.196 [Note] 2 <sup>nd</sup> one	yes	both	no
3745-55-98	(A)	shall not	Ignitable waste or reactive waste shall not be placed in tank systems, unless one of these three situations occurs:	3734.12	state required, federal required	40 CFR 264.198 (a)	yes	both	no
3745-55-98	(B)	shall	The owner or operator of a facility where ignitable waste or reactive waste is stored or treated in a tank shall comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon as required in the national fire protection association's (NFPA) "Flammable and Combustible Liquids Code."	3734.12	state required, federal required	40 CFR 264.198 (b)	yes	both	no
3745-55-98	(B)	required	The owner or operator of a facility where ignitable waste or reactive waste is stored or treated in a tank shall comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon as required in the national fire protection association's (NFPA) "Flammable and Combustible Liquids Code."	3734.12	state required, federal required	40 CFR 264.198 (b)	yes	both	no
3745-55-98	[Comment 1]	required	As required by rule 3745-54-13 of the Administrative Code, the waste analysis plan shall include analyses needed to comply with this rule.	3734.12	state required, federal required, but not this [Comment]	none	yes	no	no
3745-55-98	[Comment 1]	shall	As required by rule 3745-54-13 of the Administrative Code, the waste analysis plan shall include analyses needed to comply with this rule.	3734.12	state required, federal required, but not this [Comment]	none	yes	no	no
3745-55-98	[Comment 1]	requires	Also, paragraph (C) of rule 3745-54-17 of the Administrative Code requires waste analysis, trial tests, or other documentation to ensure compliance with paragraph (B) of rule 3745-54-17 of the Administrative Code.	3734.12	state required, federal required, but not this [Comment]	none	yes	no	no
3745-55-98	[Comment 1]	required	As required by rule 3745-54-73 of the Administrative Code, the owner or operator shall place the results of each waste analysis and trial test and any documented information, in the operating record of the facility.	3734.12	state required, federal required, but not this [Comment]	none	yes	no	no

3745-55-98	[Comment 1]	shall	As required by rule 3745-54-73 of the Administrative Code, the owner or operator shall place the results of each waste analysis and trial test and any documented information, in the operating record of the facility.	3734.12	state required, federal required, but not this [Comment]	none	yes	no	no
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OAC Rule #	Paragraph	Restriction	Description/Quotation	Statutory Authority	State or Fed Law?	If Fed, crosswalk?	Federally delegated program?	Removal would require state or federal law change?	Requirement on the agency or director?
			NO ENTRIES IN CHAPTER 3745-56						

OAC Rule #	Paragraph	Restriction	Description/Quotation	Statutory Authority	State or Fed Law?	If Fed, crosswalk?	Federally delegated program?	Removal would require state or federal law change?	Requirement on the agency or director?
3745-57-74	(A)	shall	A staging pile shall be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the staging pile originated.	3734.12	state required, federal required	40 CFR 264.554 (a)	yes	both	no
3745-57-74	(A)	shall	Staging piles shall be designated by the director according to this rule.	3734.12	state required, federal required	40 CFR 264.554 (a)	yes	both	yes, director
3745-57-74	(C)	shall	What information shall I provide to get a staging pile designated?	3734.12	state required, federal required	40 CFR 264.554 (c)	yes	both	no
3745-57-74	(C)	shall	When seeking a staging pile designation, you shall provide the following:	3734.12	state required, federal required	40 CFR 264.554 (c)	yes	both	no
3745-57-74	(D)	shall	What performance criteria shall a staging pile satisfy?	3734.12	state required, federal required	40 CFR 264.554 (d)	yes	both	no
3745-57-74	(D)(1)	shall	The standards and design criteria shall comply with the following:	3734.12	state required, federal required	40 CFR 264.554 (d)(1)	yes	both	no
3745-57-74	(D)(1)(a)	shall	The staging pile shall facilitate a reliable, effective, and protective remedy.	3734.12	state required, federal required	40 CFR 264.554 (d)(1)(i)	yes	both	no
3745-57-74	(D)(1)(b)	shall	The staging pile shall be designed to prevent or minimize releases of hazardous wastes and hazardous constituents into the environment, and to minimize or adequately control cross media transfer, as necessary to protect human health and the environment (for example, through the use of liners, covers, run-off or run-on controls, as appropriate).	3734.12	state required, federal required	40 CFR 264.554 (d)(1)(ii)	yes	both	no
3745-57-74	(D)(1)(c)	shall not	The staging pile shall not operate for more than two years, except when the director grants an operating term extension under paragraph (I) of this rule.	3734.12	state required, federal required	40 CFR 264.554 (d)(1)(iii)	yes	both	no
3745-57-74	(D)(1)(c)	shall	You shall measure the two-year limit, or other operating term specified by the director in the permit, closure plan, or order, from the first time you place remediation waste into a staging pile.	3734.12	state required, federal required	40 CFR 264.554 (d)(1)(iii)	yes	both	no
3745-57-74	(D)(1)(c)	shall	You shall maintain a record of the date when you first placed remediation waste into the staging pile for the life of the permit, closure plan, or order, or for three years, whichever is longer.	3734.12	state required, federal required	40 CFR 264.554 (d)(1)(iii)	yes	both	no
3745-57-74	(D)(2)	shall	In setting the standards and design criteria, the director shall consider the following factors:	3734.12	state required, federal required	40 CFR 264.554 (d)(2)	yes	both	yes, director
3745-57-74	(E)	shall not	You shall not place ignitable remediation waste or reactive remediation waste in a staging pile unless:	3734.12	state required, federal required	40 CFR 264.554 (e)	yes	both	no
3745-57-74	(F)	shall	You shall comply with the following requirements for incompatible wastes in staging piles:	3734.12	state required, federal required	40 CFR 264.554 (f)	yes	both	no
3745-57-74	(F)(1)	shall not	You shall not place incompatible remediation wastes in the same staging pile unless you have complied with paragraph (B) of rule 3745-54-17 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.554 (f)(1)	yes	both	no
3745-57-74	(F)(2)	shall	If remediation waste in a staging pile is incompatible with any waste or material stored nearby in containers, other piles, open tanks, or land disposal units (for example, surface impoundments), you shall separate the incompatible materials, or protect them from one another by using a dike, berm, wall, or other device.	3734.12	state required, federal required	40 CFR 264.554 (f)(2)	yes	both	no
3745-57-74	(F)(3)	shall not	You shall not pile remediation waste on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to comply with paragraph (B) of rule 3745-54-17 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.554 (f)(3)	yes	both	no

3745-57-74	(H)	shall	You shall use a staging pile no longer than the length of time designated by the director in the permit, closure plan, or order (the "operating term"), except as provided in paragraph (I) of this rule.	3734.12	state required, federal required	40 CFR 264.554 (h)	yes	both	no
3745-57-74	(I)(1)	shall	To justify to the director the need for an extension, you shall provide sufficient and accurate information to enable the director to determine that continued operation of the staging pile both:	3734.12	state required, federal required	40 CFR 264.554 (i)(1)	yes	both	no
3745-57-74	(J)(1)	shall	Within one hundred eighty days after the operating term of the staging pile expires, you shall close a staging pile located in a previously contaminated area of the site by removing or decontaminating all:	3734.12	state required, federal required	40 CFR 264.554 (j)(1)	yes	both	no
3745-57-74	(J)(2)	shall	You shall also decontaminate contaminated subsoils in a manner and according to a schedule that the director determines will protect human health and the environment.	3734.12	state required, federal required	40 CFR 264.554 (j)(2)	yes	both	no
3745-57-74	(K)(1)	shall	Within one hundred eighty days after the operating term of the staging pile expires, you shall close a staging pile located in an uncontaminated area of the site according to paragraph (A) of rule 3745-56-58 and rule 3745-55-11 of the Administrative Code, or according to paragraph (A) of rule 3745-67-58 and rule 3745-66-11 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.554 (k)(1)	yes	both	no
3745-57-74	(K)(2)	shall	The director shall include the requirement in paragraph (K)(1) of this rule in the permit, closure plan, or order in which the staging pile is designated.	3734.12	state required, federal required	40 CFR 264.554 (k)(2)	yes	both	yes, director
3745-57-74	(L)(1)(a)	shall	The director shall approve the modification under the procedures for Ohio EPA-initiated permit modifications in rule 3745-50-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.554 (l)(1)(i)	yes	both	yes, director
3745-57-74	(L)(1)(b)	shall	You shall request a "Class 2" modification under rule 3745-50-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.554 (l)(1)(ii)	yes	both	no
3745-57-74	(L)(3)	shall	To modify a closure plan to incorporate a staging pile or staging pile operating term extension, you shall follow the applicable requirements under paragraph (C) of rule 3745-55-12 or paragraph (C) of rule 3745-66-12 of the Administrative Code.	3734.12	state required, federal required	40 CFR 264.554 (l)(3)	yes	both	no
3745-57-74	(L)(4)	shall	To modify an order to incorporate a staging pile or staging pile operating term extension, you shall follow the terms of the order.	3734.12	state required, federal required	40 CFR 264.554 (l)(4)	yes	both	no
3745-57-74	(M)	shall	The director shall document the rationale for designating a staging pile or staging pile operating term extension, and shall make this documentation available to the public.	3734.12	state required, federal required	40 CFR 264.554 (m)	yes	both	yes, director
3745-57-74	(M)	shall	The director shall document the rationale for designating a staging pile or staging pile operating term extension, and shall make this documentation available to the public.	3734.12	state required, federal required	40 CFR 264.554 (m)	yes	both	yes, director
3745-57-91	intro	shall	A miscellaneous unit shall be located, designed, constructed, operated, maintained, and closed in a manner that will ensure protection of human health and the environment.	3734.12	state required, federal required	40 CFR 264.601 intro	yes	both	no
3745-57-91	intro	shall	Permit terms and provisions shall include those requirements of rules 3745-50-40 to 3745-50-235, 3745-55-70 to 3745-55-78, 3745-55-90 to 3745-55-99, 3745-57-02 to 3745-57-17, 3745-57-40 to 3745-57-51, and Chapters 3745-34 and 3745-56 of the Administrative Code, and 40 CFR Part 146 that are appropriate for the miscellaneous unit being permitted.	3734.12	state required, federal required	40 CFR 264.601 intro	yes	both	no

OAC Rule #	Paragraph	Restriction	Description/Quotation	Statutory Authority	State or Fed Law?	If Fed, crosswalk?	Federally delegated program?	Removal would require state or federal law change?	Requirement on the agency or director?
3745-65-01	(C)(10)	shall	The owner or operator of an “elementary neutralization unit” or a “wastewater treatment unit” as defined in rule 3745-50-10 of the Administrative Code, provided that if the owner or operator is diluting hazardous ignitable waste (D001) [other than the D001 high total organic carbon (TOC) subcategory defined in rule 3745-270-40 of the Administrative Code in the table of treatment standards for hazardous waste], or reactive waste (D003), to remove the characteristic before land disposal, the owner or operator shall comply with paragraph (B) of rule 3745-65-17 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.1 (c)(10)	yes	both	no
3745-65-01	(C)(11)(b)	shall	An owner or operator of a facility otherwise regulated by Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code shall comply with rules 3745-65-30 to 3745-65-37 and 3745-65-50 to 3745-65-56 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.1 (c)(11)(ii)	yes	both	no
3745-65-01	(C)(11)(d)	shall	In the case of emergency responses involving military munitions, the responding explosives or munitions emergency response specialist's organizational unit shall retain records for three years identifying the dates of the response, the names of the responsible persons responding, the type and description of material addressed, and disposition of such material.	3734.12	state required, federal required	40 CFR 265.1 (c)(11)(iv)	yes	both	no
3745-65-01	(D)	shall not	Hazardous waste having EPA hazardous waste number F020, F021, F022, F023, F026, or F027 shall not be managed at facilities subject to regulation under Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code unless the hazardous waste is managed in one or more of the following hazardous waste management units:	3734.12	state required, federal required	40 CFR 265.1 (d)	yes	both	no
3745-65-12	title	required	Required notices.	3734.12	state required, federal required	40 CFR 265.12 title	yes	both	no
3745-65-12	(A)(1)	shall	The owner or operator of a facility who has arranged to receive hazardous waste from a foreign source shall notify the regional administrator in writing at least four weeks in advance of the date the waste is expected to arrive at the facility.	3734.12	state required, federal required	40 CFR 265.12 formerly @ (a)(1)	yes	both	no
3745-65-12	(A)(1)	required	Notice of subsequent shipments of the same waste from the same foreign source is not required.	3734.12	state required, federal required	40 CFR 265.12 formerly @ (a)(1)	yes	both	no
3745-65-12	(A)(2)	shall	The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to 40 CFR Part 262 subpart H shall provide a copy of the movement document bearing all required signatures to the foreign exporter, to the “Office of Federal Activities, International Compliance Assurance Division (2254A), United States Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC” 20460, and to the competent authorities of all other countries concerned.	3734.12	state required, federal required	40 CFR 265.12 formerly @ (a)(2)	yes	both	no
3745-65-12	(A)(2)	required	The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to 40 CFR Part 262 subpart H shall provide a copy of the movement document bearing all required signatures to the foreign exporter, to the “Office of Federal Activities, International Compliance Assurance Division (2254A), United States Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC” 20460, and to the competent authorities of all other countries concerned.	3734.12	state required, federal required	40 CFR 265.12 formerly @ (a)(2)	yes	both	no
3745-65-12	(A)(2)	shall	This shall occur within three working days after receipt of the shipment.	3734.12	state required, federal required	40 CFR 265.12 (a)(2)	yes	both	no
3745-65-12	(A)(2)	shall	The original signed copy of the movement document shall be maintained at the facility for at least three years after the date of the signature.	3734.12	state required, federal required	40 CFR 265.12 (a)(2)	yes	both	no

3745-65-12	(A)(2)	shall	In addition, such owner or operator, as soon as possible but no later than thirty days after the completion of recovery and no later than one calendar year after the receipt of the hazardous waste, shall submit a certificate of recovery to the foreign exporter, to the competent authority of the country of export, and to U.S. EPA's "Office of Enforcement and Compliance Assurance" at the above address.	3734.12	state required, federal required	40 CFR 265.12 formerly @ (a)(2)	yes	both	no
3745-65-12	(B)	shall	Before transferring ownership or operation of a facility during the facility's operating life, or of a disposal facility during the post-closure care period, the owner or operator shall notify the new owner or operator in writing of the requirements of Chapters 3745-65 to 3745-69 and 3745-256 and rules 3745-50-40 to 3745-50-235 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.12 (b)	yes	both	no
3745-65-13	(A)(1)	shall	Before an owner or operator treats, stores, or disposes of any hazardous wastes, or nonhazardous wastes if applicable under paragraph (D) of rule 3745-66-13 of the Administrative Code, the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the wastes.	3734.12	state required, federal required	40 CFR 265.13 (a)(1)	yes	both	no
3745-65-13	(A)(1)	shall	At a minimum, this analysis shall contain all the information which shall be known to treat, store, or dispose of the waste in accordance with Chapters 374- 65 to 3745-69, 3745-256, and 3745-270 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.13 (a)(1)	yes	both	no
3745-65-13	(A)(1)	shall	At a minimum, this analysis shall contain all the information which shall be known to treat, store, or dispose of the waste in accordance with Chapters 3745-65 to 3745-69, 3745-256, and 3745-270 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.13 (a)(1)	yes	both	no
3745-65-13	(A)(2)[Comment]	required	For example, the facility's record of analyses performed on the waste before April 15, 1981, or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility, may be included in the data base required to comply with paragraph (A)(1) of this rule.	3734.12	state required, federal required	40 CFR 265.13 (a)(2)[Comment]	yes	both	no
3745-65-13	(A)(2)[Comment]	required	The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part of the information required by paragraph (A)(1) of this rule, except as otherwise specified in paragraphs (B) and (C) of rule 3745-270-07 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.13 (a)(2)[Comment]	yes	both	no
3745-65-13	(A)(2)[Comment]	required	If the generator does not supply the information, and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this rule.	3734.12	state required, federal required	40 CFR 265.13 (a)(2)[Comment]	yes	both	no
3745-65-13	(A)(3)	shall	The analysis shall be repeated as necessary to ensure that the analysis is accurate and up to date.	3734.12	state required, federal required	40 CFR 265.13 (a)(3)	yes	both	no
3745-65-13	(A)(3)	shall	At a minimum, the analysis shall be repeated both:	3734.12	state required, federal required	40 CFR 265.13 (a)(3)	yes	both	no
3745-65-13	(A)(3)(b)	required	For off-site facilities, when the results of the inspection required in paragraph (A)(4) of this rule indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.	3734.12	state required, federal required	40 CFR 265.13 (a)(3)(ii)	yes	both	no
3745-65-13	(A)(4)	shall	The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether the waste matches the identity of the waste specified on the accompanying manifest or shipping paper.	3734.12	state required, federal required	40 CFR 265.13 (a)(4)	yes	both	no
3745-65-13	(B)	shall	The owner or operator shall develop and follow a written waste analysis plan which describes the procedures to be implemented in order to comply with paragraph (A) of this rule.	3734.12	state required, federal required	40 CFR 265.13 (b)	yes	both	no
3745-65-13	(B)	shall	The owner or operator shall keep this plan at the facility.	3734.12	state required, federal required	40 CFR 265.13 (b)	yes	both	no
3745-65-13	(B)	shall	At a minimum, the plan shall specify:	3734.12	state required, federal required	40 CFR 265.13 (b)	yes	both	no
3745-65-13	(B)(7)(c)(ii)(a)	prohibited	Such residues are prohibited from land disposal under Section 3004(d) of RCRA; or	3734.12	state required, federal required	40 CFR 265.13 (b)(7)(iii)(B)(1)	yes	both	no

3745-65-13	(C)	required	For off-site facilities, the waste analysis plan required in paragraph (B) of this rule shall also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that the waste matches the identity of the waste designated on the accompanying manifest or shipping paper.	3734.12	state required, federal required	40 CFR 265.13 (c)	yes	both	no
3745-65-13	(C)	shall	For off-site facilities, the waste analysis plan required in paragraph (B) of this rule shall also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that the waste matches the identity of the waste designated on the accompanying manifest or shipping paper.	3734.12	state required, federal required	40 CFR 265.13 (c)	yes	both	no
3745-65-13	(C)	shall	At a minimum, the plan shall describe:	3734.12	state required, federal required	40 CFR 265.13 (c)	yes	both	no
3745-65-15	(A)	shall	The owner or operator shall inspect the facility for malfunctions and deterioration, operator errors, and discharges which may be causing or may lead to either:	3734.12	state required, federal required	40 CFR 265.15 (a)	yes	both	no
3745-65-15	(A)(2)	shall	The owner or operator shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.	3734.12	state required, federal required	40 CFR 265.15 (a)(2)	yes	both	no
3745-65-15	(B)(1)	shall	The owner or operator shall develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.	3734.12	state required, federal required	40 CFR 265.15 (b)(1)	yes	both	no
3745-65-15	(B)(2)	shall	The owner or operator shall keep this schedule at the facility.	3734.12	state required, federal required	40 CFR 265.15 (b)(2)	yes	both	no
3745-65-15	(B)(3)	shall	The schedule shall identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).	3734.12	state required, federal required	40 CFR 265.15 (b)(3)	yes	both	no
3745-65-15	(B)(4)	shall	Areas subject to spills, such as loading and unloading areas, shall be inspected daily when in use.	3734.12	state required, federal required	40 CFR 265.15 (b)(4)	yes	both	no
3745-65-15	(B)(4)	shall	At a minimum, the inspection schedule shall include the items and frequencies in rules 3745-66-74, 3745-66-93, 3745-66-95, 3745-67-26, 3745-67-60, 3745-67-78, 3745-68-04, 3745-68-47, 3745-68-77, and 3745-69-03 of the Administrative Code, where applicable.	3734.12	state required, federal required	40 CFR 265.15 (b)(4)	yes	both	no
3745-65-15	(C)	shall	The owner or operator shall remedy any deterioration or malfunction of equipment or structures which the inspection reveals.	3734.12	state required, federal required	40 CFR 265.15 (c)	yes	both	no
3745-65-15	(C)	shall	Such remedies shall be on a schedule which ensures that the problem does not lead to an environmental or human health hazard.	3734.12	state required, federal required	40 CFR 265.15 (c)	yes	both	no
3745-65-15	(C)	shall	Where a hazard is imminent or has already occurred, remedial action shall be taken immediately.	3734.12	state required, federal required	40 CFR 265.15 (c)	yes	both	no
3745-65-15	(D)	shall	The owner or operator shall record inspections in an inspection log or summary.	3734.12	state required, federal required	40 CFR 265.15 (d)	yes	both	no
3745-65-15	(D)	shall	The owner or operator shall keep these records for at least three years after the date of inspection.	3734.12	state required, federal required	40 CFR 265.15 (d)	yes	both	no
3745-65-15	(D)	shall	At a minimum, these records shall include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.	3734.12	state required, federal required	40 CFR 265.15 (d)	yes	both	no
3745-65-16	(A)(1)	shall	Facility personnel shall successfully complete a program of classroom instruction or on-the-job training that teaches facility personnel to perform facility personnel's duties in a way that ensures the facility's compliance with Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.16 (a)(1)	yes	both	no
3745-65-16	(A)(1)	shall	The owner or operator shall ensure that this training program includes all the elements described in the document required under paragraph (D)(3) of this rule.	3734.12	state required, federal required	40 CFR 265.16 (a)(1)	yes	both	no
3745-65-16	(A)(1)	required	The owner or operator shall ensure that this training program includes all the elements described in the document required under paragraph (D)(3) of this rule.	3734.12	state required, federal required	40 CFR 265.16 (a)(1)	yes	both	no

3745-65-16	(A)(2)	shall	This training program shall be directed by a person trained in hazardous waste management procedures, and shall include instruction which teaches facility personnel hazardous waste management procedures, including contingency plan implementation, relevant to the positions in which facility personnel are employed.	3734.12	state required, federal required	40 CFR 265.16 (a)(2)	yes	both	no
3745-65-16	(A)(2)	shall	This training program shall be directed by a person trained in hazardous waste management procedures, and shall include instruction which teaches facility personnel hazardous waste management procedures, including contingency plan implementation, relevant to the positions in which facility personnel are employed.	3734.12	state required, federal required	40 CFR 265.16 (a)(2)	yes	both	no
3745-65-16	(A)(3)	shall	At a minimum, the training program shall be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing facility personnel with emergency procedures, emergency equipment, and emergency systems, including, where applicable:	3734.12	state required, federal required	40 CFR 265.16 (a)(3)	yes	both	no
3745-65-16	(A)(4)	required	For facility employees who receive emergency response training pursuant to "Occupational Safety and Health Administration" (OSHA) regulations 29 CFR 1910.120(p)(8) and 29 CFR 1910.120(q), the facility is not required to provide separate emergency response training pursuant to this rule, provided that the overall facility training meets all the requirements of this rule.	3734.12	state required, federal required	40 CFR 265.16	yes	both	no
3745-65-16	(B)	shall	Facility personnel shall successfully complete the training program required in paragraph (A) of this rule within six months after January 7, 1983 or six months after the date of employment or assignment to a facility, or to a new position at a facility, whichever is later.	3734.12	state required, federal required	40 CFR 265.16 (b)	yes	both	no
3745-65-16	(B)	required	Facility personnel shall successfully complete the training program required in paragraph (A) of this rule within six months after January 7, 1983 or six months after the date of employment or assignment to a facility, or to a new position at a facility, whichever is later.	3734.12	state required, federal required	40 CFR 265.16 (b)	yes	both	no
3745-65-16	(B)	shall not	Employees hired after January 7, 1983 shall not work in unsupervised positions until such employees have completed the training requirements of paragraph (A) of this rule.	3734.12	state required, federal required	40 CFR 265.16 (b)	yes	both	no
3745-65-16	(C)	shall	Facility personnel shall take part in an annual review of the initial training required in paragraph (A) of this rule during each period from January first to December thirty-first.	3734.12	state required, federal required	40 CFR 265.16 (c)	yes	both	no
3745-65-16	(C)	required	Facility personnel shall take part in an annual review of the initial training required in paragraph (A) of this rule during each period from January first to December thirty-first.	3734.12	state required, federal required	40 CFR 265.16 (c)	yes	both	no
3745-65-16	(C)	shall	The review shall occur within fifteen months after the previous review.	3734.12	state	none	yes	no	no
3745-65-16	(D)	shall	The owner or operator shall maintain the following documents and records at the facility:	3734.12	state required, federal required	40 CFR 265.16 (d)	yes	both	no
3745-65-16	(D)(2)	shall	This description may be consistent in the degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but shall include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position.	3734.12	state required, federal required	40 CFR 265.16 (d)(2)	yes	both	no
3745-65-16	(D)(4)	required	Records that document that the training or job experience required under paragraphs (A), (B), and (C) of this rule has been given to, and completed by, facility personnel.	3734.12	state required, federal required	40 CFR 265.16 (d)(4)	yes	both	no
3745-65-16	(E)	shall	Training records on current personnel shall be kept until closure of the facility.	3734.12	state required, federal required	40 CFR 265.16 (e)	yes	both	no
3745-65-16	(E)	shall	Training records on former employees shall be kept for at least three years from the date the employee last worked at the facility.	3734.12	state required, federal required	40 CFR 265.16 (e)	yes	both	no
3745-65-33	text	shall	All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, shall be tested and maintained as necessary to assure proper operation of the equipment in time of emergency.	3734.12	state required, federal required	40 CFR 265.33 text	yes	both	no
3745-65-33	text	shall	All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, shall be tested and maintained as necessary to assure proper operation of the equipment in time of emergency.	3734.12	state required, federal required	40 CFR 265.33 text	yes	both	no
3745-65-33	text	shall	The owner or operator shall record the inspections in a log or summary.	3734.12	state	none	yes	both	no

3745-65-53	intro	shall	A copy of the contingency plan and all revisions to the plan shall be both:	3734.12	state required, federal required	40 CFR 265.53 intro	yes	both	no
3745-65-56	(A)	shall	Whenever there is an emergency situation consisting of imminent or actual harm or hazard to human health or the environment, the emergency coordinator, or the emergency coordinator's designee when the emergency coordinator is on call, shall immediately do both of the following:	3734.12	state required, federal required	40 CFR 265.56 (a)	yes	both	no
3745-65-56	(B)	shall	Whenever there is a release, fire, or explosion, the emergency coordinator shall immediately identify the character, exact source, amount, and areal extent of any released materials.	3734.12	state required, federal required	40 CFR 265.56 (b)	yes	both	no
3745-65-56	(C)	shall	In addition to the requirements in paragraphs (A) and (B) of this rule, the emergency coordinator shall assess possible hazards to human health or the environment that may result from the release, fire, or explosion.	3734.12	state required, federal required	40 CFR 265.56 (c)	yes	both	no
3745-65-56	(C)	shall	This assessment shall consider both direct and indirect effects of the release, fire, or explosion, and shall include, but not be limited to, the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions.	3734.12	state required, federal required	40 CFR 265.56 (c)	yes	both	no
3745-65-56	(C)	shall	This assessment shall consider both direct and indirect effects of the release, fire, or explosion, and shall include, but not be limited to, the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions.	3734.12	state required, federal required	40 CFR 265.56 (c)	yes	both	no
3745-65-56	(D)(1)	shall	If the emergency coordinator's assessment indicates that evacuation of local areas may be advisable, the emergency coordinator shall immediately notify appropriate local authorities, and shall be available to help appropriate officials decide whether local areas should be evacuated.	3734.12	state required, federal required	40 CFR 265.56 (d)(1)	yes	both	no
3745-65-56	(D)(1)	shall	If the emergency coordinator's assessment indicates that evacuation of local areas may be advisable, the emergency coordinator shall immediately notify appropriate local authorities, and shall be available to help appropriate officials decide whether local areas should be evacuated.	3734.12	state	not in federal rule	yes	no	no
3745-65-56	(D)(2)	shall	The emergency coordinator shall immediately notify the Ohio EPA "Emergency Response Unit" at 800/282-9378 and provide all of the following information:	3734.12	state required, federal required	40 CFR 265.56 (d)(2)	yes	both	no
3745-65-56	(E)	shall	During an emergency, the emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility.	3734.12	state required, federal required	40 CFR 265.56 (e)	yes	both	no
3745-65-56	(E)	shall	These measures shall include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.	3734.12	state required, federal required	40 CFR 265.56 (e)	yes	both	no
3745-65-56	(F)	shall	If the facility stops operations in response to a fire, explosion, or release, the emergency coordinator shall monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.	3734.12	state required, federal required	40 CFR 265.56 (f)	yes	both	no
3745-65-56	(G)	shall	Immediately after an emergency, the emergency coordinator shall provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.	3734.12	state required, federal required	40 CFR 265.56 (g)	yes	both	no
3745-65-56	(G)[Comment]	shall	Unless the owner or operator can demonstrate, in accordance with paragraph (C) or (D) of rule 3745-51-03 of the Administrative Code, that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage such waste in accordance with all applicable requirements of Chapters 3745-52, 3745-53, 3745-65 to 3745-69, and 3745-256 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.56 (g)[Commnet]	yes	both	no
3745-65-56	(H)	shall	The emergency coordinator shall ensure that in the affected areas of the facility:	3734.12	state required, federal required	40 CFR 265.56 (h)	yes	both	no
3745-65-56	(I)	shall	The owner or operator shall note in the operating record the time, date, and details of any incident that requires the contingency plan to be implemented.	3734.12	state required, federal required	40 CFR 265.56 (i)	yes	both	no
3745-65-56	(I)	requires	The owner or operator shall note in the operating record the time, date, and details of any incident that requires the contingency plan to be implemented.	3734.12	state required, federal required	40 CFR 265.56 (i)	yes	both	no
3745-65-56	(I)	shall	Within fifteen days after the incident, the owner or operator shall submit a written report on the incident to the director.	3734.12	state required, federal required	40 CFR 265.56 (i)	yes	both	no

3745-65-56	(I)	shall	The report shall include all of the following:	3734.12	state required, federal required	40 CFR 265.56 (i)	yes	both	no
3745-65-71	(A)(1)	shall	If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or the owner's or operator's agent, shall sign and date the manifest as indicated in paragraph (A)(2) of this rule to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the "Discrepancy" block of the manifest, or that the hazardous waste was rejected as noted in the "Manifest Discrepancy" block.	3734.12	state required, federal required	40 CFR 265.71 (a)(1)	yes	both	no
3745-65-71	(A)(2)	shall	If a facility receives a hazardous waste shipment accompanied by a manifest, the owner or operator, or the owner's or operator's agent, shall do all of the following:	3734.12	state required, federal required	40 CFR 265.71 (a)(2)	yes	both	no
3745-65-71	(A)(2) [Comment]	shall	It is not the intent of Ohio EPA that the owner or operator of a facility whose procedures under paragraph (C) of rule 3745-65-13 of the Administrative Code include waste analysis shall perform that analysis before signing the manifest and giving the manifest to the transporter.	3734.12	state	none	yes	no	no
3745-65-71	(A)(2) [Comment]	requires	Paragraph (B) of rule 3745-65-72 of the Administrative Code, however, requires reporting an unreconciled discrepancy discovered during later analysis.]	3734.12	state	none	yes	no	no
3745-65-71	(A)(3)	shall	If a facility receives hazardous waste imported from a foreign source, the receiving facility shall mail a copy of the manifest and documentation confirming U.S. EPA's consent to the import of hazardous waste to the following address within thirty days after delivery: "Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), United States Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC" 20460.	3734.12	state required, federal required	40 CFR 265.71 formerly @ (a)(3)	yes	both	no
3745-65-71	(B)	required	If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the U.S. EPA identification numbers, generator's certification, and signatures), the owner or operator, or the owner's or operator's agent, shall do all of the following:	3734.12	state required, federal required	40 CFR 265.71 (b)	yes	both	no
3745-65-71	(B)	shall	If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the U.S. EPA identification numbers, generator's certification, and signatures), the owner or operator, or the owner's or operator's agent, shall do all of the following:	3734.12	state required, federal required	40 CFR 265.71 (b)	yes	both	no
3745-65-71	(B)(2)[Comment]	shall	It is not the intent of Ohio EPA that the owner or operator of a facility whose procedures under paragraph (C) of rule 3745-65-13 of the Administrative Code include waste analysis shall perform that analysis before signing the shipping paper and giving the manifest to the transporter.	3734.12	state required, federal required	40 CFR 265.71 (b)(2)[Comment]	yes	both	no
3745-65-71	(B)(2)[Comment]	requires	Paragraph (B) of rule 3745-65-72 of the Administrative Code, however, requires reporting an unreconciled discrepancy discovered during later analysis.	3734.12	state required, federal required	40 CFR 265.71 (b)(2)[Comment]	yes	both	no
3745-65-71	(B)(4)[Comment]	requires	Paragraph (C) of rule 3745-52-23 of the Administrative Code requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).	3734.12	state required, federal required	40 CFR 265.71 (b)(4)[Comment]	yes	both	no
3745-65-71	(C)	shall	Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility shall comply with Chapter 3745-52 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.71 (c)	yes	both	no
3745-65-71	(D)	shall	Within three working days after the receipt of a shipment subject to 40 CFR Part 262 subpart H, the owner or operator of a facility shall provide a copy of the movement document bearing all required signatures to the exporter, to the "Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), United States Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC" 20460, and to competent authorities of all other concerned countries.	3734.12	state required, federal required	40 CFR 265.71 (d)	yes	both	no

3745-65-71	(D)	required	Within three working days after the receipt of a shipment subject to 40 CFR Part 262 subpart H, the owner or operator of a facility shall provide a copy of the movement document bearing all required signatures to the exporter, to the "Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), United States Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC" 20460, and to competent authorities of all other concerned countries.	3734.12	state required, federal required	40 CFR 265.71 (d)	yes	both	no
3745-65-71	(D)	shall	The original signed copy of the movement document shall be maintained at the facility for at least three years after the date of signature.	3734.12	state required, federal required	40 CFR 265.71 (d)	yes	both	no
3745-65-71	(E)	shall	A facility shall determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated by U.S. EPA) as hazardous wastes under the consignment state's hazardous waste program.	3734.12	state required, federal required	40 CFR 265.71 (e)	yes	both	no
3745-65-71	(E)	shall	Facilities shall also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states.	3734.12	state required, federal required	40 CFR 265.71 (e)	yes	both	no
3745-65-71	(E)	requires	Facilities shall also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states.	3734.12	state required, federal required	40 CFR 265.71 (e)	yes	both	no
3745-65-73	(A)	shall	The owner or operator shall keep a written operating record at the facility.	3734.12	state required, federal required	40 CFR 265.73 (a)	yes	both	no
3745-65-73	(B)	shall	The following information shall be recorded, as it becomes available, and maintained in the operating record for three years unless otherwise noted:	3734.12	state required, federal required	40 CFR 265.73 (b)	yes	both	no
3745-65-73	(B)(1)	required	A description and the quantity of each hazardous waste received, and the methods and dates of its treatment, storage, or disposal at the facility as required by the appendix to this rule.	3734.12	state required, federal required	40 CFR 265.73 (b)(1)	yes	both	no
3745-65-73	(B)(1)	shall	This information shall be maintained in the operating record until closure of the facility.	3734.12	state required, federal required	40 CFR 265.73 (b)(1)	yes	both	no
3745-65-73	(B)(2)	shall	For disposal facilities, the location and quantity of each hazardous waste shall be recorded on a map or diagram of each cell or disposal area.	3734.12	state required, federal required	40 CFR 265.73 (b)(2)	yes	both	no
3745-65-73	(B)(2)	shall	For all facilities, this information shall include cross references to specific manifest document numbers, if the waste was accompanied by a manifest.	3734.12	state required, federal required	40 CFR 265.73 (b)(2)	yes	both	no
3745-65-73	(B)(2)	shall	This information shall be maintained in the operating record until closure of the facility.	3734.12	state required, federal required	40 CFR 265.73 (b)(2)	yes	both	no
3745-65-73	(B)(4)	require	Summary reports and details of all incidents that require implementing the contingency plan as specified in paragraph (I) of rule 3745-65-56 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.73 (b)(4)	yes	both	no
3745-65-73	(B)(5)	required	Records and results of inspections as required by paragraph (D) of rule 3745-65-15 of the Administrative Code (except this data need be kept only three years).	3734.12	state required, federal required	40 CFR 265.73 (b)(5)	yes	both	no
3745-65-73	(B)(6)	required	Monitoring, testing or analytical data, and corrective action where required by rules 3745-65-90 to 3745-65-94 of the Administrative Code, and rules 3745-65-19, 3745-66-91, 3745-66-93, 3745-66-95, 3745-67-22, 3745-67-24, 3745-67-26, 3745-67-55, 3745-67-59, 3745-67-60, 3745-67-76, 3745-67-78, 3745-68-02 to 3745-68-04, 3745-68-47, 3745-68-77, and paragraph (D)(1) of rule 3745-67-80 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.73 (b)(6)	yes	both	no
3745-65-73	(B)(6)	shall	Maintain in the operating record for three years, except for records and results pertaining to ground water monitoring and cleanup, and response action plans for surface impoundments, waste piles, and landfills, which shall be maintained in the operating record until closure of the facility. In (B)(6)	3734.12	state required, federal required	40 CFR 265.73 (b)(6)	yes	both	no
3745-65-73	(B)(6)[Comment]	required	As required by rule 3745-65-94 of the Administrative Code, monitoring data at disposal facilities shall be kept throughout the post closure period.	3734.12	state required, federal required	40 CFR 265.73 (b)(6)[Comment]	yes	both	no
3745-65-73	(B)(6)[Comment]	shall	As required by rule 3745 65 94 of the Administrative Code, monitoring data at disposal facilities shall be kept throughout the post closure period.	3734.12	state required, federal required	40 CFR 265.73 (b)(6)[Comment]	yes	both	no

3745-65-73	(B)(7)	shall	All closure cost estimates under rule 3745-66-42 of the Administrative Code and for disposal facilities all post closure cost estimates under rule 3745-66-44 of the Administrative Code shall be maintained in the operating record until closure of the facility.	3734.12	state required, federal required	40 CFR 265.73 (b)(7)	yes	both	no
3745-65-73	(B)(8)	required	Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension to the effective date of any land disposal restriction granted pursuant to rule 3745-270-05 of the Administrative Code, monitoring data required pursuant to a petition under rule 3745-270-06 of the Administrative Code, and the applicable notice required by a generator under paragraph (A) of rule 3745-270-07 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.73 (b)(8)	yes	both	no
3745-65-73	(B)(8)	required	Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension to the effective date of any land disposal restriction granted pursuant to rule 3745-270-05 of the Administrative Code, monitoring data required pursuant to a petition under rule 3745-270-06 of the Administrative Code, and the applicable notice required by a generator under paragraph (A) of rule 3745-270-07 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.73 (b)(8)	yes	both	no
3745-65-73	(B)(8)	shall	All of this information shall be maintained in the operating record until closure of the facility.	3734.12	state required, federal required	40 CFR 265.73 (b)(8)	yes	both	no
3745-65-73	(B)(9)	required	For an off-site treatment facility, a copy of the notice required by the generator or the owner or operator under rule 3745-270-07 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.73 (b)(9)	yes	both	no
3745-65-73	(B)(10)	required	For an on-site treatment facility, the information contained in the notice (except the manifest number) required by the generator or the owner or operator under rule 3745-270-07 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.73 (b)(10)	yes	both	no
3745-65-73	(B)(11)	required	For an off-site land disposal facility, a copy of the notice required by the generator or the owner or operator of a treatment facility under rule 3745-270-07 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.73 (b)(11)	yes	both	no
3745-65-73	(B)(12)	required	For an on-site land disposal facility, the information contained in the notice (except the manifest number) required by the generator or the owner or operator of a treatment facility under rule 3745-270-07 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.73 (b)(12)	yes	both	no
3745-65-73	(B)(13)	required	For an off-site storage facility, a copy of the notice required by the generator or the owner or operator under rule 3745-270-07 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.73 (b)(13)	yes	both	no
3745-65-73	(B)(14)	required	For an on-site storage facility, the information contained in the notice (except the manifest number) required by the generator or the owner or operator of a treatment facility under rule 3745-270-07 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.73 (b)(14)	yes	both	no
3745-65-73	(B)(15)	required	Monitoring, testing or analytical data, and corrective action where required by rule 3745-65-90, paragraph (D)(2) of rule 3745-65-93, and paragraph (D)(5) of rule 3745-65-93 of the Administrative Code, and the certification as required by paragraph (F) of rule 3745-66-96 of the Administrative Code, shall be maintained in the operating record until closure of the facility.	3734.12	state required, federal required	40 CFR 265.73 (b)(15)	yes	both	no
3745-65-73	(B)(15)	required	Monitoring, testing or analytical data, and corrective action where required by rule 3745-65-90, paragraph (D)(2) of rule 3745-65-93, and paragraph (D)(5) of rule 3745-65-93 of the Administrative Code, and the certification as required by paragraph (F) of rule 3745-66-96 of the Administrative Code, shall be maintained in the operating record until closure of the facility.	3734.12	state required, federal required	40 CFR 265.73 (b)(15)	yes	both	no
3745-65-73	(B)(15)	shall	Monitoring, testing or analytical data, and corrective action where required by rule 3745-65-90, paragraph (D)(2) of rule 3745-65-93, and paragraph (D)(5) of rule 3745-65-93 of the Administrative Code, and the certification as required by paragraph (F) of rule 3745-66-96 of the Administrative Code, shall be maintained in the operating record until closure of the facility.	3734.12	state required, federal required	40 CFR 265.73 (b)(15)	yes	both	no
3745-65-73	appendix, intro	shall	The recordkeeping provisions of rule 3745-65-73 of the Administrative Code specify that an owner or operator shall keep a written operating record at the facility.	3734.12	state required, federal required	40 CFR Part 265 appendix 1, intro	yes	both	no
3745-65-73	appendix, intro	shall	The following information shall be recorded, as the information becomes available, and maintained in the operating record until closure of the facility in the following manner:	3734.12	state required, federal required	40 CFR Part 265 appendix 1, intro	yes	both	no

3745-65-73	appendix @ (1)	shall	The waste description also shall include the waste's physical form, i.e., liquid, sludge, solid, or contained gas.	3734.12	state required, federal required	40 CFR Part 265 appendix 1 @ (1)	yes	both	no
3745-65-73	appendix @ (1)	shall	If the waste is not listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code, the description also shall include the process that produced the waste (for example, solid filter cake from production of , EPA hazardous waste number W051).	3734.12	state required, federal required	40 CFR Part 265 appendix 1 @ (1)	yes	both	no
3745-65-73	appendix @ (1)	shall	This number shall be used for recordkeeping and reporting purposes.	3734.12	state required, federal required	40 CFR Part 265 appendix 1 @ (1)	yes	both	no
3745-65-73	appendix @ (1)	shall	Where a hazardous waste contains more than one listed hazardous waste, or where more than one hazardous waste characteristic applies to the waste, the waste description shall include all applicable EPA hazardous waste numbers.	3734.12	state required, federal required	40 CFR Part 265 appendix 1 @ (1)	yes	both	no
3745-65-77	intro	shall	In addition to submitting the biennial report and unmanifested waste report described in rules 3745-65-75 and 3745-65-76 of the Administrative Code, the owner or operator also shall report to the director:	3734.12	state required, federal required	40 CFR 265.77 intro	yes	both	no
3745-65-90	(A)	shall	Before November 19, 1981, the owner or operator of a surface impoundment, landfill, or land treatment facility which is used to manage hazardous waste shall implement a ground water monitoring program capable of determining the facility's impact on the quality of ground water in the uppermost aquifer underlying the facility, except as rule 3745 65 01 of the Administrative Code and paragraph (C) of this rule provide otherwise.	3734.12	state required, federal required	40 CFR 265.90 (a)	yes	both	no
3745-65-90	(B)	shall	Except as paragraphs (C) and (D) of this rule provide otherwise, the owner or operator shall install, operate, and maintain a ground water monitoring system which meets the requirements of rule 3745-65-91 of the Administrative Code and shall comply with rules 3745-65-92 to 3745-65-94 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.90 (b)	yes	both	no
3745-65-90	(B)	shall	Except as paragraphs (C) and (D) of this rule provide otherwise, the owner or operator shall install, operate, and maintain a ground water monitoring system which meets the requirements of rule 3745-65-91 of the Administrative Code and shall comply with rules 3745-65-92 to 3745-65-94 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.90 (b)	yes	both	no
3745-65-90	(B)	shall	This ground water monitoring program shall be carried out during the active life of the facility, and for disposal facilities, during the post closure care period as well.	3734.12	state required, federal required	40 CFR 265.90 (b)	yes	both	no
3745-65-90	(C)	shall	This demonstration shall be in writing and shall be kept at the facility.	3734.12	state required, federal required	40 CFR 265.90 (c)	yes	both	no
3745-65-90	(C)	shall	This demonstration shall be in writing and shall be kept at the facility.	3734.12	state required, federal required	40 CFR 265.90 (c)	yes	both	no
3745-65-90	(C)	shall	This demonstration shall be certified by a qualified geologist or geotechnical engineer and shall establish the following:	3734.12	state required, federal required	40 CFR 265.90 (c)	yes	both	no
3745-65-90	(C)	shall	This demonstration shall be certified by a qualified geologist or geotechnical engineer and shall establish the following:	3734.12	state required, federal required	40 CFR 265.90 (c)	yes	both	no
3745-65-90	(D)	shall	If the owner or operator decides to use an alternate ground water monitoring system the owner or operator shall:	3734.12	state required, federal required	40 CFR 265.90 (d)	yes	both	no
3745-65-90	(E)(2)	shall	The demonstration shall establish, based upon consideration of the characteristics of the wastes and the impoundment, that the corrosive wastes will be neutralized to the extent that the wastes no longer meet the characteristic of corrosivity before the wastes can migrate out of the impoundment.	3734.12	state required, federal required	40 CFR 265.90 (e)(2)	yes	both	no
3745-65-90	(E)(2)	shall	The demonstration shall be in writing and shall be certified by a qualified professional.	3734.12	state required, federal required	40 CFR 265.90 (e)(2)	yes	both	no
3745-65-90	(E)(2)	shall	The demonstration shall be in writing and shall be certified by a qualified professional.	3734.12	state required, federal required	40 CFR 265.90 (e)(2)	yes	both	no
3745-65-90	(F)(2)	shall	The alternative standards for the regulated unit shall meet the requirements of paragraph (A) of rule 3745-54-101 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.90 (f)(2)	yes	both	no

3745-65-92	(A)	shall	The owner or operator shall obtain and analyze samples from the installed ground water monitoring system.	3734.12	state required, federal required	40 CFR 265.92 (a)	yes	both	no
3745-65-92	(A)	shall	The owner or operator shall develop and follow a ground water sampling and analysis plan.	3734.12	state required, federal required	40 CFR 265.92 (a)	yes	both	no
3745-65-92	(A)	shall	The owner or operator shall keep this plan at the facility.	3734.12	state required, federal required	40 CFR 265.92 (a)	yes	both	no
3745-65-92	(A)	shall	The plan shall include procedures and techniques for:	3734.12	state required, federal required	40 CFR 265.92 (a)	yes	both	no
3745-65-92	(B)	shall	The owner or operator shall determine the concentration or value of the following parameters in ground water samples in accordance with paragraphs (C) and (D) of this rule:	3734.12	state required, federal required	40 CFR 265.92 (b)	yes	both	no
3745-65-92	(B)[Comment]	required	These parameters are to be used as a basis for comparison in the event a ground water quality assessment is required under paragraph (D) of rule 3745-65-93 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.92 (b)[Comment]	yes	both	no
3745-65-92	(C)(1)	shall	All monitoring wells, the owner or operator shall establish initial background concentrations or values of all parameters specified in paragraph (B) of this rule.	3734.12	state required, federal required	40 CFR 265.92 (c)(1)	yes	both	no
3745-65-92	(C)(1)	shall	The owner or operator shall do this quarterly for one year.	3734.12	state required, federal required	40 CFR 265.92 (c)(1)	yes	both	no
3745-65-92	(C)(2)	shall	Each of the indicator parameters specified in paragraph (B)(3) of this rule, at least four replicate measurements shall be obtained for each sample and the initial background arithmetic mean and variance shall be determined by pooling the replicate measurements for the respective parameter concentrations or values in samples obtained from upgradient wells during the first year.	3734.12	state required, federal required	40 CFR 265.92 (c)(2)	yes	both	no
3745-65-92	(C)(2)	shall	Each of the indicator parameters specified in paragraph (B)(3) of this rule, at least four replicate measurements shall be obtained for each sample and the initial background arithmetic mean and variance shall be determined by pooling the replicate measurements for the respective parameter concentrations or values in samples obtained from upgradient wells during the first year.	3734.12	state required, federal required	40 CFR 265.92 (c)(2)	yes	both	no
3745-65-92	(D)	shall	After the first year, all monitoring wells shall be sampled and the samples analyzed with the following frequencies:	3734.12	state required, federal required	40 CFR 265.92 (d)	yes	both	no
3745-65-92	(D)(1)	shall	Samples collected to establish ground water quality shall be obtained and analyzed for the parameters specified in paragraph (B)(2) of this rule at least annually.	3734.12	state required, federal required	40 CFR 265.92 (d)(1)	yes	both	no
3745-65-92	(D)(2)	shall	Samples collected to indicate ground water contamination shall be obtained and analyzed for the parameters specified in paragraph (B)(3) of this rule at least semi-annually.	3734.12	state required, federal required	40 CFR 265.92 (d)(2)	yes	both	no
3745-65-92	(E)	shall	Elevation of the ground water surface at each monitoring well shall be determined each time a sample is obtained.	3734.12	state required, federal required	40 CFR 265.92 (e)	yes	both	no
3745-65-93	(A)	shall	Before November 19, 1981, the owner or operator shall prepare an outline of a ground water quality assessment program.	3734.12	state required, federal required	40 CFR 265.93 (a)	yes	both	no
3745-65-93	(A)	shall	The outline shall describe a more comprehensive ground water monitoring program than that described in rules 3745-65-91 and 3745-65-92 of the Administrative Code, which shall be capable of determining the following:	3734.12	state required, federal required	40 CFR 265.93 (a)	yes	both	no
3745-65-93	(A)	shall	The outline shall describe a more comprehensive ground water monitoring program than that described in rules 3745-65-91 and 3745-65-92 of the Administrative Code, which shall be capable of determining the following:	3734.12	state required, federal required	40 CFR 265.93 (a)	yes	both	no
3745-65-93	(B)	shall	For each indicator parameter specified in paragraph (B)(3) of rule 3745-65-92 of the Administrative Code, the owner or operator shall calculate the arithmetic mean and variance, based on at least four replicate measurements on each sample, for each well monitored in accordance with paragraph (D)(2) of rule 3745-65-92 of the Administrative Code, and compare these results with that parameter's initial background arithmetic mean.	3734.12	state required, federal required	40 CFR 265.93 (b)	yes	both	no

3745-65-93	(B)	shall	The comparison shall consider individually each of the wells in the monitoring system, and shall use the "Student's T-test" at the 0.01 level of significance (see the appendix to this rule) to determine statistically significant increases, and decreases in the case of pH, over initial background.	3734.12	state required, federal required	40 CFR 265.93 (b)	yes	both	no
3745-65-93	(B)	shall	The comparison shall consider individually each of the wells in the monitoring system, and shall use the "Student's T-test" at the 0.01 level of significance (see the appendix to this rule) to determine statistically significant increases, and decreases in the case of pH, over initial background.	3734.12	state required, federal required	40 CFR 265.93 (b)	yes	both	no
3745-65-93	(C)(1)	shall	If the comparisons for the upgradient wells made under paragraph (B) of this rule show a significant increase, or pH decrease, the owner or operator shall submit this information in accordance with paragraph (A)(2)(b) of rule 3745-65-94 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.93 (c)(1)	yes	both	no
3745-65-93	(C)(2)	shall	If the comparisons for downgradient wells made under paragraph (B) of this rule show a significant increase, or pH decrease, the owner or operator shall then immediately obtain additional ground water samples from those downgradient wells where a significant difference was detected, split the samples in two, and obtain analyses of additional samples to determine whether the significant difference was a result of laboratory error.	3734.12	state required, federal required	40 CFR 265.93 (c)(2)	yes	both	no
3745-65-93	(D)(1)	shall	If the analyses performed under paragraph (C)(2) of this rule confirm the significant increase, or pH decrease, the owner or operator shall provide written notice to the director, within seven days after the date of such confirmation, that the facility may be affecting ground water quality.	3734.12	state required, federal required	40 CFR 265.93 (d)(1)	yes	both	no
3745-65-93	(D)(2)	shall	Within fifteen days after the notification under paragraph (D)(1) of this rule, the owner or operator shall develop and submit to the director a specific plan, based on the outline required under paragraph (A) of this rule and certified by a qualified geologist or geotechnical engineer, for a ground water quality assessment at the facility.	3734.12	state required, federal required	40 CFR 265.93 (d)(2)	yes	both	no
3745-65-93	(D)(2)	required	Within fifteen days after the notification under paragraph (D)(1) of this rule, the owner or operator shall develop and submit to the director a specific plan, based on the outline required under paragraph (A) of this rule and certified by a qualified geologist or geotechnical engineer, for a ground water quality assessment at the facility.	3734.12	state required, federal required	40 CFR 265.93 (d)(2)	yes	both	no
3745-65-93	(D)(3)	shall	The plan to be submitted under paragraph (D)(1) of rule 3745-65-90 of the Administrative Code or paragraph (D)(2) of this rule shall specify the following:	3734.12	state required, federal required	40 CFR 265.93 (d)(3)	yes	both	no
3745-65-93	(D)(4)	shall	The owner or operator shall implement the ground water quality assessment plan which satisfies the requirements of paragraph (D)(3) of this rule, and, at a minimum, determine both:	3734.12	state required, federal required	40 CFR 265.93 (d)(4)	yes	both	no
3745-65-93	(D)(5)	shall	The owner or operator shall make the first determination under paragraph (D)(4) of this rule as soon as technically feasible, and, within fifteen days after that determination, submit to the director a written report containing an assessment of ground water quality.	3734.12	state required, federal required	40 CFR 265.93 (d)(5)	yes	both	no
3745-65-93	(D)(6)	shall	If the owner or operator reinstates the indicator evaluation program, the owner or operator shall so notify the director in the report submitted under paragraph (D)(5) of this rule.	3734.12	state required, federal required	40 CFR 265.93 (d)(6)	yes	both	no
3745-65-93	(D)(7)(a)	shall	Shall continue to make the determinations required under paragraph (D)(4) of this rule on a quarterly basis until final closure of the facility, if the ground water quality assessment plan was implemented prior to final closure of the facility; or	3734.12	state required, federal required	40 CFR 265.93 (d)(7)(i)	yes	both	no
3745-65-93	(D)(7)(a)	required	Shall continue to make the determinations required under paragraph (D)(4) of this rule on a quarterly basis until final closure of the facility, if the ground water quality assessment plan was implemented prior to final closure of the facility; or	3734.12	state required, federal required	40 CFR 265.93 (d)(7)(i)	yes	both	no
3745-65-93	(D)(7)(b)	required	May cease to make the determinations required under paragraph (D)(4) of this rule, if the ground water quality assessment plan was implemented during the post-closure care period.	3734.12	state required, federal required	40 CFR 265.93 (d)(7)(ii)	yes	both	no
3745-65-93	(E)	shall	Notwithstanding any other provision in rules 3745-65-90 to 3745-65-94 of the Administrative Code, any ground water quality assessment to satisfy the requirements of paragraph (D)(4) of this rule which is initiated prior to final closure of the facility shall be completed and reported in accordance with paragraph (D)(5) of this rule.	3734.12	state required, federal required	40 CFR 265.93 (e)	yes	both	no

3745-65-93	(F)	shall	Unless the ground water is monitored to satisfy the requirements of paragraph (D)(4) of this rule, at least annually the owner or operator shall evaluate the data on ground water surface elevations obtained under paragraph (E) of rule 3745-65-92 of the Administrative Code to determine whether the requirements under paragraph (A) of rule 3745-65-91 of the Administrative Code for locating the monitoring wells continues to be satisfied.	3734.12	state required, federal required	40 CFR 265.93 (f)	yes	both	no
3745-65-93	(F)	shall	If the evaluation shows that paragraph (A) of rule 3745-65-91 of the Administrative Code is no longer satisfied, the owner or operator shall immediately modify the number, location, or depth of the monitoring system into compliance with this requirement.	3734.12	state required, federal required	40 CFR 265.93 (f)	yes	both	no
3745-65-93	appendix	required	As required in paragraph (B) of rule 3745-65-93 of the Administrative Code, the owner or operator shall use the "Student's T-test" to determine statistically significant changes in the concentration or value of an indicator parameter in periodic ground water samples when compared to the initial background concentration or value of that indicator parameter.	3734.12	state required, federal required	40 CFR Part 265 appendix 4, intro	yes	both	no
3745-65-93	appendix	shall	As required in paragraph (B) of rule 3745-65-93 of the Administrative Code, the owner or operator shall use the "Student's T-test" to determine statistically significant changes in the concentration or value of an indicator parameter in periodic ground water samples when compared to the initial background concentration or value of that indicator parameter.	3734.12	state required, federal required	40 CFR Part 265 appendix 4	yes	both	no
3745-65-93	appendix	shall	The comparison shall consider individually each of the wells in the monitoring system.	3734.12	state required, federal required	40 CFR Part 265 appendix 4	yes	both	no
3745-65-93	appendix	shall	For three of the indicator parameters (specific conductance, total organic carbon, and total organic halogen) a single-tailed "Student's T-test" shall be used to test at the 0.01 level of significance for significant increases over background.	3734.12	state required, federal required	40 CFR Part 265 appendix 4	yes	both	no
3745-65-93	appendix	shall	The difference test for pH shall be a two-tailed "Student's T-test" at the overall 0.01 level of significance.	3734.12	state required, federal required	40 CFR Part 265 appendix 4	yes	both	no
3745-65-93	appendix	shall	The calculated value of the t-statistic then shall be compared to the value of the t-statistic found in a table for t-test of significance at that specified level of significance.	3734.12	state required, federal required	40 CFR Part 265 appendix 4	yes	both	no

OAC Rule #	Paragraph	Restriction	Description/Quotation	Statutory Authority	State or Fed Law?	If Fed, crosswalk?	Federally delegated program?	Removal would require state or federal law change?	Requirement on the agency or director?
3745-66-12	(A)	shall	On April 15, 1981, the owner or operator of a hazardous waste management facility shall have a written closure plan.	3734.12	state required, federal required	40 CFR 265.112 (a)	yes	both	no
3745-66-12	(A)	shall	Until final closure is completed and certified in accordance with rule 3745-66-15 of the Administrative Code, a copy of the most current closure plan shall be furnished to the director upon request, including request by mail.	3734.12	state required, federal required	40 CFR 265.112 (a)	yes	both	no
3745-66-12	(A)	shall	In addition, for facilities without approved closure plans, a copy of the most current closure plan shall be provided during site inspections, on the day of inspection, to any officer, employee, or representative of Ohio EPA who is duly designated by the director.	3734.12	state required, federal required	40 CFR 265.112 (a)	yes	both	no
3745-66-12	(B)	shall	The closure plan shall identify steps necessary to perform partial or final closure of the facility at any point during the active life of the facility.	3734.12	state required, federal required	40 CFR 265.112 (b)	yes	both	no
3745-66-12	(B)	shall	The closure plan shall include at least the following:	3734.12	state required, federal required	40 CFR 265.112 (b)	yes	both	no
3745-66-12	(B)(2)	shall	The description shall identify the maximum extent of the operation which will be unclosed during the active life of the facility.	3734.12	state required, federal required	40 CFR 265.112 (b)(2)	yes	both	no
3745-66-12	(B)(6)	shall	The schedule shall include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure (for example, in the case of a landfill unit, estimates of the time required to treat or dispose of all hazardous waste inventory and of the time required to place a final cover shall be included).	3734.12	state required, federal required	40 CFR 265.112 (b)(6)	yes	both	no
3745-66-12	(B)(6)	required	The schedule shall include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure (for example, in the case of a landfill unit, estimates of the time required to treat or dispose of all hazardous waste inventory and of the time required to place a final cover shall be included).	3734.12	state required, federal required	40 CFR 265.112 (b)(6)	yes	both	no
3745-66-12	(B)(6)	required	The schedule shall include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure (for example, in the case of a landfill unit, estimates of the time required to treat or dispose of all hazardous waste inventory and of the time required to place a final cover shall be included).	3734.12	state required, federal required	40 CFR 265.112 (b)(6)	yes	both	no
3745-66-12	(B)(6)	required	The schedule shall include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure (for example, in the case of a landfill unit, estimates of the time required to treat or dispose of all hazardous waste inventory and of the time required to place a final cover shall be included).	3734.12	state required, federal required	40 CFR 265.112 (b)(6)	yes	both	no
3745-66-12	(B)(6)	required	The schedule shall include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure (for example, in the case of a landfill unit, estimates of the time required to treat or dispose of all hazardous waste inventory and of the time required to place a final cover shall be included).	3734.12	state required, federal required	40 CFR 265.112 (b)(6)	yes	both	no
3745-66-12	(B)(6)	shall	The schedule shall include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure (for example, in the case of a landfill unit, estimates of the time required to treat or dispose of all hazardous waste inventory and of the time required to place a final cover shall be included).	3734.12	state required, federal required	40 CFR 265.112 (b)(6)	yes	both	no

3745-66-12	(C)	shall	An owner or operator with an approved closure plan shall submit a written request to the director to authorize a change to the approved closure plan.	3734.12	state required, federal required	40 CFR 265.112 (c)	yes	both	no
3745-66-12	(C)	shall	The written request shall include a copy of the amended closure plan for approval by the director.	3734.12	state required, federal required	40 CFR 265.112 (c)	yes	both	no
3745-66-12	(C)(1)	shall	The owner or operator shall amend the closure plan whenever any of the following occur:	3734.12	state required, federal required	40 CFR 265.112 (c)(1)	yes	both	no
3745-66-12	(C)(1)(c)	require	In conducting partial or final closure activities, unexpected events require a modification of the closure plan.	3734.12	state required, federal required	40 CFR 265.112 (c)(1)(iii)	yes	both	no
3745-66-12	(C)(2)	shall	The owner or operator shall amend the closure plan at least sixty days prior to the proposed change in facility design or operation, or no later than sixty days after an unexpected event has occurred which has affected the closure plan.	3734.12	state required, federal required	40 CFR 265.112 (c)(2)	yes	both	no
3745-66-12	(C)(2)	shall	If an unexpected event occurs during the partial or final closure period, the owner or operator shall amend the closure plan no later than thirty days after the unexpected event.	3734.12	state required, federal required	40 CFR 265.112 (c)(2)	yes	both	no
3745-66-12	(C)(2)	required	These provisions also apply to owners or operators of surface impoundments and waste piles who intended to remove all hazardous wastes at closure, but are required to close as landfills in accordance with rule 3745-68-10 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.112 (c)(2)	yes	both	no
3745-66-12	(C)(3)	shall	An owner or operator with an approved closure plan shall submit the modified closure plan to the director at least sixty days prior to the proposed change in facility design or operation, or no more than sixty days after an unexpected event has occurred which has affected the closure plan.	3734.12	state required, federal required	40 CFR 265.112 (c)(3)	yes	both	no
3745-66-12	(C)(3)	shall	If an unexpected event has occurred during the partial or final closure period, the owner or operator shall submit the modified closure plan no more than thirty days after the unexpected event.	3734.12	state required, federal required	40 CFR 265.112 (c)(3)	yes	both	no
3745-66-12	(C)(3)	required	These provisions also apply to owners or operators of surface impoundments and waste piles who intended to remove all hazardous wastes at closure but are required to close as landfills in accordance with rule 3745-68-10 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.112 (c)(3)	yes	both	no
3745-66-12	(C)(4)	shall	An owner or operator with an approved closure plan shall submit the modified closure plan within sixty days after the request from the director, or within thirty days if the unexpected event occurs during partial or final closure.	3734.12	state required, federal required	40 CFR 265.112 (c)(4)	yes	both	no
3745-66-12	(D)(1)	shall	The owner or operator shall submit the closure plan to the director at least one hundred eighty days prior to the date on which the owner or operator expects to begin closure of the first surface impoundment, waste pile, land treatment, or landfill unit, or final closure if closure involves such a unit, whichever is earlier.	3734.12	state required, federal required	40 CFR 265.112 (d)(1)	yes	both	no
3745-66-12	(D)(1)	shall	The owner or operator shall submit the closure plan to the director at least forty-five days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace.	3734.12	state required, federal required	40 CFR 265.112 (d)(1)	yes	both	no
3745-66-12	(D)(1)	shall	The owner or operator shall submit the closure plan to the director at least forty-five days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage, or incinerator units.	3734.12	state required, federal required	40 CFR 265.112 (d)(1)	yes	both	no
3745-66-12	(D)(1)	shall	Owners or operators with approved closure plans shall notify the director in writing at least sixty days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, landfill, or land treatment unit, or final closure of a facility involving such a unit.	3734.12	state required, federal required	40 CFR 265.112 (d)(1)	yes	both	no
3745-66-12	(D)(1)	shall	Owners or operators with approved closure plans shall notify the director in writing at least forty-five days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace.	3734.12	state required, federal required	40 CFR 265.112 (d)(1)	yes	both	no
3745-66-12	(D)(1)	shall	Owners or operators with approved closure plans shall notify the director in writing at least forty-five days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage, or incinerator units.	3734.12	state required, federal required	40 CFR 265.112 (d)(1)	yes	both	no

3745-66-12	(D)(2)	shall	The date when the owner or operator "expects to begin closure" shall be either:	3734.12	state required, federal required	40 CFR 265.112 (d)(2)	yes	both	no
3745-66-12	(D)(3)	shall	The owner or operator shall submit the owner's or operator's closure plan to the director no later than fifteen days after either:	3734.12	state required, federal required	40 CFR 265.112 (D)(3)	yes	both	no
3745-66-12	(D)(4)	shall	If the director does not approve the closure plan the director will provide the owner or operator with a detailed written statement of reasons for the refusal, and the owner or operator shall modify the closure plan or submit a new closure plan for approval within thirty days after receipt of such written statement.	3734.12	state required, federal required	40 CFR 265.112 (d)(4)	yes	both	no
3745-66-42	(A)	shall	The owner or operator shall have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with rules 3745-66-11 to 3745-66-15 of the Administrative Code and applicable closure requirements in rules 3745-66-97, 3745-67-28, 3745-67-58, 3745-67-80, 3745-68-10, 3745-68-51, 3745-68-81, 3745-69-04, and 3745-256-102 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.142 (a)	yes	both	no
3745-66-42	(A)(1)	shall	The closure cost estimate shall equal the cost of final closure at the point in the facility's active life when the extent and manner of the facility's operation would make closure the most expensive, as indicated by the facility's closure plan [see paragraph (B) of rule 3745-66-12 of the Administrative Code].	3734.12	state required, federal required	40 CFR 265.142 (a)(1)	yes	both	no
3745-66-42	(A)(2)	shall	The closure cost estimate shall be based on the costs to the owner or operator of hiring a third party to close the facility.	3734.12	state required, federal required	40 CFR 265.142 (a)(2)	yes	both	no
3745-66-42	(A)(3)	may not	The closure cost estimate may not incorporate any salvage value that may be realized by the sale of hazardous wastes, or nonhazardous waste if applicable under paragraph (D) of rule 3745-66-13 of the Administrative Code, facility structures or equipment, land, or other assets associated with the facility at the time of partial or final closure.	3734.12	state required, federal required	40 CFR 265.142 (a)(3)	yes	both	no
3745-66-42	(A)(4)	may not	The owner or operator may not incorporate a zero cost for hazardous wastes, or nonhazardous wastes if applicable under paragraph (D) of rule 3745-66-13 of the Administrative Code, that might have economic value.	3734.12	state required, federal required	40 CFR 265.142 (a)(4)	yes	both	no
3745-66-42	(B)	shall	During the active life of the facility, the owner or operator shall adjust the closure cost estimate for inflation within sixty days prior to the anniversary date of the establishment of the financial instruments used to comply with rule 3745 66 43 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.142 (b)	yes	both	no
3745-66-42	(B)	shall	For owners and operators using the financial test or corporate guarantee, the closure cost estimate shall be updated for inflation within thirty days after the close of the firm's fiscal year and before submittal of updated information to the director as specified in paragraph (E)(3) of rule 3745 66 43 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.142 (b)	yes	both	no
3745-66-42	(C)	shall	During the active life of the facility, the owner or operator shall revise the closure cost estimate no later than thirty days after a revision has been made to the closure plan which increases the cost of closure.	3734.12	state required, federal required	40 CFR 265.142 (c)	yes	both	no
3745-66-42	(C)	shall	If the owner or operator has an approved closure plan, the closure cost estimate shall be revised no later than thirty days after the director has approved the request to modify the closure plan, if the change in the closure plan increases the cost of closure.	3734.12	state required, federal required	40 CFR 265.142 (c)	yes	both	no
3745-66-42	(C)	shall	The revised closure cost estimate shall be adjusted for inflation as specified in paragraph (B) of this rule.	3734.12	state required, federal required	40 CFR 265.142 (c)	yes	both	no
3745-66-42	(D)	shall	The owner or operator shall keep the following at the facility during the operating life of the facility: the latest closure cost estimate prepared in accordance with paragraphs (A) and (C) of this rule and, when this estimate has been adjusted in accordance with paragraph (B) of this rule, the latest closure cost estimate.	3734.12	state required, federal required	40 CFR 265.142 (d)	yes	both	no
3745-66-42	(E)	shall	A copy of the facility's current, detailed closure cost estimate prepared and maintained in accordance with paragraphs (A) and (B) of this rule shall be submitted annually to the director.	3734.12	state required, federal required, but not this provision	none	yes		no

3745-66-42	(E)(1)	shall	For owners or operators using a financial mechanism other than the financial test, such submittal of the closure cost estimate to the director shall be made within sixty days following a revision or update to the estimate made in accordance with paragraph (B) of this rule.	3734.12	state required, federal required, but not this provision	none	yes		no
3745-66-42	(E)(2)	shall	For owners or operators using a financial test, such submittal of the closure cost estimate to the director shall be made within ninety days after the close of the firm's fiscal year following a revision or update to the estimate made in accordance with paragraph (B) of this rule.	3734.12	state required, federal required, but not this provision	none	yes		no
3745-66-43	intro	shall	An owner or operator of each facility shall establish financial assurance for closure of the facility.	3734.12	state required, federal required	40 CFR 265.143 intro	yes	both	no
3745-66-43	intro	shall	The owner or operator shall choose from among the options specified in paragraphs (A) to (E) of this rule.	3734.12	state required, federal required	40 CFR 265.143 intro	yes	both	no
3745-66-43	(A)(1)	shall	The trustee shall be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.	3734.12	state required, federal required	40 CFR 265.143 (a)(1)	yes	both	no
3745-66-43	(A)(2)	shall	The wording of the trust agreement shall be identical to the wording specified in paragraph (A)(1) of rule 3745-55-51 of the Administrative Code and the trust agreement shall be accompanied by a formal certification of acknowledgement [for an example, see paragraph (A)(2) of rule 3745-55-51 of the Administrative Code].	3734.12	state required, federal required	40 CFR 265.143 (a)(2)	yes	both	no
3745-66-43	(A)(2)	shall	The wording of the trust agreement shall be identical to the wording specified in paragraph (A)(1) of rule 3745-55-51 of the Administrative Code and the trust agreement shall be accompanied by a formal certification of acknowledgement [for an example, see paragraph (A)(2) of rule 3745-55-51 of the Administrative Code].	3734.12	state required, federal required	40 CFR 265.143 (a)(2)	yes	both	no
3745-66-43	(A)(2)	shall	"Schedule A" of the trust agreement shall be updated within sixty days after a change in the amount of the current closure cost estimate covered by the agreement.	3734.12	state required, federal required	40 CFR 265.143 (a)(2)	yes	both	no
3745-66-43	(A)(3)	shall	Payments to the trust fund shall be made annually by the owner or operator over the twenty years beginning on August 26, 1983 or over the remaining operating life of the facility as estimated in the closure plan, whichever period is shorter	3734.12	state required, federal required	40 CFR 265.143 (a)(3)	yes	both	no
3745-66-43	(A)(3)	shall	The payments to the closure trust fund shall be made as follows:	3734.12	state required, federal required	40 CFR 265.143 (a)(3)	yes	both	no
3745-66-43	(A)(3)(a)	shall	The first payment shall be made by August 26, 1983, except as provided in paragraph (A)(5) of this rule.	3734.12	state required, federal required	40 CFR 265.143 (a)(3)(i)	yes	both	no
3745-66-43	(A)(3)(a)	shall	The first payment shall be at least equal to the current closure cost estimate except as provided in paragraph (F) of this rule, divided by the number of years in the pay-in period.	3734.12	state required, federal required	40 CFR 265.143 (a)(3)(i)	yes	both	no
3745-66-43	(A)(3)(b)	shall	Subsequent payments shall be made no later than thirty days after each anniversary date of the first payment.	3734.12	state required, federal required	40 CFR 265.143 (a)(3)(ii)	yes	both	no
3745-66-43	(A)(3)(b)	shall	The amount of each subsequent payment shall be determined by this formula:	3734.12	state required, federal required	40 CFR 265.143 (a)(3)(ii)	yes	both	no
3745-66-43	(A)(4)	shall	However, the owner or operator shall maintain the value of the fund at no less than the value the fund would have if annual payments were made as specified in paragraph (A)(3) of this rule.	3734.12	state required, federal required	40 CFR 265.143 (a)(4)	yes	both	no
3745-66-43	(A)(5)	shall	If the owner or operator establishes a closure trust fund after having initially used one or more alternate mechanisms specified in this rule, the owner's or operator's first payment shall be at least the amount that the fund would have contained if the trust fund were established initially and annual payments made as specified in paragraph (A)(3) of this rule.	3734.12	state required, federal required	40 CFR 265.143 (a)(5)	yes	both	no
3745-66-43	(A)(6)	shall	After the pay-in period is completed, whenever the current closure cost estimate changes, the owner or operator shall compare the new estimate with the trustee's most recent annual valuation of the trust fund.	3734.12	state required, federal required	40 CFR 265.143 (a)(6)	yes	both	no

3745-66-43	(A)(6)	shall	If the value of the fund is less than the amount of the new estimate, the owner or operator, within sixty days after the change in the cost estimate, shall either deposit an amount into the fund so that the value of the trust fund after this deposit at least equals the amount of the current closure cost estimate, or obtain other financial assurance as specified in this rule to cover the difference.	3734.12	state required, federal required	40 CFR 265.143 (a)(6)	yes	both	no
3745-66-43	(A)(10)	required	If the director has reason to believe that the maximum cost of closure over the remaining life of the facility will be significantly greater than the value of the trust fund, the director may withhold reimbursement of such amounts as the director deems prudent until the director determines, in accordance with paragraph (H) of this rule, that the owner or operator is no longer required to maintain financial assurance for final closure of the facility.	3734.12	state required, federal required	40 CFR 265.143 (a)(10)	yes	both	no
3745-66-43	(B)(1)	shall	The surety company issuing the bond, at a minimum, shall be among those listed as acceptable sureties on federal bonds in "Circular 570" of the U.S. department of the treasury.	3734.12	state required, federal required	40 CFR 265.143 (b)(1)	yes	both	no
3745-66-43	(B)(2)	shall	The wording of the surety bond shall be identical to the wording specified in paragraph (B) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.143 (b)(2)	yes	both	no
3745-66-43	(B)(3)	shall	The owner or operator who uses a surety bond to satisfy the requirements of this rule shall also establish a standby trust fund.	3734.12	state required, federal required	40 CFR 265.143 (b)(3)	yes	both	no
3745-66-43	(B)(3)	shall	This standby trust fund shall meet the requirements specified in paragraph (A) of this rule, except that:	3734.12	state required, federal required	40 CFR 265.143 (b)(3)	yes	both	no
3745-66-43	(B)(3)(a)	shall	An originally signed duplicate of the trust agreement shall be submitted to the director with the surety bond.	3734.12	state required, federal required	40 CFR 265.143 (b)(3)(i)	yes	both	no
3745-66-43	(B)(3)(b)	not required	Until the standby trust fund is funded pursuant to this rule, the following are not required by rules 3745-66-40 to 3745-66-48 of the Administrative Code:	3734.12	state required, federal required	40 CFR 265.143 (b)(3)(ii)	yes	both	no
3745-66-43	(B)(3)(b)(iii)	required	Annual valuations as required by the trust agreement.	3734.12	state required, federal required	40 CFR 265.143 (b)(3)(ii)(C)	yes	both	no
3745-66-43	(B)(3)(b)(iv)	required	Notices of nonpayment as required by the trust agreement.	3734.12	state required, federal required	40 CFR 265.143 (b)(3)(ii)(D)	yes	both	no
3745-66-43	(B)(4)	shall	The bond shall guarantee that the owner or operator will:	3734.12	state required, federal required	40 CFR 265.143 (b)(4)	yes	both	no
3745-66-43	(B)(5)	shall	Under the terms of the bond, the surety shall become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.	3734.12	state required, federal required	40 CFR 265.143 (b)(5)	yes	both	no
3745-66-43	(B)(6)	shall	The penal sum of the bond shall be in an amount at least equal to the amount of the current closure cost estimate, except as provided in paragraph (F) of this rule.	3734.12	state required, federal required	40 CFR 265.143 (b)(6)	yes	both	no
3745-66-43	(B)(7)	shall	Whenever the current closure cost estimate increases to an amount greater than the penal sum of the bond, the owner or operator, within sixty days after the increase, shall either cause the penal sum of the bond to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule to cover the increase.	3734.12	state required, federal required	40 CFR 265.143 (b)(7)	yes	both	no
3745-66-43	(B)(7)	shall	Whenever the current closure cost estimate increases to an amount greater than the penal sum of the bond, the owner or operator, within sixty days after the increase, shall either cause the penal sum of the bond to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule to cover the increase.	3734.12	state required, federal required	40 CFR 265.143 (b)(7)	yes	both	no
3745-66-43	(B)(8)	shall	Under the terms of the bond, the bond shall remain in force unless the surety sends written notice of cancellation by certified mail to the owner or operator and to the director.	3734.12	state required, federal required	40 CFR 265.143 (b)(8)	yes	both	no

3745-66-43	(B)(8)	may not	Cancellation may not occur, however, during the one hundred twenty days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the director, as evidenced by the return receipts.	3734.12	state required, federal required	40 CFR 265.143 (b)(8)	yes	both	no
3745-66-43	(C)(1)	shall	The issuing institution shall be an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency.	3734.12	state required, federal required	40 CFR 265.143 (c)(1)	yes	both	no
3745-66-43	(C)(2)	shall	The wording of the letter of credit shall be identical to the wording specified in paragraph (D) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.143 (c)(2)	yes	both	no
3745-66-43	(C)(3)	shall	An owner or operator who uses a letter of credit to satisfy the requirements of this rule shall also establish a standby trust fund by the time the letter of credit is obtained.	3734.12	state required, federal required	40 CFR 265.143 (c)(3)	yes	both	no
3745-66-43	(C)(3)	shall	Under the terms of the letter of credit, all amounts paid pursuant to a draft by the director shall be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the director.	3734.12	state required, federal required	40 CFR 265.143 (c)(3)	yes	both	no
3745-66-43	(C)(3)	shall	The standby trust fund shall meet the requirements of the trust fund specified in paragraph (A) of this rule, except that:	3734.12	state required, federal required	40 CFR 265.143 (c)(3)	yes	both	no
3745-66-43	(C)(3)(a)	shall	An originally signed duplicate of the trust agreement shall be submitted to the director with the letter of credit; and	3734.12	state required, federal required	40 CFR 265.143 (c)(3)(i)	yes	both	no
3745-66-43	(C)(3)(b)	not required	Unless the standby trust fund is funded pursuant to this rule, the following are not required:	3734.12	state required, federal required	40 CFR 265.143 (c)(3)(ii)	yes	both	no
3745-66-43	(C)(3)(b)(iii)	required	Annual valuations as required by the trust agreement.	3734.12	state required, federal required	40 CFR 265.143 (c)(3)(ii)(C)	yes	both	no
3745-66-43	(C)(3)(b)(iv)	required	Notices of a nonpayment as required by the trust agreement.	3734.12	state required, federal required	40 CFR 265.143 (c)(3)(ii)(D)	yes	both	no
3745-66-43	(C)(4)	shall	The letter of credit shall be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date, and providing the U.S. EPA identification number, name, and address of the facility, and the amount of funds assured for closure of the facility by the letter of credit.	3734.12	state required, federal required	40 CFR 265.143 (c)(4)	yes	both	no
3745-66-43	(C)(5)	shall	The letter of credit shall be irrevocable and issued for a period of at least one year.	3734.12	state required, federal required	40 CFR 265.143 (c)(5)	yes	both	no
3745-66-43	(C)(5)	shall	The letter of credit shall provide that the expiration date will be automatically extended for a period of at least one year unless, at least one hundred twenty days before the current expiration date, the issuing institution notifies both the owner or operator and the director by certified mail of a decision not to extend the expiration date.	3734.12	state required, federal required	40 CFR 265.143 (c)(5)	yes	both	no
3745-66-43	(C)(6)	shall	The letter of credit shall be issued in an amount at least equal to the current closure cost estimate, except as provided in paragraph (F) of this rule.	3734.12	state required, federal required	40 CFR 265.143 (c)(6)	yes	both	no
3745-66-43	(C)(7)	shall	Whenever the current closure cost estimate increases to an amount greater than the amount of the credit, the owner or operator, within sixty days after the increase, shall either cause the amount of the credit to be increased so that the amount of the credit at least equals the current closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule to cover the increase.	3734.12	state required, federal required	40 CFR 265.143 (c)(7)	yes	both	no
3745-66-43	(C)(7)	shall	Whenever the current closure cost estimate increases to an amount greater than the amount of the credit, the owner or operator, within sixty days after the increase, shall either cause the amount of the credit to be increased so that the amount of the credit at least equals the current closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule to cover the increase.	3734.12	state required, federal required	40 CFR 265.143 (c)(7)	yes	both	no

3745-66-43	(C)(8)	required	Following a determination pursuant to Chapter 3734. of the Revised Code or Section 3008 of RCRA that the owner or operator has failed to perform final closure in accordance with the approved closure plan and other requirements of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code when required to do so, the director may draw on the letter of credit.	3734.12	state required, federal required	40 CFR 265.143 (c)(8)	yes	both	no
3745-66-43	(D)(1)	shall	By August 26, 1983, the owner or operator shall submit to the director a letter from an insurer stating that the insurer is considering issuance of closure insurance conforming to the requirements of paragraphs (D) to (D)(10)(b) of this rule to the owner or operator.	3734.12	state required, federal required	40 CFR 265.143 (d)(1)	yes	both	no
3745-66-43	(D)(1)	shall	Within ninety days after August 26, 1983, the owner or operator shall submit the certificate of insurance to the director or establish other financial assurance as specified in this rule.	3734.12	state required, federal required	40 CFR 265.143 (d)(1)	yes	both	no
3745-66-43	(D)(1)	shall	At a minimum, the insurer shall be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states.	3734.12	state required, federal required	40 CFR 265.143 (d)(1)	yes	both	no
3745-66-43	(D)(2)	shall	The wording of the certificate of insurance shall be identical to the wording specified in paragraph (E) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.143 (d)(2)	yes	both	no
3745-66-43	(D)(3)	shall	The closure insurance policy shall be issued for a face amount at least equal to the current closure cost estimate, except as provided in paragraph (F) of this rule.	3734.12	state required, federal required	40 CFR 265.143 (d)(3)	yes	both	no
3745-66-43	(D)(4)	shall	The closure insurance policy shall guarantee that funds will be available to close the facility whenever final closure occurs.	3734.12	state required, federal required	40 CFR 265.143 (d)(4)	yes	both	no
3745-66-43	(D)(4)	shall	The policy shall also guarantee that once final closure begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the director, to such party or parties as the director specifies.	3734.12	state required, federal required	40 CFR 265.143 (d)(4)	yes	both	no
3745-66-43	(D)(5)	required	If the director has reason to believe that the maximum cost of closure over the remaining life of the facility will be significantly greater than the face amount of the policy, the director may withhold reimbursement of such amounts as the director deems prudent until the director determines, in accordance with paragraph (H) of this rule, that the owner or operator is no longer required to maintain financial assurance for final closure of the particular facility.	3734.12	state required, federal required	40 CFR 265.143 (d)(5)	yes	both	no
3745-66-43	(D)(6)	shall	The owner or operator shall maintain the policy in full force and effect until the director consents to termination of the policy by the owner or operator as specified in paragraph (D)(10) of this rule.	3734.12	state required, federal required	40 CFR 265.143 (d)(6)	yes	both	no
3745-66-43	(D)(7)	shall	Each policy shall contain a provision allowing assignment of the policy to a successor owner or operator.	3734.12	state required, federal required	40 CFR 265.143 (d)(7)	yes	both	no
3745-66-43	(D)(8)	shall	The policy shall provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium.	3734.12	state required, federal required	40 CFR 265.143 (d)(8)	yes	both	no
3745-66-43	(D)(8)	may not	The policy shall provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium.	3734.12	state required, federal required	40 CFR 265.143 (d)(8)	yes	both	no
3745-66-43	(D)(8)	shall	The automatic renewal of the policy, at a minimum, shall provide the insured with the option of renewal at the face amount of the expiring policy.	3734.12	state required, federal required	40 CFR 265.143 (d)(8)	yes	both	no
3745-66-43	(D)(8)	may not	Cancellation, termination, or failure to renew may not occur, however, during the one hundred twenty days beginning with the date of receipt of the notice by both the director and the owner or operator, as evidenced by the return receipts.	3734.12	state required, federal required	40 CFR 265.143 (d)(8)	yes	both	no
3745-66-43	(D)(8)	may not	Cancellation, termination, or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration, any of the following occurs:	3734.12	state required, federal required	40 CFR 265.143 (d)(8)	yes	both	no
3745-66-43	(D)(9)	shall	Whenever the current closure cost estimate increases to an amount greater than the face amount of the policy, the owner or operator, within sixty days after the increase, shall either cause the face amount to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule to cover the increase.	3734.12	state required, federal required	40 CFR 265.143 (d)(9)	yes	both	no

3745-66-43	(D)(9)	shall	Whenever the current closure cost estimate increases to an amount greater than the face amount of the policy, the owner or operator, within sixty days after the increase, shall either cause the face amount to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule to cover the increase.	3734.12	state required, federal required	40 CFR 265.143 (d)(9)	yes	both	no
3745-66-43	(E)(1)	shall	To pass this test, the owner or operator shall meet the criteria of either paragraph (E)(1)(a) or (E)(1)(b) of this rule.	3734.12	state required, federal required	40 CFR 265.143 (e)(1)	yes	both	no
3745-66-43	(E)(1)(a)	shall	The owner or operator shall have:	3734.12	state required, federal required	40 CFR 265.143 (e)(1)(i)	yes	both	no
3745-66-43	(E)(1)(b)	shall	The owner or operator shall have:	3734.12	state required, federal required	40 CFR 265.143 (e)(1)(ii)	yes	both	no
3745-66-43	(E)(2)	required	The phrase "current closure and post-closure cost estimates" as used in paragraph (E)(1) of this rule refers to the cost estimates required to be shown in paragraphs 1-4 of the letter from the owner's or operator's chief financial officer as specified in paragraph (F) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.143 (e)(2)	yes	both	no
3745-66-43	(E)(2)	required	The phrase "current plugging and abandonment cost estimates" as used in paragraph (E)(1) of this rule refers to the cost estimates required to be shown in paragraphs 1-4 of the letter from the owner's or operator's chief financial officer as specified in paragraph (F) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.143 (e)(2)	yes	both	no
3745-66-43	(E)(3)	required	To demonstrate that the owner or operator meets this test, the owner or operator shall submit the following items to the director:	3734.12	state required, federal required	40 CFR 265.143 (e)(3)	yes	both	no
3745-66-43	(E)(4)	shall	To obtain the extension, the owner's or operator's chief financial officer shall send, by August 26, 1983, a letter to the director.	3734.12	state required, federal required	40 CFR 265.143 (e)(4)	yes	both	no
3745-66-43	(E)(4)	shall	This letter from the chief financial officer shall:	3734.12	state required, federal required	40 CFR 265.143 (e)(4)	yes	both	no
3745-66-43	(E)(5)	shall	After the initial submittal of items specified in paragraph (E)(3) of this rule, the owner or operator shall send updated information to the director within ninety days after the close of each succeeding fiscal year.	3734.12	state required, federal required	40 CFR 265.143 (e)(5)	yes	both	no
3745-66-43	(E)(5)	shall	This information shall consist of all three items specified in paragraph (E)(3) of this rule.	3734.12	state required, federal required	40 CFR 265.143 (e)(5)	yes	both	no
3745-66-43	(E)(6)	shall	If the owner or operator no longer meets the requirements of paragraph (E)(1) of this rule, the owner or operator shall send notice to the director of intent to establish alternate financial assurance as specified in this rule.	3734.12	state required, federal required	40 CFR 265.143 (e)(6)	yes	both	no
3745-66-43	(E)(6)	shall	The notice shall be sent by certified mail within ninety days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements.	3734.12	state required, federal required	40 CFR 265.143 (e)(6)	yes	both	no
3745-66-43	(E)(6)	shall	The owner or operator shall provide the alternate financial assurance within one hundred twenty days after the end of such fiscal year.	3734.12	state required, federal required	40 CFR 265.143 (e)(6)	yes	both	no
3745-66-43	(E)(7)	require	The director, based on a reasonable belief that the owner or operator may no longer meet the requirements of paragraph (E)(1) of this rule, may require reports of financial condition at any time from the owner or operator in addition to those specified in paragraph (E)(3) of this rule.	3734.12	state required, federal required	40 CFR 265.143 (e)(7)	yes	both	yes, director
3745-66-43	(E)(7)	shall	If the director finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of paragraph (E)(1) of this rule, the owner or operator shall provide alternate financial assurance as specified in this rule within thirty days after notification of such a finding.	3734.12	state required, federal required	40 CFR 265.143 (e)(7)	yes	both	no
3745-66-43	(E)(8)	shall	The owner or operator shall provide alternate financial assurance as specified in this rule within thirty days after notification of the disallowance.	3734.12	state required, federal required	40 CFR 265.143 (e)(8)	yes	both	no

3745-66-43	(E)(9)	required	The owner or operator is no longer required to submit the items specified in paragraph (E)(3) of this rule when either:	3734.12	state required, federal required	40 CFR 265.143 (e)(9)	yes	both	no
3745-66-43	(E)(10)	shall	The guarantor shall be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator.	3734.12	state required, federal required	40 CFR 265.143 (e)(10)	yes	both	no
3745-66-43	(E)(10)	shall	The guarantor shall meet the requirements for owners or operators in paragraphs (E)(1) to (E)(8) of this rule and shall comply with the terms of the guarantee.	3734.12	state required, federal required	40 CFR 265.143 (e)(10)	yes	both	no
3745-66-43	(E)(10)	shall	The guarantor shall meet the requirements for owners or operators in paragraphs (E)(1) to (E)(8) of this rule and shall comply with the terms of the guarantee.	3734.12	state required, federal required	40 CFR 265.143 (e)(10)	yes	both	no
3745-66-43	(E)(10)	shall	The wording of the guarantee shall be identical to the wording specified in paragraph (H) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.143 (e)(10)	yes	both	no
3745-66-43	(E)(10)	shall	A certified copy of the guarantee shall accompany the items sent to the director as specified in paragraph (E)(3) of this rule.	3734.12	state required, federal required	40 CFR 265.143 (e)(10)	yes	both	no
3745-66-43	(E)(10)	shall	One of these items shall be the letter from the guarantor's chief financial officer.	3734.12	state required, federal required	40 CFR 265.143 (e)(10)	yes	both	no
3745-66-43	(E)(10)	shall	If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter shall describe the value received in consideration of the guarantee.	3734.12	state required, federal required	40 CFR 265.143 (e)(10)	yes	both	no
3745-66-43	(E)(10)	shall	If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter shall describe this "substantial business relationship" and the value received in consideration of the guarantee.	3734.12	state required, federal required	40 CFR 265.143 (e)(10)	yes	both	no
3745-66-43	(E)(10)	shall	The terms of the guarantee shall provide that:	3734.12	state required, federal required	40 CFR 265.143 (e)(10)	yes	both	no
3745-66-43	(E)(10)(a)	required	If the owner or operator fails to perform final closure of a facility covered by the corporate guarantee in accordance with the closure plan and other requirements of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code whenever required to do so, the guarantor will do so or establish a trust fund as specified in paragraph (A) of this rule in the name of the owner or operator.	3734.12	state required, federal required	40 CFR 265.143 (e)(10)(i)	yes	both	no
3745-66-43	(E)(10)(b)	may not	Cancellation may not occur, however, during the one hundred twenty days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the director, as evidenced by the return receipts.	3734.12	state required, federal required	40 CFR 265.143 (e)(10)(ii)	yes	both	no
3745-66-43	(F)	shall	The mechanisms shall be as specified in paragraphs (A) to (D) of this rule, except that it is the combination of mechanisms, rather than the single mechanism, which shall provide financial assurance for an amount at least equal to the current closure cost estimate.	3734.12	state required, federal required	40 CFR 265.143 (f)	yes	both	no
3745-66-43	(F)	shall	The mechanisms shall be as specified in paragraphs (A) to (D) of this rule, except that it is the combination of mechanisms, rather than the single mechanism, which shall provide financial assurance for an amount at least equal to the current closure cost estimate.	3734.12	state required, federal required	40 CFR 265.143 (f)	yes	both	no
3745-66-43	(G)	shall	Evidence of financial assurance submitted to the director shall include a list showing, for each facility, the U.S. EPA identification number, name, address, and the amount of funds for closure assured by the mechanism.	3734.12	state required, federal required	40 CFR 265.143 (g)	yes	both	no
3745-66-43	(G)	shall	The amount of funds available through the mechanism shall be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility.	3734.12	state required, federal required	40 CFR 265.143 (g)	yes	both	no

3745-66-43	(H)	required	Within sixty days after receiving certifications from the owner or operator and a qualified professional engineer that final closure has been completed in accordance with the approved closure plan (see rule 3745-66-15 of the Administrative Code), the director will notify the owner or operator in writing that the owner or operator is no longer required by this rule to maintain financial assurance for final closure of the facility, unless the director has reason to believe that final closure has not been in accordance with the approved closure plan.	3734.12	state required, federal required	40 CFR 265.143 (h)	yes	both	no
3745-66-44	(A)	shall	The owner or operator of a hazardous waste disposal unit shall have a detailed written estimate, in current dollars, of the annual cost of post-closure monitoring and maintenance of the facility in accordance with the applicable post-closure provisions in rules 3745-66-17 to 3745-66-21, 3745-67-28, 3745-67-58, 3745-67-80, and 3745-68-10 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.144 (a)	yes	both	no
3745-66-44	(A)(1)	shall	The post-closure cost estimate shall be based on the costs to the owner or operator of hiring a third party to conduct post-closure care activities.	3734.12	state required, federal required	40 CFR 265.144 (a)(1)	yes	both	no
3745-66-44	(A)(2)	required	The post-closure cost estimate is calculated by multiplying the annual post-closure cost estimate by the number of years of post-closure care required under rule 3745-66-17 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.144 (a)(2)	yes	both	no
3745-66-44	(B)	shall	During the active life of the facility, the owner or operator shall adjust the post-closure cost estimate for inflation within sixty days prior to the anniversary date of the establishment of the financial instruments used to comply with rule 3745-66-45 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.144 (b)	yes	both	no
3745-66-44	(B)	shall	For owners or operators using the financial test or corporate guarantee, the post-closure care cost estimate shall be updated for inflation no later than thirty days after the close of the firm's fiscal year and before submittal of updated information to the director as specified in paragraph (D)(5) of rule 3745-66-45 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.144 (b)	yes	both	no
3745-66-44	(C)	shall	During the active life of the facility, the owner or operator shall revise the post-closure cost estimate no later than thirty days after a revision to the post-closure plan which increases the cost of post-closure care.	3734.12	state required, federal required	40 CFR 265.144 (c)	yes	both	no
3745-66-44	(C)	shall	If the owner or operator has an approved post-closure plan, the post-closure cost estimate shall be revised no later than thirty days after the director has approved the request to modify the plan, if the change in the post-closure plan increases the cost of post-closure care.	3734.12	state required, federal required	40 CFR 265.144 (c)	yes	both	no
3745-66-44	(C)	shall	The revised post-closure cost estimate shall be adjusted for inflation as specified in paragraph (B) of this rule.	3734.12	state required, federal required	40 CFR 265.144 (c)	yes	both	no
3745-66-44	(D)	shall	The owner or operator shall keep the following at the facility during the operating life of the facility: the latest post-closure cost estimate prepared in accordance with paragraphs (A) and (C) of this rule and, when the estimate has been adjusted in accordance with paragraph (B) of this rule, the latest adjusted post-closure cost estimate.	3734.12	state required, federal required	40 CFR 265.144 (d)	yes	both	no
3745-66-44	(E)	shall	A copy of the facility's current, detailed post-closure cost estimate prepared and maintained in accordance with paragraphs (A) and (B) of this rule shall be submitted annually to the director.	3734.12	state required, federal required, but not this provision	none	yes		no
3745-66-44	(E)(1)	shall	For owners or operators using a financial mechanism other than the financial test, such submittal of the post-closure cost estimate to the director shall be made within sixty days following a revision or update to the estimate made in accordance with paragraph (B) of this rule.	3734.12	state required, federal required, but not this provision	none	yes		no
3745-66-44	(E)(2)	shall	For owners or operators using a financial test, such submittal of the post-closure cost estimate to the director shall be made within ninety days after the close of the firm's fiscal year following a revision or update to the estimate made in accordance with paragraph (B) of this rule.	3734.12	state required, federal required, but not this provision	none	yes		no
3745-66-45	intro	shall	An owner or operator of each facility with a hazardous waste disposal unit shall establish financial assurance for post-closure care of the disposal units.	3734.12	state required, federal required	40 CFR 265.145 intro	yes	both	no
3745-66-45	(A)(1)	shall	The trustee shall be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.	3734.12	state required, federal required	40 CFR 265.145 (a)(1)	yes	both	no

3745-66-45	(A)(2)	shall	The wording of the trust agreement shall be identical to the wording specified in paragraph (A)(1) of rule 3745-55-51 of the Administrative Code, and the trust agreement shall be accompanied by a formal certification of acknowledgement [for an example, see paragraph (A)(2) of rule 3745-55-51 of the Administrative Code].	3734.12	state required, federal required	40 CFR 265.145 (a)(2)	yes	both	no
3745-66-45	(A)(2)	shall	The wording of the trust agreement shall be identical to the wording specified in paragraph (A)(1) of rule 3745-55-51 of the Administrative Code, and the trust agreement shall be accompanied by a formal certification of acknowledgement [for an example, see paragraph (A)(2) of rule 3745-55-51 of the Administrative Code].	3734.12	state required, federal required	40 CFR 265.145 (a)(2)	yes	both	no
3745-66-45	(A)(2)	shall	"Schedule A" of the trust agreement shall be updated within sixty days after a change in the amount of the current post-closure cost estimate covered by the agreement.	3734.12	state required, federal required	40 CFR 265.145 (a)(2)	yes	both	no
3745-66-45	(A)(3)	shall	Payments into the trust fund shall be made annually by the owner or operator over the remaining operating life of the facility as estimated in the closure plan [paragraph (A) of rule 3745-66-12 of the Administrative Code] or over the twenty years beginning with August 26, 1983, whichever period is shorter.	3734.12	state required, federal required	40 CFR 265.145 (a)(3)	yes	both	no
3745-66-45	(A)(3)	shall	The payments to the post-closure trust fund shall be made as follows:	3734.12	state required, federal required	40 CFR 265.145 (a)(3)	yes	both	no
3745-66-45	(A)(3)(a)	shall	The first payment shall be made by August 26, 1983, except as provided in paragraph (A)(5) of this rule.	3734.12	state required, federal required	40 CFR 265.145 (a)(3)(i)	yes	both	no
3745-66-45	(A)(3)(a)	shall	The first payment shall be at least equal to the post-closure cost estimate (see rule 3745-66-44 of the Administrative Code) except as provided in paragraph (F) of this rule, divided by the number of years in the pay-in period.	3734.12	state required, federal required	40 CFR 265.145 (a)(3)(i)	yes	both	no
3745-66-45	(A)(3)(b)	shall	Subsequent payments shall be made no later than thirty days after each anniversary date of the first payment.	3734.12	state required, federal required	40 CFR 265.145 (a)(3)(ii)	yes	both	no
3745-66-45	(A)(3)(b)	shall	The amount of each subsequent payment shall be determined by this formula:	3734.12	state required, federal required	40 CFR 265.145 (a)(3)(ii)	yes	both	no
3745-66-45	(A)(4)	shall	However, the owner or operator shall maintain the value of the fund at no less than the value the fund would have if annual payments were made as specified in paragraph (A)(3) of this rule.	3734.12	state required, federal required	40 CFR 265.145 (a)(4)	yes	both	no
3745-66-45	(A)(5)	shall	If the owner or operator establishes a post-closure trust fund after having used one or more alternate mechanisms specified in this rule, the owner's or operator's first payment shall be in at least the amount that the fund would contain if the trust fund were established initially and annual payments made as specified in paragraph (A)(3) of this rule.	3734.12	state required, federal required	40 CFR 265.145 (a)(5)	yes	both	no
3745-66-45	(A)(6)	shall	After pay-in period is completed, whenever the current post-closure cost estimate changes during the operating life of the facility, the owner or operator shall compare the new estimate with the trustee's most recent annual valuation of the trust fund (described in section 10 of the trust agreement).	3734.12	state required, federal required	40 CFR 265.145 (a)(6)	yes	both	no
3745-66-45	(A)(6)	shall	If the value of the fund is less than the amount of the new estimate, the owner or operator, within sixty days after the change in the cost estimate, shall either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current post-closure cost estimate, or shall obtain other financial assurance as specified in this rule to cover the difference.	3734.12	state required, federal required	40 CFR 265.145 (a)(6)	yes	both	no
3745-66-45	(A)(6)	shall	If the value of the fund is less than the amount of the new estimate, the owner or operator, within sixty days after the change in the cost estimate, shall either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current post-closure cost estimate, or shall obtain other financial assurance as specified in this rule to cover the difference.	3734.12	state required, federal required	40 CFR 265.145 (a)(6)	yes	both	no
3745-66-45	(B)(1)	shall	The surety company issuing the bond, at a minimum, shall be among those listed as acceptable sureties on federal bonds in "Circular 570" of the U.S. department of treasury.	3734.12	state required, federal required	40 CFR 265.145 (b)(1)	yes	both	no
3745-66-45	(B)(2)	shall	The wording of the surety bond shall be identical to the wording specified in paragraph (B) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.145 (b)(2)	yes	both	no

3745-66-45	(B)(3)	shall	The owner or operator who uses a surety bond to satisfy the requirements of this rule shall also establish a standby trust fund by the time the bond is obtained.	3734.12	state required, federal required	40 CFR 265.145 (b)(3)	yes	both	no
3745-66-45	(B)(3)	shall	Under the terms of the surety bond, all payments made thereunder shall be deposited by the surety directly into the standby trust fund in accordance with instructions from the director.	3734.12	state required, federal required	40 CFR 265.145 (b)(3)	yes	both	no
3745-66-45	(B)(3)	shall	This standby trust fund shall meet the requirements specified in paragraph (A) of this rule, except that:	3734.12	state required, federal required	40 CFR 265.145 (b)(3)	yes	both	no
3745-66-45	(B)(3)(a)	shall	An originally signed duplicate of the trust agreement shall be submitted to the director with the surety bond.	3734.12	state required, federal required	40 CFR 265.145 (b)(3)(i)	yes	both	no
3745-66-45	(B)(3)(b)	not required	Until the standby trust fund is funded pursuant to this rule, the following are not required:	3734.12	state required, federal required	40 CFR 265.145 (b)(3)(ii)	yes	both	no
3745-66-45	(B)(3)(b)(iii)	required	Annual valuations as required by the trust agreement	3734.12	state required, federal required	40 CFR 265.145 (b)(3)(ii)(C)	yes	both	no
3745-66-45	(B)(3)(b)(iv)	required	Notices of nonpayment as required by the trust agreement	3734.12	state required, federal required	40 CFR 265.145 (b)(3)(ii)(D)	yes	both	no
3745-66-45	(B)(4)	shall	The bond shall guarantee that the owner or operator will do any of the following:	3734.12	state required, federal required	40 CFR 265.145 (b)(4)	yes	both	no
3745-66-45	(B)(6)	shall	The penal sum of the bond shall be in an amount at least equal to the current post-closure cost estimate (see rule 3745-66-44 of the Administrative Code), except as provided in paragraph (F) of this rule.	3734.12	state required, federal required	40 CFR 265.145 (b)(6)	yes	both	no
3745-66-45	(B)(7)	shall	Whenever the current post-closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within sixty days after the increase, shall either cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule to cover the increase.	3734.12	state required, federal required	40 CFR 265.145 (b)(7)	yes	both	no
3745-66-45	(B)(7)	shall	Whenever the current post-closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within sixty days after the increase, shall either cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule to cover the increase.	3734.12	state required, federal required	40 CFR 265.145 (b)(7)	yes	both	no
3745-66-45	(B)(7)	shall	Notice of an increase or decrease in the penal sum shall be sent to the director by certified mail within sixty days after the change.	3734.12	state required	none	yes	no	no
3745-66-45	(B)(8)	may not	Cancellation may not occur, however, during the one hundred twenty days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the director, as evidenced by the return receipts.	3734.12	state required, federal required	40 CFR 265.145 (b)(8)	yes	both	no
3745-66-45	(C)(1)	shall	The issuing institution shall be an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency.	3734.12	state required, federal required	40 CFR 265.145 (c)(1)	yes	both	no
3745-66-45	(C)(2)	shall	The wording of the letter of credit shall be identical to the wording specified in paragraph (D) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.145 (c)(2)	yes	both	no
3745-66-45	(C)(3)	shall	An owner or operator who uses a letter of credit to satisfy the requirements of this rule shall also establish a standby trust fund.	3734.12	state required, federal required	40 CFR 265.145 (c)(3)	yes	both	no
3745-66-45	(C)(3)	shall	The standby trust fund shall meet the requirements of the trust fund specified in paragraph (A) of this rule, except that:	3734.12	state required, federal required	40 CFR 265.145 (c)(3)	yes	both	no
3745-66-45	(C)(3)(a)	shall	An originally signed duplicate of the trust agreement shall be submitted to the director with the letter of credit.	3734.12	state required, federal required	40 CFR 265.145 (c)(3)(i)	yes	both	no

3745-66-45	(C)(3)(b)	not required	Unless the standby trust fund is funded pursuant to this rule, the following are not required:	3734.12	state required, federal required	40 CFR 265.145 (c)(3)(ii)	yes	both	no
3745-66-45	(C)(3)(b)(iii)	required	Annual valuations as required by the trust agreement.	3734.12	state required, federal required	40 CFR 265.145 (c)(3)(ii)(C)	yes	both	no
3745-66-45	(C)(3)(b)(iv)	required	Notices of a nonpayment as required by the trust agreement.	3734.12	state required, federal required	40 CFR 265.145 (c)(3)(ii)(D)	yes	both	no
3745-66-45	(C)(4)	shall	The letter of credit shall be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date, and providing the U.S. EPA identification number, name, and address of the facility, and the amount of funds assured for post-closure care of the facility by the letter of credit.	3734.12	state required, federal required	40 CFR 265.145 (c)(4)	yes	both	no
3745-66-45	(C)(5)	shall	The letter of credit shall be irrevocable and issued for a period of at least one year.	3734.12	state required, federal required	40 CFR 265.145 (c)(5)	yes	both	no
3745-66-45	(C)(5)	shall	The letter of credit shall provide that the expiration date will be automatically extended for a period of at least one year unless, at least one hundred twenty days before the current expiration date, the issuing institution notifies both the owner or operator and the director by certified mail of a decision not to extend the expiration date.	3734.12	state required, federal required	40 CFR 265.145 (c)(5)	yes	both	no
3745-66-45	(C)(6)	shall	The letter of credit shall be issued in an amount at least equal to the current post-closure cost estimate, except as provided in paragraph (F) of this rule.	3734.12	state required, federal required	40 CFR 265.145 (c)(6)	yes	both	no
3745-66-45	(C)(7)	shall	Whenever the current post-closure cost estimate increases to an amount greater than the amount of the credit during the operating life of the facility, the owner or operator, within sixty days after the increase, either shall cause the amount of the credit to be increased so that it at least equals the current post-closure cost estimate and submit such evidence to the director, or shall obtain other financial assurance as specified in this rule to cover the increase.	3734.12	state required, federal required	40 CFR 265.145 (c)(7)	yes	both	no
3745-66-45	(C)(7)	shall	Whenever the current post-closure cost estimate increases to an amount greater than the amount of the credit during the operating life of the facility, the owner or operator, within sixty days after the increase, either shall cause the amount of the credit to be increased so that it at least equals the current post-closure cost estimate and submit such evidence to the director, or shall obtain other financial assurance as specified in this rule to cover the increase.	3734.12	state required, federal required	40 CFR 265.145 (c)(7)	yes	both	no
3745-66-45	(D)(1)	shall	By August 26, 1983, the owner or operator shall submit to the director a letter from an insurer stating that the insurer is considering issuance of post-closure insurance conforming to the requirements of paragraphs (D) to (D)(11)(b) of this rule to the owner or operator.	3734.12	state required, federal required	40 CFR 265.145 (d)(1)	yes	both	no
3745-66-45	(D)(1)	shall	Within ninety days after August 26, 1983, the owner or operator shall submit the certificate of insurance to the director or establish other financial assurance as specified in this rule.	3734.12	state required, federal required	40 CFR 265.145 (d)(1)	yes	both	no
3745-66-45	(D)(1)	shall	At a minimum, the insurer shall be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states.	3734.12	state required, federal required	40 CFR 265.145 (d)(1)	yes	both	no
3745-66-45	(D)(2)	shall	The wording of the certificate of insurance shall be identical to the wording specified in paragraph (E) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.145 (d)(2)	yes	both	no
3745-66-45	(D)(3)	shall	The post-closure insurance policy shall be issued for a face amount at least equal to the current post-closure cost estimate, except as provided in paragraph (F) of this rule.	3734.12	state required, federal required	40 CFR 265.145 (d)(3)	yes	both	no
3745-66-45	(D)(4)	shall	The post-closure insurance policy shall guarantee that funds will be available to provide post-closure care of the facility whenever the post-closure period begins.	3734.12	state required, federal required	40 CFR 265.145 (d)(4)	yes	both	no
3745-66-45	(D)(4)	shall	The policy shall also guarantee that once post-closure care begins the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the director, to such party or parties as the director specifies.	3734.12	state required, federal required	40 CFR 265.145 (d)(4)	yes	both	no
3745-66-45	(D)(6)	shall	The owner or operator shall maintain the policy in full force and effect until the director consents to termination of the policy by the owner or operator as specified in paragraph (D)(11) of this rule.	3734.12	state required, federal required	40 CFR 265.145 (d)(6)	yes	both	no

3745-66-45	(D)(7)	shall	Each policy shall contain a provision allowing assignment of the policy to a successor owner or operator.	3734.12	state required, federal required	40 CFR 265.145 (d)(7)	yes	both	no
3745-66-45	(D)(8)	shall	The policy shall provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium.	3734.12	state required, federal required	40 CFR 265.145 (d)(8)	yes	both	no
3745-66-45	(D)(8)	may not	The policy shall provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium.	3734.12	state required, federal required	40 CFR 265.145 (d)(8)	yes	both	no
3745-66-45	(D)(8)	shall	The automatic renewal of the policy, at a minimum, shall provide the insured with the option of renewal at the face amount of the expiring policy.	3734.12	state required, federal required	40 CFR 265.145 (d)(8)	yes	both	no
3745-66-45	(D)(8)	may not	Cancellation, termination, or failure to renew may not occur, however, during the one hundred twenty days beginning with the date of receipt of the notice by both the director and the owner or operator, as evidenced by the return receipts.	3734.12	state required, federal required	40 CFR 265.145 (d)(8)	yes	both	no
3745-66-45	(D)(8)	may not	Cancellation, termination, or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration, any of the following occurs:	3734.12	state required, federal required	40 CFR 265.145 (d)(8)	yes	both	no
3745-66-45	(D)(9)	shall	Whenever the current post-closure cost estimate increases to an amount greater than the face amount of the policy during the operating life of the facility, the owner or operator, within sixty days after the increase, shall either cause the face amount to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule to cover the increase.	3734.12	state required, federal required	40 CFR 265.145 (d)(9)	yes	both	no
3745-66-45	(D)(9)	shall	Whenever the current post-closure cost estimate increases to an amount greater than the face amount of the policy during the operating life of the facility, the owner or operator, within sixty days after the increase, shall either cause the face amount to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the director, or shall obtain other financial assurance as specified in this rule to cover the increase.	3734.12	state required, federal required	40 CFR 265.145 (d)(9)	yes	both	no
3745-66-45	(D)(10)	shall	Such increase shall be equivalent to the face amounts of the policy, less any payments made, multiplied by an amount equivalent to eighty-five per cent of the most recent investment rate or of the equivalent coupon-issue yield announced by the U.S. treasury for twenty-six-week treasury securities.	3734.12	state required, federal required	40 CFR 265.145 (d)(10)	yes	both	no
3745-66-45	(E)(1)	shall	To pass this test the owner or operator shall meet the criteria of either paragraph (E)(1)(a) or (E)(1)(b) of this rule:	3734.12	state required, federal required	40 CFR 265.145 (e)(1)	yes	both	no
3745-66-45	(E)(1)(a)	shall	The owner or operator shall have the following:	3734.12	state required, federal required	40 CFR 265.145 (e)(1)(i)	yes	both	no
3745-66-45	(E)(1)(b)	shall	The owner or operator shall have the following:	3734.12	state required, federal required	40 CFR 265.145 (e)(1)(ii)	yes	both	no
3745-66-45	(E)(2)	required	The phrase "current closure and post-closure cost estimates" as used in paragraph (E)(1) of this rule refers to the cost estimates required to be shown in paragraphs 1-4 of the letter from the owner's or operator's chief financial officer [see paragraph (F) of rule 3745-55-51 of the Administrative Code].	3734.12	state required, federal required	40 CFR 265.145 (e)(2)	yes	both	no
3745-66-45	(E)(2)	required	The phrase "current plugging and abandonment cost estimates" as used in paragraph (E)(1) of this rule refers to the cost estimates required to be shown in paragraphs 1-4 of the letter from the owner's or operator's chief financial officer [see paragraph (F) of rule 3745-55-51 of the Administrative Code].	3734.12	state required, federal required	40 CFR 265.145 (e)(2)	yes	both	no
3745-66-45	(E)(3)	shall	To demonstrate that the owner or operator meets this test, the owner or operator shall submit the following items to the director:	3734.12	state required, federal required	40 CFR 265.145 (e)(3)	yes	both	no
3745-66-45	(E)(4)	shall	To obtain the extension, the owner's or operator's chief financial officer shall send, by August 26, 1983, a letter to the director.	3734.12	state required, federal required	40 CFR 265.145 (e)(4)	yes	both	no
3745-66-45	(E)(4)	shall	This letter from the chief financial officer shall do the following:	3734.12	state required, federal required	40 CFR 265.145 (e)(4)	yes	both	no

3745-66-45	(E)(5)	shall	After the initial submittal of items specified in paragraph (E)(3) of this rule, the owner or operator shall send updated information to the director within ninety days after the close of each succeeding fiscal year.	3734.12	state required, federal required	40 CFR 265.145 (e)(5)	yes	both	no
3745-66-45	(E)(5)	shall	This information shall consist of all three items specified in paragraph (E)(3) of this rule.	3734.12	state required, federal required	40 CFR 265.145 (e)(5)	yes	both	no
3745-66-45	(E)(6)	shall	If the owner or operator no longer meets the requirements of paragraph (E)(1) of this rule, the owner or operator shall send notice to the director of intent to establish alternate financial assurance as specified in this rule.	3734.12	state required, federal required	40 CFR 265.145 (e)(6)	yes	both	no
3745-66-45	(E)(6)	shall	The notice shall be sent by certified mail within ninety days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements.	3734.12	state required, federal required	40 CFR 265.145 (e)(6)	yes	both	no
3745-66-45	(E)(6)	shall	The owner or operator shall provide the alternate financial assurance within one hundred twenty days after the end of such fiscal year.	3734.12	state required, federal required	40 CFR 265.145 (e)(6)	yes	both	no
3745-66-45	(E)(7)	require	The director, based on a reasonable belief that the owner or operator may no longer meet the requirements of paragraph (E)(1) of this rule, may require reports of financial condition at any time from the owner or operator in addition to those specified in paragraph (E)(3) of this rule.	3734.12	state required, federal required	40 CFR 265.145 (e)(7)	yes	both	yes, director
3745-66-45	(E)(7)	shall	If the director finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of paragraph (E)(1) of this rule, the owner or operator shall provide alternate financial assurance as specified in this rule within thirty days after notification of such a finding.	3734.12	state required, federal required	40 CFR 265.145 (e)(7)	yes	both	no
3745-66-45	(E)(8)	shall	The owner or operator shall provide alternate financial assurance as specified in this rule within thirty days after notification of the disallowance.	3734.12	state required, federal required	40 CFR 265.145 (e)(8)	yes	both	no
3745-66-45	(E)(10)	required	The owner or operator is no longer required to submit the items specified in paragraph (E)(3) of this rule when either:	3734.12	state required, federal required	40 CFR 265.145 (e)(10)	yes	both	no
3745-66-45	(E)(11)	shall	The guarantor shall be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator.	3734.12	state required, federal required	40 CFR 265.145 (e)(11)	yes	both	no
3745-66-45	(E)(11)	shall	The guarantor shall meet the requirements for owners or operators in paragraphs (E)(1) to (E)(9) of this rule and shall comply with the terms of the guarantee.	3734.12	state required, federal required	40 CFR 265.145 (e)(11)	yes	both	no
3745-66-45	(E)(11)	shall	The guarantor shall meet the requirements for owners or operators in paragraphs (E)(1) to (E)(9) of this rule and shall comply with the terms of the guarantee.	3734.12	state required, federal required	40 CFR 265.145 (e)(11)	yes	both	no
3745-66-45	(E)(11)	shall	The wording of the guarantee shall be identical to the wording specified in paragraph (H) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.145 (e)(11)	yes	both	no
3745-66-45	(E)(11)	shall	A certified copy of the guarantee shall accompany the items sent to the director as specified in paragraph (E)(3) of this rule.	3734.12	state required, federal required	40 CFR 265.145 (e)(11)	yes	both	no
3745-66-45	(E)(11)	shall	One of these items shall be the letter from the guarantor's chief financial officer.	3734.12	state required, federal required	40 CFR 265.145 (e)(11)	yes	both	no
3745-66-45	(E)(11)	shall	If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter shall describe the value received in consideration of the guarantee.	3734.12	state required, federal required	40 CFR 265.145 (e)(11)	yes	both	no
3745-66-45	(E)(11)	shall	If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter shall describe this "substantial business relationship" and the value received in consideration of the guarantee.	3734.12	state required, federal required	40 CFR 265.145 (e)(11)	yes	both	no

3745-66-45	(E)(11)	shall	The terms of the guarantee shall provide that:	3734.12	state required, federal required	40 CFR 265.145 (e)(11)	yes	both	no
3745-66-45	(E)(11)(a)	required	If the owner or operator fails to perform post-closure care of a facility covered by the corporate guarantee in accordance with the post-closure plan and other requirements in Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code whenever required to do so, the guarantor will do so or establish a trust fund as specified in paragraph (A) of this rule in the name of the owner or operator.	3734.12	state required, federal required	40 CFR 265.145 (e)(11)(i)	yes	both	no
3745-66-45	(E)(11)(b)	may not	Cancellation may not occur, however, during the one hundred twenty days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the director, as evidenced by the return receipts.	3734.12	state required, federal required	40 CFR 265.145 (e)(11)(ii)	yes	both	no
3745-66-45	(F)	shall	The mechanisms shall be as specified in paragraphs (A) to (D), respectively, of this rule, except that the combination of mechanisms, rather than the single mechanism, shall provide financial assurance for an amount at least equal to the current post-closure cost estimate.	3734.12	state required, federal required	40 CFR 265.145 (f)	yes	both	no
3745-66-45	(F)	shall	The mechanisms shall be as specified in paragraphs (A) to (D), respectively, of this rule, except that the combination of mechanisms, rather than the single mechanism, shall provide financial assurance for an amount at least equal to the current post-closure cost estimate.	3734.12	state required, federal required	40 CFR 265.145 (f)	yes	both	no
3745-66-45	(G)	shall	Evidence of financial assurance submitted to the director shall include a list showing, for each facility in Ohio and all other appropriate states, the U.S. EPA identification number, name, address, and the amount of funds for post-closure care assured by the mechanism.	3734.12	state required, federal required	40 CFR 265.145 (g)	yes	both	no
3745-66-45	(G)	shall	If the list is changed by addition or subtraction of a facility or by an increase or decrease in the amount of funds assured for post-closure care of one or more facilities, a corrected list shall be sent to the director within sixty days after such change.	3734.12	state required	none	yes	no	no
3745-66-45	(G)	shall	The amount of funds available through the mechanism shall be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility.	3734.12	state required, federal required	40 CFR 265.145 (g)	yes	both	no
3745-66-45	(H)	required	Within sixty days after receiving certifications from the owner or operator and a qualified professional engineer that post-closure care period has been completed for a hazardous waste disposal unit in accordance with the approved plan, the director will notify the owner or operator in writing that the owner or operator is no longer required to maintain financial assurance for post-closure care of that unit, unless the director has reason to believe that post-closure care has not been in accordance with the approved post-closure plan.	3734.12	state required, federal required	40 CFR 265.145 (h)	yes	both	no
3745-66-45	(H)	shall	The director shall provide the owner or operator a detailed written statement of any such reason to believe that post-closure care has not been in accordance with the approved post-closure plan.	3734.12	state required, federal required	40 CFR 265.145 (h)	yes	both	yes, director
3745-66-47	(A)	shall	An owner or operator of a hazardous waste treatment, storage, or disposal facility, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities.	3734.12	state required, federal required	40 CFR 265.147 (a)	yes	both	no
3745-66-47	(A)	shall	The owner or operator shall have and maintain liability coverage for sudden accidental occurrences in the amount of at least one million dollars per occurrence with an annual aggregate of at least two million dollars, exclusive of legal defense costs.	3734.12	state required, federal required	40 CFR 265.147 (a)	yes	both	no
3745-66-47	(A)(1)	required	An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in paragraphs (A) to (A)(7)(c) of this rule.	3734.12	state required, federal required	40 CFR 265.147 (a)(1)	yes	both	no
3745-66-47	(A)(1)(a)	shall	Each insurance policy shall be amended by attachment of the "Hazardous Waste Facility Liability Endorsement" or evidenced by a "Certificate of Liability Insurance."	3734.12	state required, federal required	40 CFR 265.147 (a)(1)(i)	yes	both	no
3745-66-47	(A)(1)(a)	shall	The wording of the endorsement shall be identical to the wording specified in paragraph (I) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.147 (a)(1)(i)	yes	both	no

3745-66-47	(A)(1)(a)	shall	The wording of the certificate of insurance shall be identical to the wording specified in paragraph (J) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.147 (a)(1)(i)	yes	both	no
3745-66-47	(A)(1)(a)	shall	The owner or operator shall submit an originally signed duplicate of the endorsement or the certificate of insurance to the director.	3734.12	state required, federal required	40 CFR 265.147 (a)(1)(i)	yes	both	no
3745-66-47	(A)(1)(a)	shall	If requested by the director, an owner or operator shall provide an originally signed duplicate of the insurance policy.	3734.12	state required, federal required	40 CFR 265.147 (a)(1)(i)	yes	both	no
3745-66-47	(A)(1)(b)	shall	Each insurance policy shall be issued by an insurer which, at a minimum, is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states.	3734.12	state required, federal required	40 CFR 265.147 (a)(1)(ii)	yes	both	no
3745-66-47	(A)(6)	required	An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee, letter of credit, surety bond, and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor.	3734.12	state required, federal required	40 CFR 265.147 (a)(6)	yes	both	no
3745-66-47	(A)(6)	may not	An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee, letter of credit, surety bond, and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor.	3734.12	state required, federal required	40 CFR 265.147 (a)(6)	yes	both	no
3745-66-47	(A)(6)	shall	The amounts of coverage demonstrated shall total at least the minimum amounts required by this rule.	3734.12	state required, federal required	40 CFR 265.147 (a)(6)	yes	both	no
3745-66-47	(A)(6)	required	The amounts of coverage demonstrated shall total at least the minimum amounts required by this rule.	3734.12	state required, federal required	40 CFR 265.147 (a)(6)	yes	both	no
3745-66-47	(A)(6)	required	If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under paragraphs (A) to (A)(7)(c) of this rule, the owner or operator shall specify at least one such assurance as "primary" coverage and shall specify other assurance as "excess" coverage.	3734.12	state required, federal required	40 CFR 265.147 (a)(6)	yes	both	no
3745-66-47	(A)(6)	shall	If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under paragraphs (A) to (A)(7)(c) of this rule, the owner or operator shall specify at least one such assurance as "primary" coverage and shall specify other assurance as "excess" coverage.	3734.12	state required, federal required	40 CFR 265.147 (a)(6)	yes	both	no
3745-66-47	(A)(6)	shall	If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under paragraphs (A) to (A)(7)(c) of this rule, the owner or operator shall specify at least one such assurance as "primary" coverage and shall specify other assurance as "excess" coverage.	3734.12	state required, federal required	40 CFR 265.147 (a)(6)	yes	both	no
3745-66-47	(A)(7)	shall	An owner or operator shall notify the director in writing within thirty days whenever any of the following occurs:	3734.12	state required, federal required	40 CFR 265.147 (a)(7)	yes	both	no
3745-66-47	(B)	shall	An owner or operator of a surface impoundment, landfill, or land treatment facility which is used to manage hazardous waste, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities.	3734.12	state required, federal required	40 CFR 265.147 (b)	yes	both	no
3745-66-47	(B)	shall	The owner or operator shall have and maintain liability coverage for nonsudden accidental occurrences in the amount of at least three million dollars per occurrence with an annual aggregate of at least six million dollars, exclusive of legal defense costs.	3734.12	state required, federal required	40 CFR 265.147 (b)	yes	both	no

3745-66-47	(B)	shall	An owner or operator who shall meet the requirements of this rule may combine the required per-occurrence coverage levels for sudden and nonsudden accidental occurrences into a single per-occurrence level, and combine the required annual aggregate coverage levels for sudden and nonsudden accidental occurrences into a single annual aggregate level.	3734.12	state required, federal required	40 CFR 265.147 (b)	yes	both	no
3745-66-47	(B)	required	An owner or operator who shall meet the requirements of this rule may combine the required per-occurrence coverage levels for sudden and nonsudden accidental occurrences into a single per-occurrence level, and combine the required annual aggregate coverage levels for sudden and nonsudden accidental occurrences into a single annual aggregate level.	3734.12	state required, federal required	40 CFR 265.147 (b)	yes	both	no
3745-66-47	(B)	required	An owner or operator who shall meet the requirements of this rule may combine the required per-occurrence coverage levels for sudden and nonsudden accidental occurrences into a single per-occurrence level, and combine the required annual aggregate coverage levels for sudden and nonsudden accidental occurrences into a single annual aggregate level.	3734.12	state required, federal required	40 CFR 265.147 (b)	yes	both	no
3745-66-47	(B)	shall	Owners or operators who combine coverage levels for sudden and nonsudden accidental occurrences shall maintain liability coverage in the amount of at least four million dollars per occurrence and eight million dollars annual aggregate.	3734.12	state required, federal required	40 CFR 265.147 (b)	yes	both	no
3745-66-47	(B)(1)	required	An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in paragraphs (B) to (B)(7)(c) of this rule.	3734.12	state required, federal required	40 CFR 265.147 (b)(1)	yes	both	no
3745-66-47	(B)(1)(a)	shall	Each insurance policy shall be amended by attachment of the "Hazardous Waste Facility Liability Endorsement" or evidenced by a "Certificate of Liability Insurance."	3734.12	state required, federal required	40 CFR 265.147 (b)(1)(i)	yes	both	no
3745-66-47	(B)(1)(a)	shall	The wording of the endorsement shall be identical to the wording specified in paragraph (I) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.147 (b)(1)(i)	yes	both	no
3745-66-47	(B)(1)(a)	shall	The wording of the certificate of insurance shall be identical to the wording specified in paragraph (J) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.147 (b)(1)(i)	yes	both	no
3745-66-47	(B)(1)(a)	shall	The owner or operator shall submit an originally signed duplicate of the endorsement or the certificate of insurance to the director.	3734.12	state required, federal required	40 CFR 265.147 (b)(1)(i)	yes	both	no
3745-66-47	(B)(1)(a)	shall	If requested by the director, the owner or operator shall provide an originally signed duplicate of the insurance policy.	3734.12	state required, federal required	40 CFR 265.147 (b)(1)(i)	yes	both	no
3745-66-47	(B)(1)(b)	shall	Each insurance policy shall be issued by an insurer which, at a minimum, is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states.	3734.12	state required, federal required	40 CFR 265.147 (b)(1)(ii)	yes	both	no
3745-66-47	(B)(6)	required	An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee, letter of credit, surety bond, and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor.	3734.12	state required, federal required	40 CFR 265.147 (b)(6)	yes	both	no
3745-66-47	(B)(6)	may not	An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee, letter of credit, surety bond, and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor.	3734.12	state required, federal required	40 CFR 265.147 (b)(6)	yes	both	no
3745-66-47	(B)(6)	shall	The amounts of coverage demonstrated shall total at least the minimum amount required by this rule.	3734.12	state required, federal required	40 CFR 265.147 (b)(6)	yes	both	no
3745-66-47	(B)(6)	required	The amounts of coverage demonstrated shall total at least the minimum amount required by this rule.	3734.12	state required, federal required	40 CFR 265.147 (b)(6)	yes	both	no

3745-66-47	(B)(6)	required	If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under paragraphs (B) to (B)(7)(c) of this rule, the owner or operator shall specify at least one such assurance as "primary" coverage and shall specify other assurance as "excess" coverage.	3734.12	state required, federal required	40 CFR 265.147 (b)(6)	yes	both	no
3745-66-47	(B)(6)	shall	If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under paragraphs (B) to (B)(7)(c) of this rule, the owner or operator shall specify at least one such assurance as "primary" coverage and shall specify other assurance as "excess" coverage.	3734.12	state required, federal required	40 CFR 265.147 (b)(6)	yes	both	no
3745-66-47	(B)(6)	shall	If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under paragraphs (B) to (B)(7)(c) of this rule, the owner or operator shall specify at least one such assurance as "primary" coverage and shall specify other assurance as "excess" coverage.	3734.12	state required, federal required	40 CFR 265.147 (b)(6)	yes	both	no
3745-66-47	(B)(7)	shall	An owner or operator shall notify the director in writing within thirty days whenever any of the following occurs:	3734.12	state required, federal required	40 CFR 265.147 (b)(7)	yes	both	no
3745-66-47	(C)	required	If an owner or operator can demonstrate to the satisfaction of the director that the levels for financial responsibility required by paragraph (A) or (B) of this rule are not consistent with the degree and duration of risk associated with the treatment, storage, or disposal at each facility or group of facilities, the owner or operator may obtain a variance from the director.	3734.12	state required, federal required	40 CFR 265.147 (c)	yes	both	no
3745-66-47	(C)	shall	The request for a variance shall be submitted by certified mail to the director.	3734.12	state required, federal required	40 CFR 265.147 (c)	yes	both	no
3745-66-47	(C)	required	If granted, the variance will take the form of an adjusted level of required liability coverage, such level to be based on the director's assessment of the degree and duration of risk associated with the ownership or operation of each facility or group of facilities.	3734.12	state required, federal required	40 CFR 265.147 (c)	yes	both	no
3745-66-47	(C)	require	The director may require an owner or operator who requests a variance to provide such technical and engineering information as is deemed necessary by the director to determine a level of financial responsibility other than that required by paragraph (A) or (B) of this rule.	3734.12	state required, federal required	40 CFR 265.147 (c)	yes	both	yes, director
3745-66-47	(C)	required	The director may require an owner or operator who requests a variance to provide such technical and engineering information as is deemed necessary by the director to determine a level of financial responsibility other than that required by paragraph (A) or (B) of this rule.	3734.12	state required, federal required	40 CFR 265.147 (c)	yes	both	no
3745-66-47	(D)	required	If the director determines that the levels of financial responsibility required by paragraphs (A) and (B) of this rule are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the director may adjust the level of financial responsibility required under paragraph (A) or (B) of this rule as may be necessary to protect human health and the environment.	3734.12	state required, federal required	40 CFR 265.147 (d)	yes	both	yes, director
3745-66-47	(D)	required	If the director determines that the levels of financial responsibility required by paragraphs (A) and (B) of this rule are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the director may adjust the level of financial responsibility required under paragraph (A) or (B) of this rule as may be necessary to protect human health and the environment.	3734.12	state required, federal required	40 CFR 265.147 (d)	yes	both	no
3745-66-47	(D)	require	In addition, if the director determines that there is a significant risk to human health and the environment from nonsudden accidental occurrences resulting from the operations of a facility that is not a surface impoundment, landfill, or land treatment facility, the director may require that an owner or operator of the facility comply with paragraph (B) of this rule.	3734.12	state required, federal required	40 CFR 265.147 (d)	yes	both	yes, director
3745-66-47	(D)	shall	The owner or operator shall furnish to the director, within a reasonable time, any information which the director requests to determine whether cause exists for such adjustments of level or type of coverage.	3734.12	state required, federal required	40 CFR 265.147 (d)	yes	both	no
3745-66-47	(D)	required	The director will process an adjustment of the level or type of required coverage as a permit modification under rule 3745-50-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.147 (d)	yes	both	no

3745-66-47	(D)	required	Notwithstanding any other provisions, the director may hold a public hearing at the director's discretion or whenever the director finds, on the basis of requests for a public hearing, a significant degree of public interest in a tentative decision to adjust the level or type of required coverage.	3734.12	state required, federal required	40 CFR 265.147 (d)	yes	both	no
3745-66-47	(E)	required	Within sixty days after receiving certifications from the owner or operator and a qualified professional engineer that final closure has been completed in accordance with the approved closure plan, the director will notify the owner or operator in writing that the owner or operator is no longer required by this rule to maintain liability coverage for that facility, unless the director has reason to believe that closure has not been in accordance with the approved closure plan.	3734.12	state required, federal required	40 CFR 265.147 (e)	yes	both	no
3745-66-47	(F)(1)	shall	To pass this test, the owner or operator shall meet the criteria of paragraph (F)(1)(a) or (F)(1)(b) of this rule.	3734.12	state required, federal required	40 CFR 265.147 (f)(1)	yes	both	no
3745-66-47	(F)(1)(a)	shall	The owner or operator shall have:	3734.12	state required, federal required	40 CFR 265.147 (f)(1)(i)	yes	both	no
3745-66-47	(F)(1)(b)	shall	The owner or operator shall have:	3734.12	state required, federal required	40 CFR 265.147 (f)(1)(ii)	yes	both	no
3745-66-47	(F)(2)	required	The phrase "amount of liability coverage" as used in paragraph (F)(1) of this rule refers to the annual aggregate amounts for which coverage is required under paragraphs (A) and (B) of this rule.	3734.12	state required, federal required	40 CFR 265.147 (f)(2)	yes	both	no
3745-66-47	(F)(3)	shall	To demonstrate that the owner or operator meets this test, the owner or operator shall submit the following three items to the director:	3734.12	state required, federal required	40 CFR 265.147 (f)(3)	yes	both	no
3745-66-47	(F)(3)(a)	shall	If an owner or operator is using the financial test to demonstrate both assurance for closure or post-closure care, as specified by paragraph (F) of rule 3745-55-43, paragraph (F) of rule 3745-55-45, paragraph (E) of rule 3745-66-43, and paragraph (E) of rule 3745-66-45 of the Administrative Code, and liability coverage, the owner or operator shall submit the letter specified in paragraph (G) of rule 3745-55-51 of the Administrative Code to cover both forms of financial responsibility.	3734.12	state required, federal required	40 CFR 265.147 (f)(3)(i)	yes	both	no
3745-66-47	(F)(3)(a)	not required	A separate letter as specified in paragraph (F) of rule 3745-55-51 of the Administrative Code is not required.	3734.12	state required, federal required	40 CFR 265.147 (f)(3)(i)	yes	both	no
3745-66-47	(F)(4)	shall	To obtain the extension, the owner's or operator's chief financial officer shall send, by August 26, 1983, a letter to the director.	3734.12	state required, federal required	40 CFR 265.147 (f)(4)	yes	both	no
3745-66-47	(F)(4)	shall	This letter from the chief financial officer shall do the following:	3734.12	state required, federal required	40 CFR 265.147 (f)(4)	yes	both	no
3745-66-47	(F)(5)	shall	After the initial submittal of items specified in paragraph (F)(3) of this rule, the owner or operator shall send updated information to the director within ninety days after the close of each succeeding fiscal year.	3734.12	state required, federal required	40 CFR 265.147 (f)(5)	yes	both	no
3745-66-47	(F)(5)	shall	This information shall consist of all three items specified in paragraph (F)(3) of this rule.	3734.12	state required, federal required	40 CFR 265.147 (f)(5)	yes	both	no
3745-66-47	(F)(6)	shall	If the owner or operator no longer meets the requirements of paragraph (F)(1) of this rule, the owner or operator shall obtain insurance, a letter of credit, a surety bond, a trust fund, or a guarantee for the entire amount of required liability coverage as specified in this rule.	3734.12	state required, federal required	40 CFR 265.147 (f)(6)	yes	both	no
3745-66-47	(F)(6)	required	If the owner or operator no longer meets the requirements of paragraph (F)(1) of this rule, the owner or operator shall obtain insurance, a letter of credit, a surety bond, a trust fund, or a guarantee for the entire amount of required liability coverage as specified in this rule.	3734.12	state required, federal required	40 CFR 265.147 (f)(6)	yes	both	no
3745-66-47	(F)(6)	shall	Evidence of liability coverage shall be submitted to the director within ninety days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the test requirements.	3734.12	state required, federal required	40 CFR 265.147 (f)(6)	yes	both	no
3745-66-47	(F)(7)	shall	The owner or operator shall provide evidence of insurance for the entire amount of required liability coverage as specified in this rule within thirty days after notification of disallowance.	3734.12	state required, federal required	40 CFR 265.147 (f)(7)	yes	both	no

3745-66-47	(F)(7)	required	The owner or operator shall provide evidence of insurance for the entire amount of required liability coverage as specified in this rule within thirty days after notification of disallowance.	3734.12	state required, federal required	40 CFR 265.147 (f)(7)	yes	both	no
3745-66-47	(G)	shall	The guarantor shall be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or firm with a "substantial business relationship" with the owner or operator.	3734.12	state required, federal required	40 CFR 265.147 (g)(1)	yes	both	no
3745-66-47	(G)	shall	The guarantor shall meet the requirements for owners or operators in paragraphs (F)(1) to (F)(6) of this rule.	3734.12	state required, federal required	40 CFR 265.147 (g)(1)	yes	both	no
3745-66-47	(G)	shall	The wording of the guarantee shall be identical to the wording specified in paragraph (H)(2) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.147 (g)(1)	yes	both	no
3745-66-47	(G)	shall	A certified copy of the guarantee shall accompany the items sent to the director as specified in paragraph (F)(3) of this rule.	3734.12	state required, federal required	40 CFR 265.147 (g)(1)	yes	both	no
3745-66-47	(G)	shall	One of these items shall be the letter from the guarantor's chief financial officer.	3734.12	state required, federal required	40 CFR 265.147 (g)(1)	yes	both	no
3745-66-47	(G)	shall	If the guarantor's parent corporation is also the parent corporation of the owner or operator, this letter shall describe the value received in consideration of the guarantee.	3734.12	state required, federal required	40 CFR 265.147 (g)(1)	yes	both	no
3745-66-47	(G)	shall	If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter shall describe this "substantial business relationship" and the value received in consideration of the guarantee.	3734.12	state required, federal required	40 CFR 265.147 (g)(1)	yes	both	no
3745-66-47	(H)(2)	shall	The financial institution issuing the letter of credit shall be an entity that has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency.	3734.12	state required, federal required	40 CFR 265.147 (h)(2)	yes	both	no
3745-66-47	(H)(3)	shall	The wording of the letter of credit shall be identical to the wording specified in paragraph (K) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.147 (h)(3)	yes	both	no
3745-66-47	(H)(4)	shall	The trustee of the standby trust fund shall be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.	3734.12	state required, federal required	40 CFR 265.147 (h)(4)	yes	both	no
3745-66-47	(H)(5)	shall	The wording of the standby trust fund shall be identical to the wording specified in paragraph (N)(1) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.147 (h)(5)	yes	both	no
3745-66-47	(I)(2)	shall	The surety company issuing the bond shall be among those listed as acceptable sureties on federal bonds in the most recent "Circular 570" of the U.S. department of the treasury.	3734.12	state required, federal required	40 CFR 265.147 (i)(2)	yes	both	no
3745-66-47	(I)(3)	shall	The wording of the surety bond shall be identical to the wording specified in paragraph (L) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.147 (i)(3)	yes	both	no
3745-66-47	(J)(2)	shall	The trustee shall be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.	3734.12	state required, federal required	40 CFR 265.147 (j)(2)	yes	both	no
3745-66-47	(J)(3)	shall	The trust fund for liability coverage shall be funded for the full amount of the liability coverage to be provided by the trust fund before the trust fund may be relied upon to satisfy the requirements of this rule.	3734.12	state required, federal required	40 CFR 265.147 (j)(3)	yes	both	no
3745-66-47	(J)(3)	shall	If at any time after the trust fund is created the amount of funds in the trust fund is reduced below the full amount of the liability coverage to be provided, the owner or operator, by the anniversary date of the establishment of the fund, shall either add sufficient funds to the trust fund to cause the value of the trust fund to equal the full amount of liability coverage to be provided, or obtain other financial assurance as specified in this rule to cover the difference.	3734.12	state required, federal required	40 CFR 265.147 (j)(3)	yes	both	no
3745-66-47	(J)(3)	required	For purposes of paragraphs (J) to (J)(4) of this rule, "the full amount of the liability coverage to be provided" means the amount of coverage for sudden and nonsudden occurrences required to be provided by the owner or operator by this rule, less the amount of financial assurance for liability coverage that is being provided by other financial assurance mechanisms being used to demonstrate financial assurance by the owner or operator.	3734.12	state required, federal required	40 CFR 265.147 (j)(3)	yes	both	no
3745-66-47	(J)(4)	shall	The wording of the trust fund shall be identical to the wording specified in paragraph (M) of rule 3745-55-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.147 (j)(4)	yes	both	no
3745-66-74	text	shall	At least once during each period from Sunday to Saturday, the owner or operator shall inspect areas where containers are stored.	3734.12	state required, federal required	40 CFR 265.174 text	yes	both	no

3745-66-74	text	shall	The owner or operator shall look for leaking containers and for deterioration of containers caused by corrosion or other factors.	3734.12	state required, federal required	40 CFR 265.174 text	yes	both	no
3745-66-74	text	shall	The owner or operator shall record inspections in an inspection log or summary.	3734.12	state required	none	yes	no	no
3745-66-93	(A)	shall	In order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary containment that complies with this rule shall be provided [except as provided in paragraphs (F) and (G) of this rule]:	3734.12	state required, federal required	40 CFR 265.193 (a)	yes	both	no
3745-66-93	(B)	shall	Secondary containment systems shall be:	3734.12	state required, federal required	40 CFR 265.193 (b)	yes	both	no
3745-66-93	(C)	shall	To comply with paragraph (B) of this rule, secondary containment systems shall be, at a minimum:	3734.12	state required, federal required	40 CFR 265.193 (c)	yes	both	no
3745-66-93	(C)(1)	shall	Constructed of or lined with materials that are compatible with the wastes to be placed in the tank system, and shall have sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation (including stresses from nearby vehicular traffic);	3734.12	state required, federal required	40 CFR 265.193 (c)(1)	yes	both	no
3745-66-93	(C)(4)	shall	Spilled or leaked waste and accumulated precipitation shall be removed from the secondary containment system within twenty-four hours, or in as timely a manner as is possible to prevent harm to human health or the environment, if removal of the released waste or accumulated precipitation cannot be accomplished within twenty-four hours.	3734.12	state required, federal required	40 CFR 265.193 (c)(4)	yes	both	no
3745-66-93	(D)	shall	Secondary containment for tanks shall include one or more of the following devices:	3734.12	state required, federal required	40 CFR 265.193 (d)	yes	both	no
3745-66-93	(E)	shall	In addition to paragraphs (B), (C), and (D) of this rule, secondary containment systems shall satisfy the following requirements:	3734.12	state required, federal required	40 CFR 265.193 (e)	yes	both	no
3745-66-93	(E)(1)	shall	External liner systems shall be:	3734.12	state required, federal required	40 CFR 265.193 (e)(1)	yes	both	no
3745-66-93	(E)(1)(b)	shall	Such additional capacity shall be sufficient to contain precipitation from a twenty-five-year, twenty-four-hour rainfall event;	3734.12	state required, federal required	40 CFR 265.193 (e)(1)(ii)	yes	both	no
3745-66-93	(E)(2)	shall	Vault systems shall be:	3734.12	state required, federal required	40 CFR 265.193 (e)(2)	yes	both	no
3745-66-93	(E)(2)(b)	shall	Such additional capacity shall be sufficient to contain precipitation from a twenty-five-year, twenty-four-hour rainfall event;	3734.12	state required, federal required	40 CFR 265.193 (e)(2)(ii)	yes	both	no
3745-66-93	(E)(3)	shall	Double-walled tanks shall be:	3734.12	state required, federal required	40 CFR 265.193 (e)(3)	yes	both	no
3745-66-93	(F)	shall	Ancillary equipment shall be provided with full secondary containment (e.g., trench, jacketing double-walled piping) that complies with paragraphs (B) and (C) of this rule, except for:	3734.12	state required, federal required	40 CFR 265.193 (f)	yes	both	no
3745-66-93	(G)	may not	New underground tank systems may not, per a demonstration in accordance with paragraph (G)(2) of this rule, be exempted from the secondary containment requirements of this rule.	3734.12	state required, federal required	40 CFR 265.193 (g)	yes	both	no
3745-66-93	(G)(3)	shall	The owner or operator of a tank system, for which a variance from secondary containment had been granted in accordance with paragraph (G)(1) of this rule, at which a release of hazardous waste has occurred from the primary tank system but has not migrated beyond the zone of engineering control (as established in the variance), shall:	3734.12	state required, federal required	40 CFR 265.193 (g)(3)	yes	both	no
3745-66-93	(G)(4)	shall	The owner or operator of a tank system, for which a variance from secondary containment had been granted in accordance with paragraph (G)(1) of this rule, at which a release of hazardous waste has occurred from the primary tank system and has migrated beyond the zone of engineering control (as established in the variance), shall:	3734.12	state required, federal required	40 CFR 265.193 (g)(4)	yes	both	no

3745-66-93	(G)(4)(b)	shall	If contaminated soil cannot be decontaminated or removed, or if ground water has been contaminated, the owner or operator shall comply with paragraph (B) of rule 3745-66-97 of the Administrative Code;	3734.12	state required, federal required	40 CFR 265.193 (g)(4)(ii)	yes	both	no
3745-66-93	(G)(4)(c)	shall	The owner or operator shall comply with these requirements even if contaminated soil can be decontaminated or removed, and ground water or surface water has not been contaminated.	3734.12	state required, federal required	40 CFR 265.193 (g)(4)(iii)	yes	both	no
3745-66-93	(H)	shall	The following procedures shall be followed in order to request a variance from secondary containment.	3734.12	state required, federal required	40 CFR 265.193 (h)	yes	both	no
3745-66-93	(H)(1)	shall	The director shall be notified in writing by the owner or operator that the owner or operator intends to conduct and submit a demonstration for a variance from secondary containment as allowed in paragraph (G) of this rule according to the following schedule:	3734.12	state required, federal required	40 CFR 265.193 (h)(1)	yes	both	no
3745-66-93	(H)(1)(a)	shall	For existing tank systems, at least twenty-four months prior to the date that the secondary containment shall be provided in accordance with paragraph (A) of this rule; and	3734.12	state required, federal required	40 CFR 265.193 (h)(1)(i)	yes	both	no
3745-66-93	(H)(2)	shall	As part of the notification, the owner or operator also shall submit to the director a description of the steps necessary to conduct the demonstration and a timetable for completing each of the steps.	3734.12	state required, federal required	40 CFR 265.193 (h)(2)	yes	both	no
3745-66-93	(H)(2)	shall	The demonstration shall address each of the factors listed in paragraph (G)(1) or (G)(2) of this rule.	3734.12	state required, federal required	40 CFR 265.193 (h)(2)	yes	both	no
3745-66-93	(H)(3)	shall	The demonstration for a variance shall be completed and submitted to the director within one hundred eighty days after notifying the director of intent to conduct the demonstration.	3734.12	state required, federal required	40 CFR 265.193 (h)(3)	yes	both	no
3745-66-93	(H)(4)	shall	The notice shall be placed in a daily or weekly major local newspaper of general circulation and shall provide at least thirty days from the date of the notice for the public to review and comment on the demonstration for a variance.	3734.12	state required, federal required	40 CFR 265.193 (h)(4)	yes	both	yes, director
3745-66-93	(H)(4)	shall	The notice shall be placed in a daily or weekly major local newspaper of general circulation and shall provide at least thirty days from the date of the notice for the public to review and comment on the demonstration for a variance.	3734.12	state required, federal required	40 CFR 265.193 (h)(4)	yes	both	yes, director
3745-66-93	(I)	shall	All tank systems, until such time as secondary containment that complies with this rule is provided, shall comply with the following:	3734.12	state required, federal required	40 CFR 265.193 (i)	yes	both	no
3745-66-93	(I)(1)	shall	For non-enterable underground tanks, a leak test that complies with paragraph (B)(5) of rule 3745-66-91 of the Administrative Code shall be conducted at least annually;	3734.12	state required, federal required	40 CFR 265.193 (i)(1)	yes	both	no
3745-66-93	(I)(2)	shall	For other than non-enterable underground tanks, and for all ancillary equipment, the owner or operator shall either conduct a leak test, as described in paragraph (I)(1) of this rule or an internal inspection or other tank integrity examination by a qualified professional engineer that addresses cracks, leaks, and corrosion, or erosion at least annually.	3734.12	state required, federal required	40 CFR 265.193 (i)(2)	yes	both	no
3745-66-93	(I)(2)	shall	The owner or operator shall remove the stored waste from the tank, if necessary, to allow the condition of all internal tank surfaces to be assessed.	3734.12	state required, federal required	40 CFR 265.193 (i)(2)	yes	both	no
3745-66-93	(I)(3)	shall	The owner or operator shall maintain on file at the facility a record of the results of the assessments conducted in accordance with paragraphs (I)(1) to (I)(3) of this rule.	3734.12	state required, federal required	40 CFR 265.193 (i)(3)	yes	both	no
3745-66-93	(I)(4)	shall	If a tank system or component is found to be leaking or unfit for use as a result of the leak test or assessment in paragraphs (I)(1) to (I)(3) of this rule, the owner or operator shall comply with rule 3745-66-96 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.193 (i)(4)	yes	both	no
3745-66-95	(A)	shall	The owner or operator shall inspect, where present, at least once each operating day, data gathered from monitoring and leak-detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to the tank system's design.	3734.12	state required, federal required	40 CFR 265.195 (a)	yes	both	no
3745-66-95	(B)	shall	Except as noted under paragraph (C) of this rule, the owner or operator shall inspect at least once each operating day all of the following:	3734.12	state required, federal required	40 CFR 265.195 (b)	yes	both	no

3745-66-95	(B)(3)[Comment]	requires	Paragraph (C) of rule 3745-65-15 of the Administrative Code requires the owner or operator to remedy any deterioration or malfunction that is found.	3734.12	state required, federal required	40 CFR 265.195 (a)Note	yes	both	no
3745-66-95	(B)(3)[Comment]	requires	Rule 3745-66-96 of the Administrative Code requires the owner or operator to notify the director within twenty-four hours after confirming a release.	3734.12	state required, federal required	40 CFR 265.195 (a)Note	yes	both	no
3745-66-95	(B)(3)[Comment]	require	Also, 40 CFR Part 302 may require the owner or operator to notify the "National Response Center" of a release.	3734.12	state required, federal required	40 CFR 265.195 (a)Note	yes	both	no
3745-66-95	(C)	shall	Owners or operators of tank systems that either use leak detection equipment to alert facility personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified, shall inspect at least weekly those areas described in paragraphs (B)(1) to (B)(3) of this rule.	3734.12	state required, federal required	40 CFR 265.195 (c)	yes	both	no
3745-66-95	(C)	shall	Use of the alternate inspection schedule shall be documented in the facility's operating record.	3734.12	state required, federal required	40 CFR 265.195 (c)	yes	both	no
3745-66-95	(C)	shall	This documentation shall include a description of the established workplace practices at the facility.	3734.12	state required, federal required	40 CFR 265.195 (c)	yes	both	no
3745-66-95	(E)	shall	Ancillary equipment that is not provided with secondary containment, as described in paragraphs (F)(1) to (F)(4) of rule 3745-66-93 of the Administrative Code, shall be inspected at least once each operating day.	3734.12	state required, federal required	40 CFR 265.195 (e)	yes	both	no
3745-66-95	(F)	shall	The owner or operator shall inspect cathodic protection systems, if present, according to, at a minimum, the following schedule, to ensure that the cathodic protection systems are functioning properly:	3734.12	state required, federal required	40 CFR 265.195 (f)	yes	both	no
3745-66-95	(F)(1)	shall	The proper operation of the cathodic protection system shall be confirmed within six months after initial installation and annually thereafter.	3734.12	state required, federal required	40 CFR 265.195 (f)(1)	yes	both	no
3745-66-95	(F)(2)	shall	All sources of impressed current shall be inspected or tested, as appropriate, at least bimonthly (i.e., every other month).	3734.12	state required, federal required	40 CFR 265.195 (f)(2)	yes	both	no
3745-66-95	(G)	shall	The owner or operator shall document in the operating record of the facility an inspection of those items in paragraphs (A) and (B) to (B)(3) of this rule.	3734.12	state required, federal required	40 CFR 265.195 (g)	yes	both	no
3745-66-96	intro	shall	A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, shall be removed from service immediately, and the owner or operator shall satisfy all of the following requirements:	3734.12	state required, federal required	40 CFR 265.196 intro	yes	both	no
3745-66-96	intro	shall	A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, shall be removed from service immediately, and the owner or operator shall satisfy all of the following requirements:	3734.12	state required, federal required	40 CFR 265.196 intro	yes	both	no
3745-66-96	(A)	shall	The owner or operator shall immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.	3734.12	state required, federal required	40 CFR 265.196 (a)	yes	both	no
3745-66-96	(B)(1)	shall	If the release was from the tank system, the owner or operator shall, within twenty four hours after detection of the leak or, if the owner or operator demonstrates that that is not possible, at the earliest practicable time, remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed.	3734.12	state required, federal required	40 CFR 265.196 (b)(1)	yes	both	no
3745-66-96	(B)(2)	shall	If the release was to a secondary containment system, all released materials shall be removed within twenty-four hours or in as timely a manner as is possible to prevent harm to human health and the environment.	3734.12	state required, federal required	40 CFR 265.196 (b)(2)	yes	both	no
3745-66-96	(C)	shall	The owner or operator shall immediately conduct a visual inspection of the release and, based upon that inspection, both:	3734.12	state required, federal required	40 CFR 265.196 (c)	yes	both	no
3745-66-96	(D)(1)	shall	Any release to the environment, except as provided in paragraph (D)(2) of this rule, shall be reported to the director within twenty-four hours after its detection. If the release has been reported pursuant to 40 CFR Part 302, that report will satisfy this requirement.	3734.12	state required, federal required	40 CFR 265.196 (d)(1)	yes	both	no

3745-66-96	(D)(3)	shall	Within thirty days after detection of a release to the environment, a report that contains all of the following information shall be submitted to the director:	3734.12	state required, federal required	40 CFR 265.196 (d)(3)	yes	both	no
3745-66-96	(D)(3)(c)	shall	If sampling or monitoring data relating to the release are not available within thirty days, these data shall be submitted to the director as soon as they become available.	3734.12	state required, federal required	40 CFR 265.196 (d)(3)(iii)	yes	both	no
3745-66-96	(E)(1)	shall	Unless the owner or operator satisfies the requirements of paragraphs (E)(2) to (E)(4) of this rule, the tank system shall be closed in accordance with rule 3745-66-97 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.196 (e)(1)	yes	both	no
3745-66-96	(E)(3)	shall	If the cause of the release was a leak from the primary tank system into the secondary containment system, the system shall be repaired prior to returning the tank system to service.	3734.12	state required, federal required	40 CFR 265.196 (e)(3)	yes	both	no
3745-66-96	(E)(4)	shall	If the source of the release was a leak to the environment from a component of a tank system without secondary containment, the owner or operator shall provide the component of the system from which the leak occurred with secondary containment that satisfies the requirements of rule 3745-66-93 of the Administrative Code before it can be returned to service, unless the source of the leak is an aboveground portion of a tank system.	3734.12	state required, federal required	40 CFR 265.196 (e)(4)	yes	both	no
3745-66-96	(E)(4)	shall	If the source is an aboveground component that can be inspected visually, the component shall be repaired and may be returned to service without secondary containment as long as the requirements of paragraph (F) of this rule are satisfied.	3734.12	state required, federal required	40 CFR 265.196 (e)(4)	yes	both	no
3745-66-96	(E)(4)	shall	If a component is replaced to comply with this paragraph, that component shall satisfy the requirements for new tank systems or components in rules 3745-66-92 and 3745-66-93 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.196 (e)(4)	yes	both	no
3745-66-96	(E)(4)	shall	Additionally, if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an inground or onground tank), the entire component shall be provided with secondary containment in accordance with rule 3745-66-93 of the Administrative Code prior to being returned to use.	3734.12	state required, federal required	40 CFR 265.196 (e)(4)	yes	both	no
3745-66-96	(F)	shall	If the owner or operator has repaired a tank system in accordance with paragraph (E) of this rule, and the repair has been extensive (e.g., installation of an internal liner, repair of a ruptured primary containment or secondary containment vessel), the tank system shall not be returned to service unless the owner or operator has obtained a certification by an independent, qualified professional engineer in accordance with paragraph (D) of rule 3745-50-42 of the Administrative Code that the repaired system is capable of handling hazardous wastes without release for the intended life of the system.	3734.12	state required, federal required	40 CFR 265.196 (f)	yes	both	no
3745-66-96	(F)	shall	This certification shall be submitted to the director within seven days after returning the tank system to use.	3734.12	federal required	40 CFR 265.196 formerly @ (f)	yes	no	no
3745-66-96	[Comment 2]	requires	Also, 40 CFR Part 302 requires the owner or operator to notify the "National Response Center" of a release of any "reportable quantity."	3734.12	state required, federal required	40 CFR 265.196 Note	yes	both	no
3745-66-98	(A)	shall not	Ignitable waste or reactive waste shall not be placed in a tank system, unless one of these three situations occurs:	3734.12	state required, federal required	40 CFR 265.198 (a)	yes	both	no
3745-66-98	(B)	shall	The owner or operator of a facility where ignitable waste or reactive waste is stored or treated in tanks shall comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon as required in the national fire protection association's (NFPA) "Flammable and Combustible Liquids Code."	3734.12	state required, federal required	40 CFR 265.198	yes	both	no
3745-66-98	(B)	required	The owner or operator of a facility where ignitable waste or reactive waste is stored or treated in tanks shall comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon as required in the national fire protection association's (NFPA) "Flammable and Combustible Liquids Code."	3734.12	state required, federal required	40 CFR 265.198	yes	both	no

3745-66-101	(A)	shall	This rule applies to small quantity generators of more than one hundred kilograms but less than one thousand kilograms of hazardous waste in a calendar month, that accumulate hazardous waste in tanks for less than one hundred eighty days (or two hundred seventy days if the generator shall ship the waste greater than two hundred miles), and do not accumulate over six thousand kilograms on-site at any time.	3734.12	state required, federal required	40 CFR 265.201 (a)	yes	both	no
3745-66-101	(B)	shall	Generators of between one hundred and one thousand kilograms per calendar month of hazardous waste shall comply with the following general operating requirements:	3734.12	state required, federal required	40 CFR 265.201 (b)	yes	both	no
3745-66-101	(B)(1)	shall	Treatment or storage of hazardous waste in tanks shall comply with paragraph (B) of rule 3745-65-17 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.201 (b)(1)	yes	both	no
3745-66-101	(B)(2)	shall not	Hazardous wastes or treatment reagents shall not be placed in a tank if such wastes or reagents could cause the tank or the tank's inner liner to rupture, leak, corrode, or otherwise fail before the end of the tank's intended life.	3734.12	state required, federal required	40 CFR 265.201 (b)(2)	yes	both	no
3745-66-101	(B)(3)	shall	Uncovered tanks shall be operated to ensure at least sixty centimeters (two feet) of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top sixty centimeters (two feet) of the tank.	3734.12	state required, federal required	40 CFR 265.201 (b)(3)	yes	both	no
3745-66-101	(B)(4)	shall	Where hazardous waste is continuously fed into a tank, the tank shall be equipped with a means to stop this inflow (e.g., waste-feed cutoff system or by-pass system to a stand-by tank).	3734.12	state required, federal required	40 CFR 265.201 (b)(4)	yes	both	no
3745-66-101	(C)	shall	Except as noted in paragraph (D) of this rule, generators of between one hundred and one thousand kilograms per calendar month that accumulate hazardous waste in tanks shall inspect, where present:	3734.12	state required, federal required	40 CFR 265.201 (c)	yes	both	no
3745-66-101	(C)(5)[Comment]	required	As required by paragraph (C) of rule 3745-65-15 of the Administrative Code, the owner or operator shall remedy any deterioration or malfunction the owner or operator finds.	3734.12	state required, federal required	40 CFR 265.201 (c)(5)Note	yes	both	no
3745-66-101	(C)(5)[Comment]	shall	As required by paragraph (C) of rule 3745-65-15 of the Administrative Code, the owner or operator shall remedy any deterioration or malfunction the owner or operator finds.	3734.12	state required, federal required	40 CFR 265.201 (c)(5)Note	yes	both	no
3745-66-101	(D)	shall	Generators that accumulate between one hundred and one thousand kilograms per calendar month of hazardous waste in tanks or in tank systems that have full secondary containment and that either use leak detection equipment to alert facility personnel to leaks, or that implement established workplace practices to ensure leaks are promptly identified, shall inspect at least weekly, where applicable, the areas identified in paragraphs (C)(1) to (C)(5) of this rule.	3734.12	state required, federal required	40 CFR 265.201 (d)	yes	both	no
3745-66-101	(D)	shall	Use of the alternate inspection schedule shall be documented in the facility's operating record.	3734.12	state required, federal required	40 CFR 265.201 (d)	yes	both	no
3745-66-101	(D)	shall	This documentation shall include a description of the established workplace practices at the facility.	3734.12	state required, federal required	40 CFR 265.201 (d)	yes	both	no
3745-66-101	(F)	shall	Generators of between one hundred and one thousand kilograms per calendar month that accumulate hazardous waste in tanks shall, upon closure of the facility, remove all hazardous waste in tanks, discharge control equipment, and discharge confinement structures.	3734.12	state required, federal required	40 CFR 265.201 (f)	yes	both	no
3745-66-101	(F)[Comment]	shall	At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with paragraph (C) or (D) of rule 3745-51-03 of the Administrative Code, that any waste removed from the owner's or operator's tank is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage the hazardous waste in accordance with all applicable requirements of Chapters 3745-52, 3745-53, 3745-65 to 3745-69, and 3745-256 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.201 (f)Note	yes	both	no
3745-66-101	(G)	shall	Generators of between one hundred and one thousand kilograms per calendar month shall comply with the following special requirements for ignitable waste or reactive waste:	3734.12	state required, federal required	40 CFR 265.201 (g)	yes	both	no
3745-66-101	(G)(1)	shall not	Ignitable waste or reactive waste shall not be placed in a tank, unless one of the following situations occurs:	3734.12	state required, federal required	40 CFR 265.201 (g)(1)	yes	both	no

3745-66-101	(G)(2)	shall	The owner or operator of a facility which treats or stores ignitable waste or reactive waste in covered tanks shall comply with the buffer zone requirements for tanks provided in the national fire protection association's (NFPA) "Flammable and Combustible Liquids Code."	3734.12	state required, federal required	40 CFR 265.201 (g)(2)	yes	both	no
3745-66-101	(H)	shall	Generators of between one hundred and one thousand kilograms per calendar month shall comply with the following special requirements for incompatible wastes:	3734.12	state required, federal required	40 CFR 265.201 (h)	yes	both	no
3745-66-101	(H)(1)	shall not	Incompatible wastes, or incompatible wastes and materials (see the appendix to rule 3745-66-99 of the Administrative Code for examples), shall not be placed in the same tank, unless paragraph (B) of rule 3745-65-17 of the Administrative Code is complied with.	3734.12	state required, federal required	40 CFR 265.201 (h)(1)	yes	both	no
3745-66-101	(H)(2)	shall not	Hazardous waste shall not be placed in an unwashed tank which previously held an incompatible waste or material, unless paragraph (B) of rule 3745-65-17 of the Administrative Code is complied with.	3734.12	state required, federal required	40 CFR 265.201 (h)(2)	yes	both	no

OAC Rule #	Paragraph	Restriction	Description/Quotation	Statutory Authority	State or Fed Law?	If Fed, crosswalk?	Federally delegated program?	Removal would require state or federal law change?	Requirement on the agency or director?
3745-67-24	(A)	shall	The owner or operator of surface impoundment units subject to paragraph (A) of rule 3745-67-21 of the Administrative Code shall submit a response action plan to the director when submitting the proposed action leakage rate under rule 3745-67-22 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.224 (a)	yes	both	no
3745-67-24	(A)	shall	The response action plan shall describe the actions to be taken if the action leakage rate has been exceeded.	3734.12	state required, federal required	40 CFR 265.224 (a)	yes	both	no
3745-67-24	(A)	shall	At a minimum, the response action plan shall describe the actions specified in paragraph (B) of this rule.	3734.12	state required, federal required	40 CFR 265.224 (a)	yes	both	no
3745-67-24	(B)	shall	If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator shall do all of the following:	3734.12	state required, federal required	40 CFR 265.224 (b)	yes	both	no
3745-67-24	(B)(6)	shall	Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator shall submit to the director a report summarizing the results of any remedial actions taken and actions planned.	3734.12	state required, federal required	40 CFR 265.224 (b)(6)	yes	both	no
3745-67-24	(C)	shall	To make the leak or remediation determinations in paragraphs (B)(3), (B)(4), and (B)(5) of this rule, the owner or operator shall do either of the following:	3734.12	state required, federal required	40 CFR 265.224 (c)	yes	both	no
3745-67-59	(A)	shall	The owner or operator of waste pile units subject to rule 3745-67-54 of the Administrative Code shall submit a response action plan to the director when submitting the proposed action leakage rate under rule 3745-67-55 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.259 (a)	yes	both	no
3745-67-59	(A)	shall	The response action plan shall describe the actions to be taken if the action leakage rate has been exceeded.	3734.12	state required, federal required	40 CFR 265.259	yes	both	no
3745-67-59	(A)	shall	At a minimum, the response action plan shall describe the actions specified in paragraph (B) of this rule.	3734.12	state required, federal required	40 CFR 265.259	yes	both	no
3745-67-59	(B)	shall	If the flow rate into the leak determination system exceeds the action leakage rate for any sump, the owner or operator shall do the following:	3734.12	state required, federal required	40 CFR 265.259	yes	both	no
3745-67-59	(B)(6)	shall	Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator shall submit to the director a report summarizing the results of any remedial actions taken and actions planned.	3734.12	state required, federal required	40 CFR 265.259	yes	both	no
3745-67-59	(C)	shall	To make the leak or remediation determinations in paragraphs (B)(3), (B)(4), and (B)(5) of this rule, the owner or operator shall do either of the following:	3734.12	state required, federal required	40 CFR 265.259	yes	both	no

OAC Rule #	Paragraph	Restriction	Description/Quotation	Statutory Authority	State or Fed Law?	If Fed, crosswalk?	Federally delegated program?	Removal would require state or federal law change?	Requirement on the agency or director?
3745-68-03	(A)	shall	The owner or operator of landfill units subject to paragraph (A) of rule 3745-68-05 of the Administrative Code shall submit a response action plan to the director when submitting the proposed action leakage rate under rule 3745-68-02 of the Administrative Code.	3734.12	state required, federal required	40 CFR 265.303 (a)	yes	both	no
3745-68-03	(A)	shall	The response action plan shall describe the actions to be taken if the action leakage rate has been exceeded.	3734.12	state required, federal required	40 CFR 265.303 (a)	yes	both	no
3745-68-03	(A)	shall	At a minimum, the response action plan shall describe the actions specified in paragraph (B) of this rule.	3734.12	state required, federal required	40 CFR 265.303 (a)	yes	both	no
3745-68-03	(B)	shall	If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator shall do all of the following:	3734.12	state required, federal required	40 CFR 265.303 (b)	yes	both	no
3745-68-03	(B)(6)	shall	Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator shall submit to the director a report summarizing the results of any remedial actions taken and actions planned.	3734.12	state required, federal required	40 CFR 265.303 (b)(6)	yes	both	no
3745-68-03	(C)	shall	To make the leak or remediation determinations in paragraphs (B)(3), (B)(4), and (B)(5) of this rule, the owner or operator shall do either of the following:	3734.12	state required, federal required	40 CFR 265.303 (c)	yes	both	no

OAC Rule #	Paragraph	Restriction	Description/Quotation	Statutory Authority	State or Fed Law?	If Fed, crosswalk?	Federally delegated program?	Removal would require state or federal	Requirement on the agency or director?
			NO ENTRIES IN CHAPTER 3745-69						

OAC Rule #	Paragraph	Restriction	Description/Quotation	Statutory Authority	State or Fed Law?	If Fed, crosswalk?	Federally delegated program?	Removal would require state or federal law change?	Requirement on the agency or director?
3745-205-101	(A)	shall	All containment buildings shall comply with the following design standards:	3734.12	state required, federal required	40 CFR 264.1101 (a)	yes	both	no
3745-205-101	(A)(1)	shall	The containment buildings shall be completely enclosed with a floor, walls, and a roof to prevent exposure to the elements (e.g., precipitation, wind, run-on), and to assure containment of managed wastes.	3734.12	state required, federal required	40 CFR 264.1101 (a)(1)	yes	both	no
3745-205-101	(A)(2)	required	The floor and containment walls of the unit, including the secondary containment system if required under paragraph (B) of this rule, shall be designed and constructed of man-made materials of sufficient strength and thickness to support such floor and walls, the waste contents, and any personnel and heavy equipment that operate within the unit, and to prevent failure due to pressure gradients, settlement, compression, uplift, physical contact with the wastes to which such floor and walls are exposed, climatic conditions, and the stresses of daily operation (including the movement of heavy equipment within the unit and contact of such equipment with containment walls).	3734.12	state required, federal required	40 CFR 264.1101 (a)(2)	yes	both	no
3745-205-101	(A)(2)	shall	The floor and containment walls of the unit, including the secondary containment system if required under paragraph (B) of this rule, shall be designed and constructed of man-made materials of sufficient strength and thickness to support such floor and walls, the waste contents, and any personnel and heavy equipment that operate within the unit, and to prevent failure due to pressure gradients, settlement, compression, uplift, physical contact with the wastes to which such floor and walls are exposed, climatic conditions, and the stresses of daily operation (including the movement of heavy equipment within the unit and contact of such equipment with containment walls).	3734.12	state required, federal required	40 CFR 264.1101 (a)(2)	yes	both	no
3745-205-101	(A)(2)	shall	The unit shall be designed so that the unit has sufficient structural strength to prevent collapse or other failure.	3734.12	state required, federal required	40 CFR 264.1101 (a)(2)	yes	both	no
3745-205-101	(A)(2)	shall	All surfaces to be in contact with hazardous wastes shall be chemically compatible with those wastes.	3734.12	state required, federal required	40 CFR 264.1101 (a)(2)	yes	both	no
3745-205-101	(A)(3)	shall not	Incompatible hazardous wastes or treatment reagents shall not be placed in the unit or the unit's secondary containment system if such substances could cause the unit or secondary containment system to leak, corrode, or otherwise fail.	3734.12	state required, federal required	40 CFR 264.1101 (a)(3)	yes	both	no
3745-205-101	(A)(4)	shall	A containment building shall have a primary barrier designed to withstand the movement of personnel, waste, and handling equipment in the unit during the operating life of the unit and appropriate for the physical and chemical characteristics of the waste to be managed.	3734.12	state required, federal required	40 CFR 264.1101 (a)(4)	yes	both	no
3745-205-101	(B)	shall	For a containment building used to manage hazardous wastes containing free liquids or treated with free liquids (the presence of which is determined by the paint filter test, a visual examination, or other appropriate means), the owner or operator shall include all of the following:	3734.12	state required, federal required	40 CFR 264.1101 (b)	yes	both	no
3745-205-101	(B)(2)(a)	shall	The primary barrier shall be sloped to drain liquids to the associated collection system.	3734.12	state required, federal required	40 CFR 264.1101 (b)(2)(i)	yes	both	no
3745-205-101	(B)(2)(b)	shall	Liquids and waste shall be collected and removed at the earliest practicable time to minimize hydraulic head on the containment system.	3734.12	state required, federal required	40 CFR 264.1101 (b)(2)(ii)	yes	both	no

3745-205-101	(B)(3)(b)	shall	If treatment is to be conducted in the building, an area in which such treatment will be conducted shall be designed to prevent the release of liquids, wet materials, or liquid aerosols to other portions of the building.	3734.12	state required, federal required	40 CFR 264.1101 (b)(3)(ii)	yes	both	no
3745-205-101	(B)(3)(c)	shall	The secondary containment system shall be constructed of materials that are chemically resistant to the waste and liquids managed in the containment building and of sufficient strength and thickness to prevent collapse under the pressure exerted by overlaying materials and by any equipment used in the containment building.	3734.12	state required, federal required	40 CFR 264.1101 (b)(3)(iii)	yes	both	no
3745-205-101	(B)(3)(c)[Comment]	shall	In addition, the containment building shall comply with paragraphs (B), (C)(1), and (C)(2) of rule 3745-55-93 of the Administrative Code to be considered an acceptable secondary containment system for a tank.	3734.12	state required	none	yes, incl. this [Comment]	no	no
3745-205-101	(B)(4)	shall	In making this demonstration, the owner or operator shall do the following:	3734.12	state required, federal required	40 CFR 264.1101 (b)(4)	yes	both	no
3745-205-101	(B)(4)(a)	shall	This notification shall describe the unit and its operating practices with specific reference to the performance of existing containment systems, and specific plans for retrofitting the unit with secondary containment.	3734.12	state required, federal required	40 CFR 264.1101 (b)(4)(i)	yes	both	no
3745-205-101	(C)	shall	Owners or operators of all containment buildings shall:	3734.12	state required, federal required	40 CFR 264.1101 (c)	yes	both	no
3745-205-101	(C)(1)(c)	shall	An area shall be designated to decontaminate equipment, and any rinsate shall be collected and properly managed.	3734.12	state required, federal required	40 CFR 264.1101 (c)(1)(iii)	yes	both	no
3745-205-101	(C)(1)(c)	shall	An area shall be designated to decontaminate equipment, and any rinsate shall be collected and properly managed.	3734.12	state required, federal required	40 CFR 264.1101 (c)(1)(iii)	yes	both	no
3745-205-101	(C)(1)(d)	shall	In addition, all associated particulate collection devices (e.g., fabric filter, electrostatic precipitator) shall be operated and maintained with sound air pollution control practices.	3734.12	state required, federal required	40 CFR 264.1101 (c)(1)(iv)	yes	both	no
3745-205-101	(C)(1)(d)	shall	This state of no visible emissions shall be maintained effectively at all times during routine operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.	3734.12	state required, federal required	40 CFR 264.1101 (c)(1)(iv)	yes	both	no
3745-205-101	(C)(3)(a)	shall	Upon detection of a condition that has led to a release of hazardous waste (e.g., upon detection of leakage from the primary barrier), the owner or operator shall do the following:	3734.12	state required, federal required	40 CFR 264.1101 (c)(3)(i)	yes	both	no
3745-205-101	(C)(3)(a)(iii)	shall	Determine what steps shall be taken to repair the containment building, remove any leakage from the secondary collection system, and establish a schedule for accomplishing the cleanup and repairs.	3734.12	state required, federal required	40 CFR 264.1101 (c)(3)(i)(C)	yes	both	no
3745-205-101	(C)(3)(b)	shall	The director will review the information submitted, will make a determination regarding whether the containment building shall be removed from service completely or partially until repairs and cleanup are complete, and will notify the owner or operator in writing of the determination and the underlying rationale.	3734.12	state required, federal required	40 CFR 264.1101 (c)(3)(ii)	yes	both	no
3745-205-101	(C)(3)(c)	shall	Upon completing all repairs and cleanup, the owner or operator shall notify the director in writing and provide a verification, signed by a qualified professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with paragraph (C)(3)(a)(iv) of this rule.	3734.12	state required, federal required	40 CFR 264.1101 (c)(3)(iii)	yes	both	no
3745-205-101	(D)	shall	For a containment building that contains both areas with secondary containment and without secondary containment, the owner or operator shall do the following:	3734.12	state required, federal required	40 CFR 264.1101 (d)	yes	both	no

3745-205-101	(E)	required	Notwithstanding any other provisions of rules 3745-205-100 to 3745-205-102 of the Administrative Code, the director may waive requirements for secondary containment for a permitted containment building where the owner or operator demonstrates that the only free liquids in the unit are limited amounts of dust suppression liquids required to meet occupational health and safety requirements, and where containment of managed wastes and liquids can be assured without a secondary containment system.	3734.12	state required, federal required	40 CFR 264.1101 (e)	yes	both	no
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OAC Rule #	Paragraph	Restriction	Description/Quotation	Statutory Authority	State or Fed Law?	If Fed, crosswalk?	Federally delegated program?	Removal would require state or federal law change?	Requirement on the agency or director?
3745-256-101	(A)	shall	All containment buildings shall comply with all of the following design standards:	3734.12	state required, federal required	40 CFR 265.1101 (a)	yes	both	no
3745-256-101	(A)1)	shall	The containment building shall be completely enclosed with a floor, walls, and a roof to prevent exposure to the elements, (e.g., precipitation, wind, run on), and to assure containment of managed wastes.	3734.12	state required, federal required	40 CFR 265.1101 (a)(1)	yes	both	no
3745-256-101	(A)(2)	required	The floor and containment walls of the unit, including the secondary containment system if required under paragraph (B) of this rule, shall be designed and constructed of man-made materials of sufficient strength and thickness to support the materials, the waste contents, and any personnel and heavy equipment that operate within the unit, and to prevent failure due to pressure gradients, settlement, compression, uplift, physical contact with the wastes to which they are exposed, climatic conditions, and the stresses of daily operation, including the movement of heavy equipment within the unit and contact of such equipment with containment walls.	3734.12	state required, federal required	40 CFR 265.1101 (a)(2)	yes	both	no
3745-256-101	(A)(2)	shall	The floor and containment walls of the unit, including the secondary containment system if required under paragraph (B) of this rule, shall be designed and constructed of man-made materials of sufficient strength and thickness to support the materials, the waste contents, and any personnel and heavy equipment that operate within the unit, and to prevent failure due to pressure gradients, settlement, compression, uplift, physical contact with the wastes to which they are exposed, climatic conditions, and the stresses of daily operation, including the movement of heavy equipment within the unit and contact of such equipment with containment walls.	3734.12	state required, federal required	40 CFR 265.1101 (a)(2)	yes	both	no
3745-256-101	(A)(2)	shall	The unit shall be designed so that it has sufficient structural strength to prevent collapse or other failure.	3734.12	state required, federal required	40 CFR 265.1101 (a)(2)	yes	both	no
3745-256-101	(A)(2)	shall	All surfaces to be in contact with hazardous wastes shall be chemically compatible with those wastes.	3734.12	state required, federal required	40 CFR 265.1101 (a)(2)	yes	both	no
3745-256-101	(A)(3)	shall not	Incompatible hazardous wastes or treatment reagents shall not be placed in the unit or the unit's secondary containment system if the incompatible hazardous wastes or treatment reagents could cause the unit or secondary containment system to leak, corrode, or otherwise fail.	3734.12	state required, federal required	40 CFR 265.1101 (a)(3)	yes	both	no
3745-256-101	(A)(4)	shall	A containment building shall have a primary barrier designed to withstand the movement of personnel, waste, and handling equipment in the unit during the operating life of the unit and appropriate for the physical and chemical characteristics of the waste to be managed.	3734.12	state required, federal required	40 CFR 265.1101 (a)(4)	yes	both	no
3745-256-101	(B)	shall	For a containment building used to manage hazardous wastes containing free liquids or treated with free liquids (the presence of which is determined by the paint filter test, a visual examination, or other appropriate means), the owner or operator shall include all of the following:	3734.12	state required, federal required	40 CFR 265.1101 (b)	yes	both	no
3745-256-101	(B)(2)(a)	shall	The primary barrier shall be sloped to drain liquids to the associated collection system.	3734.12	state required, federal required	40 CFR 265.1101 (b)(2)(i)	yes	both	no
3745-256-101	(B)(2)(b)	shall	Liquids and waste shall be collected and removed to minimize hydraulic head on the containment system at the earliest practicable time that protects human health and the environment.	3734.12	state required, federal required	40 CFR 265.1101 (b)(2)(ii)	yes	both	no

3745-256-101	(B)(3)(b)	shall	If treatment is to be conducted in the building, an area in which such treatment will be conducted shall be designed to prevent the release of liquids, wet materials, or liquid aerosols to other portions of the building.	3734.12	state required, federal required	40 CFR 265.1101 (b)(3)(ii)	yes	both	no
3745-256-101	(B)(3)(c)	shall	The secondary containment system shall be constructed of materials that are chemically resistant to the waste and liquids managed in the containment building and of sufficient strength and thickness to prevent collapse under the pressure exerted by overlaying materials and by any equipment used in the containment building.	3734.12	state required, federal required	40 CFR 265.1101 (b)(3)(iii)	yes	both	no
3745-256-101	(B)(3)(c)[Comment]	shall	In addition, the containment building shall comply with paragraphs (B) and (C) of rule 3745-66-93 of the Administrative Code to be considered an acceptable secondary containment system for a tank.	3734.12	state required, federal required, but not this [Comment]	none	yes	no	no
3745-256-101	(B)(4)	shall	In making this demonstration, the owner or operator shall do all of the following:	3734.12	state required, federal required	40 CFR 265.1101 (b)(4)	yes	both	no
3745-256-101	(B)(4)(a)	shall	This notification shall describe the unit and its operating practices with specific reference to the performance of existing containment systems, and specific plans for retrofitting the unit with secondary containment.	3734.12	state required, federal required	40 CFR 265.1101 (b)(4)(i)	yes	both	no
3745-256-101	(C)	shall	Owners or operators of all containment buildings shall do all of the following:	3734.12	state required, federal required	40 CFR 265.1101 (c)	yes	both	no
3745-256-101	(C)(1)(c)	shall	An area shall be designated to decontaminate equipment and any rinsate shall be collected and properly managed.	3734.12	state required, federal required	40 CFR 265.1101 (c)(1)(iii)	yes	both	no
3745-256-101	(C)(1)(c)	shall	An area shall be designated to decontaminate equipment and any rinsate shall be collected and properly managed.	3734.12	state required, federal required	40 CFR 265.1101 (c)(1)(iii)	yes	both	no
3745-256-101	(C)(1)(d)	shall	Take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visible emissions. In addition, all associated particulate collection devices (e.g., fabric filter, electrostatic precipitator) shall be operated and maintained with sound air pollution control practices.	3734.12	state required, federal required	40 CFR 265.1101 (c)(1)(iv)	yes	both	no
3745-256-101	(C)(1)(d)	shall	This state of no visible emissions shall be maintained effectively at all times during normal operating conditions, including when vehicles and personnel are entering and exiting the unit.	3734.12	state required, federal required	40 CFR 265.1101 (c)(1)(iv)	yes	both	no
3745-256-101	(C)(3)	shall	Throughout the active life of the containment building, if the owner or operator detects a condition that could lead to or has caused a release of hazardous waste, the owner or operator shall repair the condition promptly, in accordance with the following procedures:	3734.12	state required, federal required	40 CFR 265.1101 (c)(3)	yes	both	no
3745-256-101	(C)(3)(a)	shall	Upon detection of a condition that has led to a release of hazardous waste (e.g., upon detection of leakage from the primary barrier) the owner or operator shall do all of the following:	3734.12	state required, federal required	40 CFR 265.1101 (c)(3)(i)	yes	both	no
3745-256-101	(C)(3)(a)(iii)	shall	Determine what steps shall be taken to repair the containment building, remove any leakage from the secondary collection system, and establish a schedule for accomplishing the cleanup and repairs.	3734.12	state required, federal required	40 CFR 265.1101 (c)(3)(i)(C)	yes	both	no
3745-256-101	(C)(3)(b)	shall	The director will review the information submitted, make a determination regarding whether the containment building shall be completely or partially removed from service until repairs and cleanup are complete, and notify the owner or operator in writing of the determination and the underlying rationale.	3734.12	state required, federal required	40 CFR 265.1101 (c)(3)(ii)	yes	both	yes, director
3745-256-101	(C)(3)(c)	shall	Upon completing all repairs and cleanup the owner or operator shall notify the director in writing and provide a verification, signed by a qualified professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with paragraph (C)(3)(a)(iv) of this rule.	3734.12	state required, federal required	40 CFR 265.1101 (c)(3)(iii)	yes	both	no

3745-256-101	(D)	shall	For a containment building that contains both areas with and without secondary containment, the owner or operator shall do all of the following:	3734.12	state required, federal required	40 CFR 265.1101 (d)	yes	both	no
3745-256-101	(E)	required	Notwithstanding any other provision of rules 3745-256-100 to 3745-256-102 of the Administrative Code, the director may waive requirements for secondary containment for a permitted containment building where the owner or operator demonstrates that the only free liquids in the unit are limited amounts of dust suppression liquids required to meet occupational health and safety requirements, and where containment of managed wastes and liquids can be assured without a secondary containment system.	3734.12	state required, federal required	40 CFR 265.1101 (e)	yes	both	no

OAC Rule #	Paragraph	Restriction	Description/Quotation	Statutory Authority	State or Fed Law?	If Fed, crosswalk?	Federally delegated program?	Removal would require state or federal law change?	Requirement on the agency or director?
3745-266-23	(B)	prohibited	The use of waste or used oil or other material which is contaminated with dioxin or any other hazardous waste (other than a waste identified solely on the basis of ignitability) for dust suppression or road treatment is prohibited.	3734.12	state required, federal required	40 CFR 266.23 (b)	yes	both	no
3745-266-70	(C)	shall	Persons who store recycled materials that are regulated under this rule shall keep the following records to document that such persons are not accumulating these materials speculatively [as defined in paragraph (C) of rule 3745-51-01 of the Administrative Code]:	3734.12	state required, federal required	40 CFR 266.70 (c)	yes	both	no
3745-266-80	(A)(4)	shall	Shall comply with paragraph (B) of this rule, and as appropriate, other regulatory provisions described in paragraph (B) of this rule	3734.12	state required, federal required	40 CFR 266.80 (a)(4)	yes	both	no
3745-266-80	(A)(6)	shall	Are exempt from rules 3745-50-40 to 3745-50-235 of the Administrative Code, and shall comply with paragraph (C) of this rule, and as appropriate, shall comply with other rules referenced in paragraph (C) of this rule	3734.12	state required	none	yes	no	no
3745-266-80	(A)(6)	shall	Are exempt from rules 3745-50-40 to 3745-50-235 of the Administrative Code, and shall comply with paragraph (C) of this rule, and as appropriate, shall comply with other rules referenced in paragraph (C) of this rule	3734.12	state required	none	yes	no	no
3745-266-80	(A)(7)	shall	Shall comply with applicable requirements in 40 CFR Part 262 subpart H	3734.12	state required, federal required	40 CFR 266.80 (a)(7)	yes	both	no
3745-266-80	(A)(9)	shall	Shall comply with paragraph (B) of this rule, and, as appropriate, other regulatory provisions described in paragraph (B) of this rule	3734.12	state required, federal required	40 CFR 266.80 (a)(9)	yes	both	no
3745-266-80	(B)(1)	shall	For facilities with a permit by rule, you shall comply with all of the following:	3734.12	state required, federal required	40 CFR 266.80 (b)(1)	yes	both	no
3745-266-80	(B)(2)	shall	For permitted facilities, you shall comply with all of the following:	3734.12	state required, federal required	40 CFR 266.80 (b)(2) intent but not stated	yes	both	no
3745-266-80	(C)	shall	You shall store spent lead-acid batteries received from off-site in tanks, containers, or containment buildings.	3734.12	state required	none	yes	no	no
3745-266-80	(C)	shall	You shall comply with the applicable requirements of paragraphs (C)(3) to (C)(3)(b) of rule 3745-51-06 of the Administrative Code.	3734.12	state required	none	yes	no	no
3745-266-100	(B)(2)(a)	requires	If the owner or operator elects to comply with paragraph (A)(1)(a) of rule 3745-50-235 of the Administrative Code to minimize emissions of toxic compounds from startup, shutdown, and malfunction events, paragraph (E)(1) of rule 3745-266-102 of the Administrative Code that requires compliance with the operating requirements specified in the permit at all times that hazardous waste is in the unit, and paragraph (E)(2)(c) of rule 3745-266-102 of the Administrative Code that requires compliance with the emission standards and operating requirements during startup and shutdown if hazardous waste is in the combustion chamber, except for particular hazardous wastes.	3734.12	state required, federal required	40 CFR 266.100 (b)(2)(i)	yes	both	no
3745-266-100	(B)(2)(a)	requires	If the owner or operator elects to comply with paragraph (A)(1)(a) of rule 3745-50-235 of the Administrative Code to minimize emissions of toxic compounds from startup, shutdown, and malfunction events, paragraph (E)(1) of rule 3745-266-102 of the Administrative Code that requires compliance with the operating requirements specified in the permit at all times that hazardous waste is in the unit, and paragraph (E)(2)(c) of rule 3745-266-102 of the Administrative Code that requires compliance with the emission standards and operating requirements during startup and shutdown if hazardous waste is in the combustion chamber, except for particular hazardous wastes.	3734.12	state required, federal required	40 CFR 266.100 (b)(2)(i)	yes	both	no

3745-266-100	(D)(1)	shall	To be exempt from rules 3745-266-102 to 3745-266-111 of the Administrative Code, an owner or operator of a metal recovery furnace or mercury recovery furnace shall comply with the following requirements, except that an owner or operator of a lead or a nickel chromium recovery furnace, or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing, shall comply with paragraph (D)(3) of this rule, and owners or operators of lead recovery furnaces that are subject to regulation under the secondary lead smelting "National Emissions Standards for Hazardous Air Pollutants" (NESHAP) shall comply with paragraph (H) of this rule.	3734.12	state required, federal required	40 CFR 266.100 (d)(1)	yes	both	no
3745-266-100	(D)(1)	shall	To be exempt from rules 3745-266-102 to 3745-266-111 of the Administrative Code, an owner or operator of a metal recovery furnace or mercury recovery furnace shall comply with the following requirements, except that an owner or operator of a lead or a nickel chromium recovery furnace, or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing, shall comply with paragraph (D)(3) of this rule, and owners or operators of lead recovery furnaces that are subject to regulation under the secondary lead smelting "National Emissions Standards for Hazardous Air Pollutants" (NESHAP) shall comply with paragraph (H) of this rule.	3734.12	state required, federal required	40 CFR 266.100 (d)(1)	yes	both	no
3745-266-100	(D)(1)	shall	To be exempt from rules 3745-266-102 to 3745-266-111 of the Administrative Code, an owner or operator of a metal recovery furnace or mercury recovery furnace shall comply with the following requirements, except that an owner or operator of a lead or a nickel chromium recovery furnace, or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing, shall comply with paragraph (D)(3) of this rule, and owners or operators of lead recovery furnaces that are subject to regulation under the secondary lead smelting "National Emissions Standards for Hazardous Air Pollutants" (NESHAP) shall comply with paragraph (H) of this rule.	3734.12	state required, federal required	40 CFR 266.100 (d)(1)	yes	both	no
3745-266-100	(D)(2)(a)	prohibited	Blending for dilution to meet the five hundred ppm limit is prohibited and documentation that the waste has not been impermissibly diluted shall be retained in the records required by paragraph (D)(1)(c) of this rule; or	3734.12	state required, federal required	40 CFR 266.100 (d)(2)(i)	yes	both	no
3745-266-100	(D)(2)(a)	shall	Blending for dilution to meet the five hundred ppm limit is prohibited and documentation that the waste has not been impermissibly diluted shall be retained in the records required by paragraph (D)(1)(c) of this rule; or	3734.12	state required, federal required	40 CFR 266.100 (d)(2)(i)	yes	both	no
3745-266-100	(D)(2)(a)	required	Blending for dilution to meet the five hundred ppm limit is prohibited and documentation that the waste has not been impermissibly diluted shall be retained in the records required by paragraph (D)(1)(c) of this rule; or	3734.12	state required, federal required	40 CFR 266.100 (d)(2)(i)	yes	both	no
3745-266-100	(D)(2)(b)	prohibited	Blending for dilution to meet the five thousand Btu per pound limit is prohibited and documentation that the waste has not been impermissibly diluted shall be retained in the records required by paragraph (D)(1)(c) of this rule.	3734.12	state required, federal required	40 CFR 266.100 (d)(2)(ii)	yes	both	no
3745-266-100	(D)(2)(b)	shall	Blending for dilution to meet the five thousand Btu per pound limit is prohibited and documentation that the waste has not been impermissibly diluted shall be retained in the records required by paragraph (D)(1)(c) of this rule.	3734.12	state required, federal required	40 CFR 266.100 (d)(2)(ii)	yes	both	no
3745-266-100	(D)(2)(b)	required	Blending for dilution to meet the five thousand Btu per pound limit is prohibited and documentation that the waste has not been impermissibly diluted shall be retained in the records required by paragraph (D)(1)(c) of this rule.	3734.12	state required, federal required	40 CFR 266.100 (d)(2)(ii)	yes	both	no
3745-266-100	(D)(3)	shall	To be exempt from rules 3745-266-102 to 3745-266-111 of the Administrative Code, an owner or operator of a lead or nickel chromium or mercury recovery furnace (except for owners or operators of lead recovery furnaces subject to regulation under the secondary lead smelting NESHAP) or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing, shall provide a one-time written notice to the director that identifies each hazardous waste burned and that specifies whether the owner or operator claims an exemption for each waste under this paragraph or paragraph (D)(1) of this rule.	3734.12	state required, federal required	40 CFR 266.100 (d)(3)	yes	both	no

3745-266-100	(D)(3)	shall	The owner or operator shall comply with paragraph (D)(1) of this rule for those wastes claimed to be exempt under paragraph (D)(1) of this rule and shall comply with paragraphs (D)(3)(a) and (D)(3)(b) of this rule for those wastes claimed to be exempt under paragraphs (D)(3) to (D)(3)(b)(iii) of this rule.	3734.12	state required, federal required	40 CFR 266.100 (d)(3)	yes	both	no
3745-266-100	(D)(3)	shall	The owner or operator shall comply with paragraph (D)(1) of this rule for those wastes claimed to be exempt under paragraph (D)(1) of this rule and shall comply with paragraphs (D)(3)(a) and (D)(3)(b) of this rule for those wastes claimed to be exempt under paragraphs (D)(3) to (D)(3)(b)(iii) of this rule.	3734.12	state required, federal required	40 CFR 266.100 (d)(3)	yes	both	no
3745-266-100	(D)(3)(a)(i)	shall	A waste listed in appendix A to this rule shall contain recoverable levels of lead, a waste listed in appendix B to this rule shall contain recoverable levels of nickel or chromium, a waste listed in appendix C to this rule shall contain recoverable levels of mercury and contain less than five hundred ppm of organic constituents in the appendix to rule 3745-51-11 of the Administrative Code, and baghouse bags used to capture metallic dusts emitted by steel manufacturing shall contain recoverable levels of metal; and	3734.12	state required, federal required	40 CFR 266.100 (d)(3)(i)(A)	yes	both	no
3745-266-100	(D)(3)(a)(i)	shall	A waste listed in appendix A to this rule shall contain recoverable levels of lead, a waste listed in appendix B to this rule shall contain recoverable levels of nickel or chromium, a waste listed in appendix C to this rule shall contain recoverable levels of mercury and contain less than five hundred ppm of organic constituents in the appendix to rule 3745-51-11 of the Administrative Code, and baghouse bags used to capture metallic dusts emitted by steel manufacturing shall contain recoverable levels of metal; and	3734.12	state required, federal required	40 CFR 266.100 (d)(3)(i)(A)	yes	both	no
3745-266-100	(D)(3)(a)(i)	shall	A waste listed in appendix A to this rule shall contain recoverable levels of lead, a waste listed in appendix B to this rule shall contain recoverable levels of nickel or chromium, a waste listed in appendix C to this rule shall contain recoverable levels of mercury and contain less than five hundred ppm of organic constituents in the appendix to rule 3745-51-11 of the Administrative Code, and baghouse bags used to capture metallic dusts emitted by steel manufacturing shall contain recoverable levels of metal; and	3734.12	state required, federal required	40 CFR 266.100 (d)(3)(i)(A)	yes	both	no
3745-266-100	(D)(3)(a)(i)	shall	A waste listed in appendix A to this rule shall contain recoverable levels of lead, a waste listed in appendix B to this rule shall contain recoverable levels of nickel or chromium, a waste listed in appendix C to this rule shall contain recoverable levels of mercury and contain less than five hundred ppm of organic constituents in the appendix to rule 3745-51-11 of the Administrative Code, and baghouse bags used to capture metallic dusts emitted by steel manufacturing shall contain recoverable levels of metal; and	3734.12	state required, federal required	40 CFR 266.100 (d)(3)(i)(A)	yes	both	no
3745-266-100	(D)(3)(a)(iv)	shall	Sampling and analysis shall be conducted according to paragraph (D)(1)(b) of this rule and records to document compliance with paragraph (D)(3) of this rule shall be kept for at least three years.	3734.12	state required, federal required	40 CFR 266.100 (d)(3)(i)(D)	yes	both	no
3745-266-100	(D)(3)(a)(iv)	shall	Sampling and analysis shall be conducted according to paragraph (D)(1)(b) of this rule and records to document compliance with paragraph (D)(3) of this rule shall be kept for at least three years.	3734.12	state required, federal required	40 CFR 266.100 (d)(3)(i)(D)	yes	both	no
3745-266-100	(G)	shall	To be exempt from rules 3745-266-101 to 3745-266-111 of the Administrative Code, an owner or operator shall:	3734.12	state required, federal required	40 CFR 266.100 (g)	yes	both	no
3745-266-100	(H)	shall	To be exempt, an owner or operator shall provide a one-time notice to the director that identifies each hazardous waste burned and that specifies that the owner or operator claims an exemption under this paragraph.	3734.12	state required, federal required	40 CFR 266.100 (h)	yes	both	no
3745-266-100	(H)	shall	The notice also shall state that the waste burned has a total concentration of non-metal compounds listed in the appendix to rule 3745-51-11 of the Administrative Code of less than five hundred ppm by weight, as fired and as provided in paragraph (D)(2)(a) of this rule, or is listed in appendix A to this rule.	3734.12	state required, federal required	40 CFR 266.100 (h)	yes	both	no
3745-266-102	(A)(1)	shall	Owners and operators of boilers and industrial furnaces burning hazardous waste and not operating under permit by rule shall comply with this rule, rule 3745-50-66, and paragraphs (C)(9) to (C)(9)(f) of rule 3745-50-44 of the Administrative Code, unless exempt under the small quantity burner exemption of rule 3745-266-108 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.102 (a)(1)	yes	both	no

3745-266-102	(B)(1)	shall	The owner or operator shall provide an analysis of the hazardous waste that quantifies the concentration of any constituent identified in the appendix to rule 3745-51-11 of the Administrative Code that may reasonably be expected to be in the waste.	3734.12	state required, federal required	40 CFR 266.102 (b)(1)	yes	both	no
3745-266-102	(B)(1)	shall	Such constituents shall be identified and quantified if present, at levels detectable by using appropriate analytical procedures.	3734.12	state required, federal required	40 CFR 266.102 (b)(1)	yes	both	no
3745-266-102	(B)(1)	shall	If U.S. EPA publication SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method.	3734.12	state required	none	yes	no	no
3745-266-102	(B)(1)	shall	The constituents in the appendix to rule 3745-51-11 of the Administrative Code that are excluded from this analysis shall be identified and the basis for their exclusion explained.	3734.12	state required, federal required	40 CFR 266.102 (b)(1)	yes	both	no
3745-266-102	(B)(1)	required	This analysis will be used to provide all information required by rules 3745-50-66 and 3745-266-100 to 3745-266-112 and paragraphs (C)(9) to (C)(9)(f) of rule 3745-50-44 of the Administrative Code and to enable the permit writer to prescribe such permit conditions as necessary to protect human health and the environment.	3734.12	state required, federal required	40 CFR 266.102 (b)(1)	yes	both	no
3745-266-102	(B)(1)	shall	Such analysis shall be included as a portion of the "Part B" permit application, or, for facilities operating under the interim standards of rules 3745-266-100 to 3745-266-112 of the Administrative Code, as a portion of the trial burn plan that may be submitted before the "Part B" application under paragraph (G) of rule 3745-50-66 of the Administrative Code as well as any other analysis required by the permit authority in preparing the permit.	3734.12	state required, federal required	40 CFR 266.102 (b)(1)	yes	both	no
3745-266-102	(B)(1)	required	Such analysis shall be included as a portion of the "Part B" permit application, or, for facilities operating under the interim standards of rules 3745-266-100 to 3745-266-112 of the Administrative Code, as a portion of the trial burn plan that may be submitted before the "Part B" application under paragraph (G) of rule 3745-50-66 of the Administrative Code as well as any other analysis required by the permit authority in preparing the permit.	3734.12	state required, federal required	40 CFR 266.102 (b)(1)	yes	both	no
3745-266-102	(B)(1)	shall	Owners and operators of boilers and industrial furnaces not operating under the interim standards shall provide the information required by paragraphs (C)(9) to (C)(9)(f) of rule 3745-50-44 or paragraph (C) of rule 3745-50-66 of the Administrative Code in the "Part B" application to the greatest extent possible.	3734.12	state required, federal required	40 CFR 266.102 (b)(1)	yes	both	no
3745-266-102	(B)(1)	required	Owners and operators of boilers and industrial furnaces not operating under the interim standards shall provide the information required by paragraphs (C)(9) to (C)(9)(f) of rule 3745-50-44 or paragraph (C) of rule 3745-50-66 of the Administrative Code in the "Part B" application to the greatest extent possible.	3734.12	state required, federal required	40 CFR 266.102 (b)(1)	yes	both	no
3745-266-102	(B)(2)	shall	Throughout normal operation, the owner or operator shall conduct sampling and analysis as necessary to ensure that the hazardous waste, other fuels, and industrial furnace feedstocks fired into the boiler or industrial furnace are within the physical and chemical composition limits specified in the permit.	3734.12	state required, federal required	40 CFR 266.102 (b)(2)	yes	both	no
3745-266-102	(C)	shall	Owners and operators shall comply with emissions standards in rules 3745-266-104 to 3745-266-107 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.102 (c)	yes	both	no
3745-266-102	(D)(2)	may not	Hazardous wastes not specified in the permit may not be burned until operating conditions have been specified under a new permit or permit modification, as applicable.	3734.12	state required, federal required	40 CFR 266.102 (d)(2)	yes	both	no
3745-266-102	(D)(4)	shall	A permit for a new boiler or industrial furnace (those boilers and industrial furnaces not operating under the interim standards) shall establish appropriate conditions for each of the applicable requirements of this rule, including but not limited to allowable hazardous waste firing rates and operating conditions necessary to meet the requirements of paragraph (E) of this rule, in order to comply with the following standards:	3734.12	state required, federal required	40 CFR 266.102 (d)(4)	yes	both	no
3745-266-102	(D)(4)(a)	required	For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the device to a point of operational readiness to conduct a trial burn, not to exceed a duration of seven hundred twenty hours operating time when burning hazardous waste, the operating requirements shall be those most likely to ensure compliance with the emission standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code, based on Ohio EPA's engineering judgment.	3734.12	state required, federal required	40 CFR 266.102 (d)(4)(i)	yes	both	no

3745-266-102	(D)(4)(a)	shall	For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the device to a point of operational readiness to conduct a trial burn, not to exceed a duration of seven hundred twenty hours operating time when burning hazardous waste, the operating requirements shall be those most likely to ensure compliance with the emission standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code, based on Ohio EPA's engineering judgment.	3734.12	state required, federal required	40 CFR 266.102 (d)(4)(i)	yes	both	no
3745-266-102	(D)(4)(a)	shall	If the applicant is seeking a waiver from a trial burn to demonstrate conformance with a particular emission standard, the operating requirements during this initial period of operation shall include those specified by the applicable provisions of rule 3745-266-104, 3745-266-105, 3745-266-106, or 3745-266-107 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.102 (d)(4)(i)	yes	both	no
3745-266-102	(D)(4)(b)	shall	For the duration of the trial burn, the operating requirements shall be sufficient to demonstrate compliance with the emissions standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code and shall be in accordance with the approved trial burn plan.	3734.12	state required, federal required	40 CFR 266.102 (d)(4)(ii)	yes	both	no
3745-266-102	(D)(4)(b)	shall	For the duration of the trial burn, the operating requirements shall be sufficient to demonstrate compliance with the emissions standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code and shall be in accordance with the approved trial burn plan.	3734.12	state required, federal required	40 CFR 266.102 (d)(4)(ii)	yes	both	no
3745-266-102	(D)(4)(c)	shall	For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation, submittal of the trial burn results by the applicant, review of the trial burn results and modification of the facility permit by the director to reflect the trial burn results, the operating requirements shall be those most likely to ensure compliance with the emission standards rules 3745-266-104 to 3745-266-107 of the Administrative Code based on Ohio EPA's engineering judgment.	3734.12	state required, federal required	40 CFR 266.102 (d)(4)(iii)	yes	both	no
3745-266-102	(D)(4)(d)	shall	For the remaining duration of the permit, the operating requirements shall be those demonstrated in a trial burn or by alternative data specified in paragraphs (C)(9) to (C)(9)(f) of rule 3745-50-44 of the Administrative Code, as sufficient to ensure compliance with the emissions standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.102 (d)(4)(iv)	yes	both	no
3745-266-102	(E)(1)	shall	A boiler or industrial furnace burning hazardous waste shall comply with the operating requirements specified in the permit at all times there is hazardous waste in the unit.	3734.12	state required, federal required	40 CFR 266.102 (e)(1)	yes	both	no
3745-266-102	(E)(2)(b)	shall	The permit shall incorporate a carbon monoxide limit and, as appropriate, a hydrocarbon limit as provided by paragraphs (B), (C), (D), (E), and (F) of rule 3745-266-104 of the Administrative Code. The permit limits will be specified as follows:	3734.12	state required, federal required	40 CFR 266.102 (e)(2)(ii)	yes	both	no
3745-266-102	(E)(2)(c)	shall not	During start up and shut down of the boiler or industrial furnace, hazardous waste [except waste fed solely as an ingredient under the "Tier I" (or "Adjusted Tier I") feed rate screening limits for metals and chloride or chlorine, and except low risk waste exempt from the trial burn requirements under paragraph (A)(5) of rule 3745-266-104 and rules 3745-266-105, 3745-266-106, and 3745-266-107 of the Administrative Code] shall not be fed into the device unless the device is operating within the conditions of operation specified in the permit.	3734.12	state required, federal required	40 CFR 266.102 (e)(2)(iii)	yes	both	no
3745-266-102	(E)(3)(a)	shall	Except as provided in paragraphs (E)(3)(b) and (E)(3)(c) of this rule, the permit shall specify the following operating requirements to ensure conformance with the particulate standard specified in rule 3745-266-105 of the Administrative Code:	3734.12	state required, federal required	40 CFR 266.102 (e)(3)(i)	yes	both	no
3745-266-102	(E)(3)(b)	shall not	Permit conditions to ensure conformance with the particulate matter standard shall not be provided for facilities exempt from the particulate matter standard under paragraph (B) of rule 3745-266-105 of the Administrative Code;	3734.12	state required, federal required	40 CFR 266.102 (e)(3)(ii)	yes	both	no
3745-266-102	(E)(3)(c)	shall not	For cement kilns and light weight aggregate kilns, permit conditions to ensure compliance with the particulate standard shall not limit the ash content of hazardous waste or other feed materials.	3734.12	state required, federal required	40 CFR 266.102 (e)(3)(iii)	yes	both	no
3745-266-102	(E)(4)(a)	shall	For conformance with the "Tier I" (or "Adjusted Tier I") metals feed rate screening limits of paragraph (B) or (E) of rule 3745-266-106 of the Administrative Code, the permit shall specify the following operating requirements:	3734.12	state required, federal required	40 CFR 266.102 (e)(4)(i)	yes	both	no

3745-266-102	(E)(4)(b)	shall	For conformance with the "Tier II" metals emission rate screening limits under paragraph (C) of rule 3745-266-106 of the Administrative Code and the "Tier III" metals controls under paragraph (D) of rule 3745-266-106 of the Administrative Code, the permit shall specify the following operating requirements:	3734.12	state required, federal required	40 CFR 266.102 (e)(4)(ii)	yes	both	no
3745-266-102	(E)(6)(a)	shall	As specified in paragraphs (E)(2) to (E)(5) of this rule, each operating parameter shall be measured, and permit limits on the parameter shall be established, according to either of the following procedures:	3734.12	state required, federal required	40 CFR 266.102 (e)(6)(i)	yes	both	no
3745-266-102	(E)(6)(a)	shall	As specified in paragraphs (E)(2) to (E)(5) of this rule, each operating parameter shall be measured, and permit limits on the parameter shall be established, according to either of the following procedures:	3734.12	state required, federal required	40 CFR 266.102 (e)(6)(i)	yes	both	no
3745-266-102	(E)(6)(a)(ii)(b)	shall	The permit limit for the parameter shall be established based on trial burn data as the average over all valid test runs of the highest hourly rolling average value for each run.	3734.12	state required, federal required	40 CFR 266.102 (e)(6)(i)(B)(2)	yes	both	no
3745-266-102	(E)(6)(b)(i)	shall	The feed rate of each metal shall be limited at any time to ten times the feed rate that would be allowed on an hourly rolling average basis;	3734.12	state required, federal required	40 CFR 266.102 (e)(6)(ii)(A)	yes	both	no
3745-266-102	(E)(6)(b)(ii)	shall	The continuous monitor shall meet the following specifications:	3734.12	state required, federal required	40 CFR 266.102 (e)(6)(ii)(B)	yes	both	no
3745-266-102	(E)(6)(b)(iii)	shall	The permit limit for the feed rate of each metal shall be established based on trial burn data as the average over all valid test runs of the highest hourly rolling average feed rate for each run.	3734.12	state required, federal required	40 CFR 266.102 (e)(6)(ii)(C)	yes	both	no
3745-266-102	(E)(6)(c)	shall	To monitor the feed rate of these substances, the flow rate of each feedstream shall be monitored under the continuous monitoring requirements of paragraphs (E)(6)(a) and (E)(6)(b) of this rule.	3734.12	state required, federal required	40 CFR 266.102 (e)(6)(iii)	yes	both	no
3745-266-102	(E)(6)(d)(i)	required	If compliance with all applicable emissions standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code is not demonstrated simultaneously during a set of test runs, the operating conditions of additional test runs required to demonstrate compliance with remaining emissions standards shall be as close as possible to the original operating conditions.	3734.12	state required, federal required	40 CFR 266.102 (e)(6)(iv)(A)	yes	both	no
3745-266-102	(E)(6)(d)(i)	shall	If compliance with all applicable emissions standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code is not demonstrated simultaneously during a set of test runs, the operating conditions of additional test runs required to demonstrate compliance with remaining emissions standards shall be as close as possible to the original operating conditions.	3734.12	state required, federal required	40 CFR 266.102 (e)(6)(iv)(A)	yes	both	no
3745-266-102	(E)(6)(d)(ii)	shall	Prior to obtaining test data for purposes of demonstrating compliance with the emissions standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code or establishing limits on operating parameters under this rule, the facility shall operate under trial burn conditions for a sufficient period to reach steady state operations.	3734.12	state required, federal required	40 CFR 266.102 (e)(6)(iv)(B)	yes	both	no
3745-266-102	(E)(6)(d)(iii)	shall	Trial burn data on the level of an operating parameter for which a limit shall be established in the permit shall be obtained during emissions sampling for the pollutants (i.e., metals, particulate matter, hydrogen chloride or chlorine gas, organic compounds) for which the parameter shall be established as specified by paragraph (E) of this rule.	3734.12	state required, federal required	40 CFR 266.102 (e)(6)(iv)(C)	yes	both	no
3745-266-102	(E)(6)(d)(iii)	shall	Trial burn data on the level of an operating parameter for which a limit shall be established in the permit shall be obtained during emissions sampling for the pollutants (i.e., metals, particulate matter, hydrogen chloride or chlorine gas, organic compounds) for which the parameter shall be established as specified by paragraph (E) of this rule.	3734.12	state required, federal required	40 CFR 266.102 (e)(6)(iv)(C)	yes	both	no
3745-266-102	(E)(6)(d)(iii)	shall	Trial burn data on the level of an operating parameter for which a limit shall be established in the permit shall be obtained during emissions sampling for the pollutants (i.e., metals, particulate matter, hydrogen chloride or chlorine gas, organic compounds) for which the parameter shall be established as specified by paragraph (E) of this rule.	3734.12	state required, federal required	40 CFR 266.102 (e)(6)(iv)(C)	yes	both	no
3745-266-102	(E)(7)(a)	shall	Fugitive emissions shall be controlled by:	3734.12	state required, federal required	40 CFR 266.102 (e)(7)(i)	yes	both	no
3745-266-102	(E)(7)(b)	shall	A boiler or industrial furnace shall be operated with a functioning system that automatically cuts off the hazardous waste feed when operating conditions deviate from those established under this rule.	3734.12	state required, federal required	40 CFR 266.102 (e)(7)(ii)	yes	both	no

3745-266-102	(E)(7)(b)(i)	shall	The permit limit for (the indicator of) minimum combustion chamber temperature shall be maintained while hazardous waste or hazardous waste residues remain in the combustion chamber;	3734.12	state required, federal required	40 CFR 266.102 (e)(7)(ii)(A)	yes	both	no
3745-266-102	(E)(7)(b)(ii)	shall	Exhaust gases shall be ducted to the air pollution control system operated in accordance with the permit requirements while hazardous waste or hazardous waste residues remain in the combustion chamber; and	3734.12	state required, federal required	40 CFR 266.102 (e)(7)(ii)(B)	yes	both	no
3745-266-102	(E)(7)(b)(iii)	shall	Operating parameters for which permit limits are established shall continue to be monitored during the cutoff, and the hazardous waste feed shall not be restarted until the levels of those parameters comply with the permit limits.	3734.12	state required, federal required	40 CFR 266.102 (e)(7)(ii)(C)	yes	both	no
3745-266-102	(E)(7)(b)(iii)	shall not	Operating parameters for which permit limits are established shall continue to be monitored during the cutoff, and the hazardous waste feed shall not be restarted until the levels of those parameters comply with the permit limits.	3734.12	state required, federal required	40 CFR 266.102 (e)(7)(ii)(C)	yes	both	no
3745-266-102	(E)(7)(b)(iii)	shall not	For parameters that may be monitored on an instantaneous basis, the director will establish a minimum period of time after a waste feed cutoff during which the parameter shall not exceed the permit limit before the hazardous waste feed may be restarted.	3734.12	state required, federal required	40 CFR 266.102 (e)(7)(ii)(C)	yes	both	no
3745-266-102	(E)(7)(c)	shall	A boiler or industrial furnace shall cease burning hazardous waste when changes in combustion properties, or feed rates of the hazardous waste, other fuels, or industrial furnace feedstocks, or changes in the boiler or industrial furnace design or operating conditions deviate from the limits as specified in the permit.	3734.12	state required, federal required	40 CFR 266.102 (e)(7)(iii)	yes	both	no
3745-266-102	(E)(8)(a)	shall	The owner or operator shall monitor and record the following, at a minimum, while burning hazardous waste:	3734.12	state required, federal required	40 CFR 266.102 (e)(8)(i)	yes	both	no
3745-266-102	(E)(8)(a)(ii)	shall	Carbon monoxide, hydrocarbons, and oxygen monitors shall be installed, operated, and maintained in accordance with methods specified in the appendix to rule 3745-266-103 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.102 (e)(8)(i)(B)	yes	both	no
3745-266-102	(E)(8)(a)(iii)	shall	Upon the request of the director, sampling and analysis of the hazardous waste (and other fuels and industrial furnace feedstocks as appropriate), residues, and exhaust emissions shall be conducted to verify that the operating requirements established in the permit achieve the applicable standards of rules 3745-266-104, 3745-266-105, 3745-266-106, and 3745-266-107 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.102 (e)(8)(i)(C)	yes	both	no
3745-266-102	(E)(8)(b)	shall	All monitors shall record data in units corresponding to the permit limit unless otherwise specified in the permit.	3734.12	state required, federal required	40 CFR 266.102 (e)(8)(ii)	yes	both	no
3745-266-102	(E)(8)(c)	shall	The boiler or industrial furnace and associated equipment (pumps, valves, pipes, fuel storage tanks, etc.) shall be subjected to thorough visual inspection when it contains hazardous waste, at least daily for leaks, spills, fugitive emissions, and signs of tampering.	3734.12	state required, federal required	40 CFR 266.102 (e)(8)(iii)	yes	both	no
3745-266-102	(E)(8)(d)	shall	The automatic hazardous waste feed cutoff system and associated alarms shall be tested at least once every seven days when hazardous waste is burned to verify operability, unless the applicant demonstrates to the director that weekly testing will unduly restrict or upset operations and that less frequent inspections will be adequate.	3734.12	state required, federal required	40 CFR 266.102 (e)(8)(iv)	yes	both	no
3745-266-102	(E)(8)(d)	shall	At a minimum, operational testing shall be conducted at least once every thirty days.	3734.12	state required, federal required	40 CFR 266.102 (e)(8)(iv)	yes	both	no
3745-266-102	(E)(8)(e)	shall	These monitoring and inspection data shall be recorded and the records shall be placed in the operating record required by rule 3745-54-73 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.102 (e)(8)(v)	yes	both	no
3745-266-102	(E)(8)(e)	shall	These monitoring and inspection data shall be recorded and the records shall be placed in the operating record required by rule 3745-54-73 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.102 (e)(8)(v)	yes	both	no
3745-266-102	(E)(8)(e)	required	These monitoring and inspection data shall be recorded and the records shall be placed in the operating record required by rule 3745-54-73 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.102 (e)(8)(v)	yes	both	no
3745-266-102	(E)(9)	shall	If hazardous waste is directly transferred from a transport vehicle to a boiler or industrial furnace without the use of a storage unit, the owner and operator shall comply with rule 3745-266-111 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.102 (e)(9)	yes	both	no
3745-266-102	(E)(10)	shall	The owner or operator shall maintain in the operating record of the facility all information and data required by this rule for five years.	3734.12	state required, federal required	40 CFR 266.102 (e)(10)	yes	both	no

3745-266-102	(E)(10)	required	The owner or operator shall maintain in the operating record of the facility all information and data required by this rule for five years.	3734.12	state required, federal required	40 CFR 266.102 (e)(10)	yes	both	no
3745-266-102	(E)(11)	shall	At closure, the owner or operator shall remove all hazardous waste and hazardous waste residues (including, but not limited to, ash, scrubber waters, and scrubber sludges) from the boiler or industrial furnace.	3734.12	state required, federal required	40 CFR 266.102 (e)(11)	yes	both	no
3745-266-103	(A)(1)(c)	shall	If a boiler or industrial furnace is located at a facility that already has a permit or permit by rule, the owner or operator of the facility shall comply with the applicable requirements for permit modifications in rule 3745-50-51 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.103 (a)(1)(iii)	yes	both	no
3745-266-103	(A)(3)	may not	The following hazardous waste listed for dioxin and hazardous waste derived from any of these wastes may not be burned in a boiler or industrial furnace operating under permit by rule: F020, F021, F022, F023, F026, and F027.	3734.12	state required, federal required	40 CFR 266.103 (a)(3)	yes	both	no
3745-266-103	(A)(5)(a)(i)	shall	The hazardous waste shall be fed at a location where combustion gas temperatures are at least eighteen hundred degrees Fahrenheit.	3734.12	state required, federal required	40 CFR 266.103 (a)(5)(i)(A)	yes	both	no
3745-266-103	(A)(5)(a)(ii)	shall	The owner or operator shall determine that adequate oxygen is present in combustion gases to combust organic constituents in the waste and shall retain documentation of such determination in the facility record.	3734.12	state required, federal required	40 CFR 266.103 (a)(5)(i)(B)	yes	both	no
3745-266-103	(A)(5)(a)(ii)	shall	The owner or operator shall determine that adequate oxygen is present in combustion gases to combust organic constituents in the waste and shall retain documentation of such determination in the facility record.	3734.12	state required, federal required	40 CFR 266.103 (a)(5)(i)(B)	yes	both	no
3745-266-103	(A)(5)(a)(iii)	shall	For cement kiln systems, the hazardous waste shall be fed into the kiln.	3734.12	state required, federal required	40 CFR 266.103 (a)(5)(i)(C)	yes	both	no
3745-266-103	(A)(5)(b)(i)	prohibited	Blending for dilution to meet the five hundred ppm limit is prohibited, and documentation that the waste has not been impermissibly diluted shall be retained in the facility record.	3734.12	state required, federal required	40 CFR 266.103 (a)(5)(ii)(A)	yes	both	no
3745-266-103	(A)(5)(b)(i)	shall	Blending for dilution to meet the five hundred ppm limit is prohibited, and documentation that the waste has not been impermissibly diluted shall be retained in the facility record.	3734.12	state required, federal required	40 CFR 266.103 (a)(5)(ii)(A)	yes	both	no
3745-266-103	(A)(5)(b)(ii)	prohibited	Blending to augment the heating value to meet the five thousand Btu per pound limit is prohibited, and documentation that the waste has not been impermissibly blended shall be retained in the facility record.	3734.12	state required, federal required	40 CFR 266.103 (a)(5)(ii)(B)	yes	both	no
3745-266-103	(A)(5)(b)(ii)	shall	Blending to augment the heating value to meet the five thousand Btu per pound limit is prohibited, and documentation that the waste has not been impermissibly blended shall be retained in the facility record.	3734.12	state required, federal required	40 CFR 266.103 (a)(5)(ii)(B)	yes	both	no
3745-266-103	(A)(6)	shall not	Prior to certification of compliance under paragraph (C) of this rule, owners and operators shall not feed hazardous waste that has a heating value less than five thousand Btu per pound, as generated, (except that the heating value of a waste as generated may be increased to above the five thousand Btu per pound limit by bona fide treatment; however, blending to augment the heating value to meet the five thousand Btu per pound limit is prohibited, and records shall be kept to document that impermissible blending has not occurred) in a boiler or industrial furnace, except that:	3734.12	state required, federal required	40 CFR 266.103 (a)(6)	yes	both	no
3745-266-103	(A)(6)	prohibited	Prior to certification of compliance under paragraph (C) of this rule, owners and operators shall not feed hazardous waste that has a heating value less than five thousand Btu per pound, as generated, (except that the heating value of a waste as generated may be increased to above the five thousand Btu per pound limit by bona fide treatment; however, blending to augment the heating value to meet the five thousand Btu per pound limit is prohibited, and records shall be kept to document that impermissible blending has not occurred) in a boiler or industrial furnace, except that:	3734.12	state required, federal required	40 CFR 266.103 (a)(6)	yes	both	no

3745-266-103	(A)(6)	shall	Prior to certification of compliance under paragraph (C) of this rule, owners and operators shall not feed hazardous waste that has a heating value less than five thousand Btu per pound, as generated, (except that the heating value of a waste as generated may be increased to above the five thousand Btu per pound limit by bona fide treatment; however, blending to augment the heating value to meet the five thousand Btu per pound limit is prohibited, and records shall be kept to document that impermissible blending has not occurred) in a boiler or industrial furnace, except that:	3734.12	state required, federal required	40 CFR 266.103 (a)(6)	yes	both	no
3745-266-103	(A)(7)	shall	If hazardous waste is directly transferred from a transport vehicle to a boiler or industrial furnace without the use of a storage unit, the owner or operator shall comply with rule 3745-266-111 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.103 (a)(7)	yes	both	no
3745-266-103	(B)(1)	shall	The owner or operator shall provide complete and accurate information specified in paragraph (B)(2) of this rule to the director within thirty days after December 7, 2004, or within thirty days after the effective date of any new, amended, or rescinded rule or statute that renders the owner or operator of the boiler or industrial furnace subject to this rule, and shall establish limits for the operating parameters specified in paragraph (B)(3) of this rule.	3734.12	state required, federal required	40 CFR 266.103 (b)(1)	yes	both	no
3745-266-103	(B)(1)	shall	The owner or operator shall provide complete and accurate information specified in paragraph (B)(2) of this rule to the director within thirty days after December 7, 2004, or within thirty days after the effective date of any new, amended, or rescinded rule or statute that renders the owner or operator of the boiler or industrial furnace subject to this rule, and shall establish limits for the operating parameters specified in paragraph (B)(3) of this rule.	3734.12	state required, federal required	40 CFR 266.103 (b)(1)	yes	both	no
3745-266-103	(B)(2)	required	Information required.	3734.12	state required, federal required	40 CFR 266.103 (b)(2)	yes	both	no
3745-266-103	(B)(2)	shall	The following information shall be submitted with the certification of precompliance to support the determination that the limits established for the operating parameters identified in paragraph (B)(3) of this rule are not likely to result in an exceedance of the allowable emission rates for particulate matter, metals, hydrogen chloride, and chlorine gas:	3734.12	state required, federal required	40 CFR 266.103 (b)(2)	yes	both	no
3745-266-103	(B)(2)(b)(ii)	shall	To estimate the partitioning factor, the owner or operator shall use either best engineering judgment or the procedures specified in the appendix to this rule.	3734.12	state required, federal required	40 CFR 266.103 (b)(2)(ii)(B)	yes	both	no
3745-266-103	(B)(2)(b)(iii)	shall	To estimate the enrichment factor, the owner or operator shall use either best engineering judgment or the procedures specified in "Alternative Methodology for Implementing Metals Controls" in the appendix to this rule.	3734.12	state required, federal required	40 CFR 266.103 (b)(2)(ii)(C)	yes	both	no
3745-266-103	(B)(2)(b)(iv)	shall	When best engineering judgment is used to develop or evaluate data or information and make determinations under this rule, the determinations shall be made by a qualified professional engineer and a certification of such engineer's determinations in accordance with paragraph (D) of rule 3745-50-42 of the Administrative Code shall be provided in the certification of precompliance.	3734.12	state required, federal required	40 CFR 266.103 (b)(2)(ii)(D)	yes	both	no
3745-266-103	(B)(2)(b)(iv)	shall	When best engineering judgment is used to develop or evaluate data or information and make determinations under this rule, the determinations shall be made by a qualified professional engineer and a certification of such engineer's determinations in accordance with paragraph (D) of rule 3745-50-42 of the Administrative Code shall be provided in the certification of precompliance.	3734.12	state required, federal required	40 CFR 266.103 (b)(2)(ii)(D)	yes	both	no
3745-266-103	(B)(2)(d)(ii)	shall	To estimate air pollution control system removal efficiency, the owner or operator shall use either best engineering judgment or the procedures prescribed in the appendix to this rule.	3734.12	state required, federal required	40 CFR 266.103 (b)(2)(iv)(B)	yes	both	no
3745-266-103	(B)(2)(d)(iii)	shall	Use of best engineering judgment shall be in conformance with provisions of paragraph (B)(2)(b)(iv) of this rule.	3734.12	state required, federal required	40 CFR 266.103 (b)(2)(iv)(C)	yes	both	no
3745-266-103	(B)(2)(e)(ii)(c)	required	The dilution factor in micrograms per cubic meter per gram per second of emissions for the maximum annual average off site (unless on site is required) ground level concentration (MEI location).	3734.12	state required, federal required	40 CFR 266.103 (b)(2)(v)(B)(3)	yes	both	no
3745-266-103	(B)(2)(e)(ii)(d)	required	Indicate the MEI location on the map required under paragraph (B)(2)(e)(i)(e) of this rule.	3734.12	state required, federal required	40 CFR 266.103 (b)(2)(v)(B)(4)	yes	both	no

3745-266-103	(B)(3)	shall	The owner or operator shall establish limits on the following parameters consistent with the determinations made under paragraph (B)(2) of this rule and certify [under provisions of paragraph (B)(9) of this rule] to the director that the facility will operate within these limits when there is hazardous waste in the unit until revised certification of precompliance under paragraph (B)(8) of this rule or certification of compliance under paragraph (C) of this rule:	3734.12	state required, federal required	40 CFR 266.103 (b)(3)	yes	both	no
3745-266-103	(B)(3)(b)(i)	shall	Total feed streams, except that industrial furnaces that comply with the alternative metals implementation approach under paragraph (B)(4) of this rule shall specify limits on the concentration of each metal in collected particulate matter in lieu of feed rate limits for total feedstreams.	3734.12	state required, federal required	40 CFR 266.103 (b)(3)(ii)(A)	yes	both	no
3745-266-103	(B)(4)	shall	Owners and operators of furnaces that recycle collected particulate matter back into the furnace and that will certify compliance with the metals emissions controls under paragraph (C)(3)(b)(i) of this rule shall comply with the special operating requirements in "Alternative Methodology for Implementing Metals Controls" in the appendix to this rule.	3734.12	state required, federal required	40 CFR 266.103 (b)(4)	yes	both	no
3745-266-103	(B)(5)(a)	shall	Limits on each of the parameters specified in paragraph (B)(3) of this rule (except for limits on metals concentrations in collected particulate matter for industrial furnaces that recycle collected particulate matter) shall be established and continuously monitored under either of the following methods:	3734.12	state required, federal required	40 CFR 266.103 (b)(5)(i)	yes	both	no
3745-266-103	(B)(5)(b)(i)	shall	The feed rate of each metal shall be limited at any time to ten times the feed rate that would be allowed on an hourly rolling average basis.	3734.12	state required, federal required	40 CFR 266.103 (b)(5)(ii)(A)	yes	both	no
3745-266-103	(B)(5)(b)(ii)	shall	The continuous monitor shall meet the following specifications:	3734.12	state required, federal required	40 CFR 266.103 (b)(5)(ii)(B)	yes	both	no
3745-266-103	(B)(5)(c)	shall	To monitor the feed rate of these substances, the flow rate of each feedstream shall be monitored under the continuous monitoring requirements of paragraphs (B)(5)(a) and (B)(5)(b) of this rule.	3734.12	state required, federal required	40 CFR 266.103 (b)(5)(iii)	yes	both	no
3745-266-103	(B)(6)	shall	Within thirty days after December 7, 2004, or within thirty days after the effective date of any new, amended, or rescinded rule or statute that renders the owner or operator of the boiler or industrial furnace subject to this rule, the owner or operator shall submit a notice with the following information for publication in a major local newspaper of general circulation and send a copy of the notice to the appropriate units of state and local government.	3734.12	state required, federal required	40 CFR 266.103 (b)(6)	yes	both	no
3745-266-103	(B)(6)	shall	The owner or operator shall provide to the director with the certification of precompliance evidence of submitting the notice for publication.	3734.12	state required, federal required	40 CFR 266.103 (b)(6)	yes	both	no
3745-266-103	(B)(6)(a)	shall	The notice, which shall be entitled "Notice of Certification of Precompliance with Hazardous Waste Burning Requirements of Paragraph (B) of Rule 3745-266-103 of the Administrative Code," shall include:	3734.12	state required, federal required	40 CFR 266.103 (b)(6)(i)	yes	both	no
3745-266-103	(B)(6)(a)	shall	The notice, which shall be entitled "Notice of Certification of Precompliance with Hazardous Waste Burning Requirements of Paragraph (B) of Rule 3745-266-103 of the Administrative Code," shall include:	3734.12	state required, federal required	40 CFR 266.103 (b)(6)(i)	yes	both	no
3745-266-103	(B)(6)(a)(iii)	required	Brief description of the regulatory process required to comply with this rule including required emissions testing to demonstrate conformance with emissions standards for organic compounds, particulate matter, metals, hydrogen chloride, and chlorine gas.	3734.12	state required, federal required	40 CFR 266.103 (b)(6)(iii)	yes	both	no
3745-266-103	(B)(6)(a)(iii)	required	Brief description of the regulatory process required to comply with this rule including required emissions testing to demonstrate conformance with emissions standards for organic compounds, particulate matter, metals, hydrogen chloride, and chlorine gas.	3734.12	state required, federal required	40 CFR 266.103 (b)(6)(iii)	yes	both	no
3745-266-103	(B)(6)(a)(viii)(b)	shall	The correspondence file shall include all correspondence between the facility and the director, state and local regulatory officials, including copies of all certifications and notifications, such as the precompliance certification, precompliance public notice, notice of compliance testing, compliance test report, compliance certification, time extension requests and approvals or denials, enforcement notifications of violations, and copies of U.S. EPA and Ohio EPA site visit reports submitted to the owner or operator.	3734.12	state required, federal required	40 CFR 266.103 (b)(6)(viii)(B)	yes	both	no
3745-266-103	(B)(6)(b)	shall	These records and locations shall at a minimum include:	3734.12	state required, federal required	40 CFR 266.103 (b)(6)(viii)	yes	both	no

3745-266-103	(B)(6)(b)(ii)	shall	The files shall include all correspondence between the facility and the U.S. EPA, state and local regulatory officials, including copies of all certifications and notifications, such as the precompliance certification, precompliance public notice, notice of compliance testing, compliance test report, compliance certification, time extension requests and approvals or denials, enforcement notifications of violations, and copies of U.S. EPA and Ohio EPA site visit reports submitted to the owner or operator.	3734.12	state required, federal required	40 CFR 266.103 (b)(6)(viii)(B)	yes	both	no
3745-266-103	(B)(6)(c)	shall	Notification of the establishment of a facility mailing list whereby interested parties shall notify Ohio EPA that such interested parties wish to be placed on the mailing list to receive future information and notices about this facility.	3734.12	state required, federal required	40 CFR 266.103 (b)(6)(ix)	yes	both	no
3745-266-103	(B)(7)	shall	When the monitoring systems for the operating parameters listed in paragraphs (C)(1)(e) to (C)(1)(m) of this rule are installed and operating in conformance with vendor specifications or (for carbon monoxide, hydrocarbon, and oxygen) specifications in the appendix to this rule, as appropriate, the parameters shall be continuously monitored and records shall be maintained in the operating record.	3734.12	state required, federal required	40 CFR 266.103 (b)(7)	yes	both	no
3745-266-103	(B)(7)	shall	When the monitoring systems for the operating parameters listed in paragraphs (C)(1)(e) to (C)(1)(m) of this rule are installed and operating in conformance with vendor specifications or (for carbon monoxide, hydrocarbon, and oxygen) specifications in the appendix to this rule, as appropriate, the parameters shall be continuously monitored and records shall be maintained in the operating record.	3734.12	state required, federal required	40 CFR 266.103 (b)(7)	yes	both	no
3745-266-103	(B)(8)(b)	shall	The owner and operator shall operate the facility within the limits established for the operating parameters under paragraph (B)(3) of this rule until a revised certification is submitted under paragraphs (B)(8) to (B)(8)(b) of this rule or a certification of compliance is submitted under paragraph (C) of this rule.	3734.12	state required, federal required	40 CFR 266.103 (b)(8)(ii)	yes	both	no
3745-266-103	(B)(9)	shall	The owner or operator shall include the following signed statement with the certification of precompliance submitted to the director:	3734.12	state required, federal required	40 CFR 266.103 (b)(9)	yes	both	no
3745-266-103	(C)	shall	The owner or operator shall conduct emissions testing to document compliance with the emissions standards of rules 3745-266-105, 3745-266-106, 3745-266-107, and paragraphs (B) to (E) of rule 3745-266-104 of the Administrative Code, and paragraph (A)(5)(a)(iv) of this rule, under the procedures in paragraphs (C) to (C)(8)(d) of this rule, except under extensions of time in paragraph (C)(7) of this rule.	3734.12	state required, federal required	40 CFR 266.103 (c)	yes	both	no
3745-266-103	(C)	shall	Based on the compliance test, the owner or operator shall submit to the director within thirty days after December 7, 2004, or within thirty days after the effective date of any new, amended, or rescinded rule or statute that renders the owner or operator of the boiler or industrial furnace subject to this rule, a complete and accurate "certification of compliance" [under paragraph (C)(4) of this rule] with those emission standards establishing limits on the operating parameters specified in paragraph (C)(1) of this rule.	3734.12	state required, federal required	40 CFR 266.103 (c)	yes	both	no
3745-266-103	(C)	shall	The copy of the certification of compliance that is submitted to the director shall be submitted with the "Part A" application required by rule 3745-50-40 of the Administrative Code, and shall be considered part of such application.	3734.12	state required	none	yes	no	no
3745-266-103	(C)	required	The copy of the certification of compliance that is submitted to the director shall be submitted with the "Part A" application required by rule 3745-50-40 of the Administrative Code, and shall be considered part of such application.	3734.12	state required	none	yes	no	no
3745-266-103	(C)	shall	The copy of the certification of compliance that is submitted to the director shall be submitted with the "Part A" application required by rule 3745-50-40 of the Administrative Code, and shall be considered part of such application.	3734.12	state required	none	yes	no	no
3745-266-103	(C)(1)	shall	The owner or operator shall establish limits on the following parameters based on operations during the compliance test [under procedures prescribed in paragraph (C)(4)(d) of this rule] or as otherwise specified and include these limits with the certification of compliance.	3734.12	state required, federal required	40 CFR 266.103 (c)(1)	yes	both	no

3745-266-103	(C)(1)	shall	The boiler or industrial furnace shall be operated in accordance with these operating limits and the applicable emissions standards of rules 3745-266-105, 3745-266-106, 3745-266-107, and paragraphs (B) to (E) of rule 3745-266-104 of the Administrative Code and paragraph (A)(5)(a)(iv) of this rule at all times when there is hazardous waste in the unit.	3734.12	state required, federal required	40 CFR 266.103 (c)(1)	yes	both	no
3745-266-103	(C)(1)(b)(i)(b)	shall	Industrial furnaces that shall comply with the alternative metals implementation approach under paragraph (C)(3)(b) of this rule shall specify limits on the concentration of each metal in the collected particulate matter in lieu of feed rate limits for total feedstreams.	3734.12	state required, federal required	40 CFR 266.103 (c)(1)(ii)(A)(2)	yes	both	no
3745-266-103	(C)(1)(b)(i)(b)	shall	Industrial furnaces that shall comply with the alternative metals implementation approach under paragraph (C)(3)(b) of this rule shall specify limits on the concentration of each metal in the collected particulate matter in lieu of feed rate limits for total feedstreams.	3734.12	state required, federal required	40 CFR 266.103 (c)(1)(ii)(A)(2)	yes	both	no
3745-266-103	(C)(1)(e)	required	Carbon monoxide concentration, and where required, hydrocarbon concentration in stack gas.	3734.12	state required, federal required	40 CFR 266.103 (c)(1)(v)	yes	both	no
3745-266-103	(C)(2)	required	At least thirty days prior to the compliance testing required by paragraph (C)(3) of this rule, the owner or operator shall notify the director and submit the following information:	3734.12	state required, federal required	40 CFR 266.103 (c)(2)	yes	both	no
3745-266-103	(C)(2)	shall	At least thirty days prior to the compliance testing required by paragraph (C)(3) of this rule, the owner or operator shall notify the director and submit the following information:	3734.12	state required, federal required	40 CFR 266.103 (c)(2)	yes	both	no
3745-266-103	(C)(3)(a)	shall	Compliance testing shall be conducted under conditions for which the owner or operator has submitted a certification of precompliance under paragraph (B) of this rule and under conditions established in the notification of compliance testing required by paragraph (C)(2) of this rule.	3734.12	state required, federal required	40 CFR 266.103 (c)(3)(i)	yes	both	no
3745-266-103	(C)(3)(a)	required	Compliance testing shall be conducted under conditions for which the owner or operator has submitted a certification of precompliance under paragraph (B) of this rule and under conditions established in the notification of compliance testing required by paragraph (C)(2) of this rule.	3734.12	state required, federal required	40 CFR 266.103 (c)(3)(i)	yes	both	no
3745-266-103	(C)(3)(a)	shall	To support the request, the owner or operator shall provide a comparison of the hazardous waste burned and other feedstreams, and the design, operation, and maintenance of both the tested unit and the similar unit.	3734.12	state required, federal required	40 CFR 266.103 (c)(3)(i)	yes	both	no
3745-266-103	(C)(3)(a)	shall	The director shall provide a written approval to use compliance test data in lieu of testing a similar unit if the director finds that the hazardous wastes, the devices, and the operating conditions are sufficiently similar, and the data from the other compliance test is adequate to meet the requirements of paragraph (C) of this rule.	3734.12	state required, federal required	40 CFR 266.103 (c)(3)(i)	yes	both	no
3745-266-103	(C)(3)(b)	shall	Owners and operators of industrial furnaces that recycle back into the furnace particulate matter from the air pollution control system shall comply with one of the following procedures for testing to determine compliance with the metals standards of paragraph (C) or (D) of rule 3745-266-106 of the Administrative Code:	3734.12	state required, federal required	40 CFR 266.103 (c)(3)(ii)	yes	both	no
3745-266-103	(C)(3)(b)(ii)	shall	The testing shall be conducted when burning normal hazardous waste for that day at normal feed rates for that day and when the air pollution control system is operated under normal conditions.	3734.12	state required, federal required	40 CFR 266.103 (c)(3)(ii)(B)	yes	both	no
3745-266-103	(C)(3)(b)(ii)	shall	During permit by rule, hazardous waste analysis for metals content shall be sufficient for the owner or operator to determine if changes in metals content may affect the ability of the facility to meet the metals emissions standards established under paragraph (C) or (D) of rule 3745-266-106 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.103 (c)(3)(ii)(B)	yes	both	no
3745-266-103	(C)(3)(b)(ii)	shall	Under this option, operating limits [under paragraph (C)(1) of this rule] shall be established during compliance testing under paragraph (C)(3) of this rule on the following parameters:	3734.12	state required, federal required	40 CFR 266.103 (c)(3)(ii)(B)	yes	both	no
3745-266-103	(C)(3)(b)(ii)(d)	required	Carbon monoxide concentration, and where required, hydrocarbon concentration in stack gas.	3734.12	state required, federal required	40 CFR 266.103 (c)(3)(ii)(B)(4)	yes	both	no
3745-266-103	(C)(3)(b)(iii)	shall	During conditioning, hazardous waste and raw materials having the same metals content as will be fed during the compliance test shall be fed at the feed rates that will be fed during the compliance test.	3734.12	state required, federal required	40 CFR 266.103 (c)(3)(ii)(C)	yes	both	no
3745-266-103	(C)(3)(c)(i)	required	If compliance with all applicable emissions standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code is not demonstrated simultaneously during a set of test runs, the operating conditions of additional test runs required to demonstrate compliance with remaining emissions standards shall be as close as possible to the original operating conditions.	3734.12	state required, federal required	40 CFR 266.103 (c)(3)(iii)(A)	yes	both	no

3745-266-103	(C)(3)(c)(i)	shall	If compliance with all applicable emissions standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code is not demonstrated simultaneously during a set of test runs, the operating conditions of additional test runs required to demonstrate compliance with remaining emissions standards shall be as close as possible to the original operating conditions.	3734.12	state required, federal required	40 CFR 266.103 (c)(3)(iii)(A)	yes	both	no
3745-266-103	(C)(3)(c)(ii)	shall	Prior to obtaining test data for purposes of demonstrating compliance with the applicable emissions standards of rules 3745-266-104 to 3745-266-107 of the Administrative Code or establishing limits on operating parameters under this rule, the facility shall operate under compliance test conditions for a sufficient period to reach steady state operations. Industrial furnaces that recycle collected particulate matter back into the furnace and that comply with paragraph (C)(3)(b)(i) or (C)(3)(b)(ii) of this rule, however, need not reach steady state conditions with respect to the flow of metals in the system prior to beginning compliance testing for metals.	3734.12	state required, federal required	40 CFR 266.103 (c)(3)(iii)(B)	yes	both	no
3745-266-103	(C)(3)(c)(iii)	shall	Compliance test data on the level of an operating parameter for which a limit shall be established in the certification of compliance shall be obtained during emissions sampling for the pollutants (i.e., metals, particulate matter, hydrogen chloride or chlorine gas, organic compounds) for which the parameter shall be established as specified by paragraph (C)(1) of this rule.	3734.12	state required, federal required	40 CFR 266.103 (c)(3)(iii)(C)	yes	both	no
3745-266-103	(C)(3)(c)(iii)	shall	Compliance test data on the level of an operating parameter for which a limit shall be established in the certification of compliance shall be obtained during emissions sampling for the pollutants (i.e., metals, particulate matter, hydrogen chloride or chlorine gas, organic compounds) for which the parameter shall be established as specified by paragraph (C)(1) of this rule.	3734.12	state required, federal required	40 CFR 266.103 (c)(3)(iii)(C)	yes	both	no
3745-266-103	(C)(3)(c)(iii)	shall	Compliance test data on the level of an operating parameter for which a limit shall be established in the certification of compliance shall be obtained during emissions sampling for the pollutants (i.e., metals, particulate matter, hydrogen chloride or chlorine gas, organic compounds) for which the parameter shall be established as specified by paragraph (C)(1) of this rule.	3734.12	state required, federal required	40 CFR 266.103 (c)(3)(iii)(C)	yes	both	no
3745-266-103	(C)(4)	shall	Within ninety days after completing compliance testing, the owner or operator shall certify to the director compliance with the emissions standards of rules 3745-266-105, 3745-266-106, 3745-266-107, and paragraphs (B), (C), and (E) of rule 3745-266-104 of the Administrative Code and paragraph (A)(5)(a)(iv) of this rule.	3734.12	state required, federal required	40 CFR 266.103 (c)(4)	yes	both	no
3745-266-103	(C)(4)	shall	The certification of compliance shall include the following information:	3734.12	state required, federal required	40 CFR 266.103 (c)(4)	yes	both	no
3745-266-103	(C)(4)(b)(ii)(d)	required	Highest hourly rolling average hydrocarbon level, if hydrocarbon monitoring is required for each run and for the test.	3734.12	state required, federal required	40 CFR 266.103 (c)(4)(ii)(B)(4)	yes	both	no
3745-266-103	(C)(4)(b)(ii)(e)	required	If dioxin and furan testing is required under paragraph (E) of rule 3745-266-104 of the Administrative Code, time weighted average emissions for each run and for the test of chlorinated dioxin and furan emissions, and the predicted maximum annual average ground level concentration of the toxicity equivalency factor.	3734.12	state required, federal required	40 CFR 266.103 (c)(4)(ii)(B)(5)	yes	both	no
3745-266-103	(C)(4)(d)(ii)(b)	shall	The operating limit for the parameter shall be established based on compliance test data as the average over all test runs of the highest hourly rolling average value for each run.	3734.12	state required, federal required	40 CFR 266.103 (c)(4)(iv)(B)(2)	yes	both	no
3745-266-103	(C)(4)(d)(iii)	shall	If the owner or operator elects to use an averaging period from two to twenty-four hours the owner or operator shall include the following in determining those limits:	3734.12	state required, federal required	40 CFR 266.103 (c)(4)(iv)(C) intent but not stated	yes	both	no
3745-266-103	(C)(4)(d)(iii)(a)	shall	The feed rate of each metal shall be limited at any time to ten times the feed rate that would be allowed on an hourly rolling average basis.	3734.12	state required, federal required	40 CFR 266.103 (c)(4)(iv)(C)(1)	yes	both	no
3745-266-103	(C)(4)(d)(iii)(b)	shall	The continuous monitor shall meet the following specifications:	3734.12	state required, federal required	40 CFR 266.103 (c)(4)(iv)(C)(2)	yes	both	no
3745-266-103	(C)(4)(d)(iii)(c)	shall	The operating limit for the feed rate of each metal shall be established based on compliance test data as the average over all test runs of the highest hourly rolling average feed rate for each run.	3734.12	state required, federal required	40 CFR 266.103 (c)(4)(iv)(C)(3)	yes	both	no
3745-266-103	(C)(4)(d)(iv)	shall	To monitor the feed rate of these substances, the flow rate of each feedstream shall be monitored under the continuous monitoring requirements of paragraphs (C)(4)(d)(i) to (C)(4)(d)(iii) of this rule.	3734.12	state required, federal required	40 CFR 266.103 (c)(4)(iv)(D)	yes	both	no

3745-266-103	(C)(4)(d)(v)	shall	The following statement shall accompany the certification of compliance:	3734.12	state required, federal required	40 CFR 266.103 (c)(4)(iv)(E)	yes	both	no
3745-266-103	(C)(5)	required	When an owner or operator is required to comply with the hydrocarbon controls in paragraph (C) of rule 3745-266-104 of the Administrative Code or paragraph (A)(5)(a)(iv) of this rule, a conditioned gas monitoring system may be used in conformance with specifications in the appendix to this rule provided that the owner or operator submits a certification of compliance without using extensions of time in paragraph (C)(7) of this rule.	3734.12	state required, federal required	40 CFR 266.103 (c)(5)	yes	both	no
3745-266-103	(C)(6)	required	Owners and operators of industrial furnaces that recycle back into the furnace particulate matter from the air pollution control system shall:	3734.12	state required, federal required	40 CFR 266.103 (c)(6)	yes	both	no
3745-266-103	(C)(7)(a)	shall	If the owner or operator does not submit a complete certification of compliance for all of the applicable emissions standards of rules 3745-266-104, 3745-266-105, 3745-266-106, and 3745-266-107 of the Administrative Code on or before thirty days after December 7, 2004, or on or before thirty days after the effective date of any new, amended, or rescinded rule or statute that renders the owner or operator of the boiler or industrial furnace subject to this rule, the owner or operator shall do any of the following:	3734.12	state required, federal required	40 CFR 266.103 (c)(7)(i)	yes	both	no
3745-266-103	(C)(7)(b)(ii)(a)	shall	In considering whether to grant the extension, the director shall both:	3734.12	state required, federal required	40 CFR 266.103 (c)(7)(ii)(B)(1)	yes	both	yes, director
3745-266-103	(C)(7)(b)(ii)(a)(i)	required	Determine whether the owner or operator has submitted in a timely manner a complete "Part B" permit application that includes information required under paragraphs (C)(9)(b) to (C)(9)(b)(vi) of rule 3745-50-44 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.103 (c)(7)(ii)(B)(1)(i)	yes	both	no
3745-266-103	(C)(7)(b)(ii)(b)	shall	If an extension is granted, the director shall, as a condition of the extension, require the facility to operate under flue gas concentration limits on carbon monoxide and hydrocarbon that, based on available information, including information in the "Part B" permit application, are baseline carbon monoxide and hydrocarbon levels as determined by paragraph (F) of rule 3745-266-104 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.103 (c)(7)(ii)(B)(2)	yes	both	yes, director
3745-266-103	(C)(7)(b)(ii)(b)	require	If an extension is granted, the director shall, as a condition of the extension, require the facility to operate under flue gas concentration limits on carbon monoxide and hydrocarbon that, based on available information, including information in the "Part B" permit application, are baseline carbon monoxide and hydrocarbon levels as determined by paragraph (F) of rule 3745-266-104 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.103 (c)(7)(ii)(B)(2)	yes	both	yes, director
3745-266-103	(C)(8)(a)	may not	Prior to submittal of a revised certification of compliance, hazardous waste may not be burned for more than a total of seven hundred twenty hours under operating conditions that exceed those established under a current certification of compliance, and such burning may be conducted only for purposes of determining whether the facility can operate under revised conditions and continue to meet the applicable emissions standards of rules 3745-266-104, 3745-266-105, 3745-266-106, and 3745-266-107 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.103 (c)(8)(i)	yes	both	no
3745-266-103	(C)(8)(b)	shall	At least thirty days prior to first burning hazardous waste under operating conditions that exceed those established under a current certification of compliance, the owner or operator shall notify the director and submit the following information:	3734.12	state required, federal required	40 CFR 266.103 (c)(8)(ii)	yes	both	no
3745-266-103	(C)(8)(b)(iii)	shall	To document this determination, the owner or operator shall submit the applicable information required under paragraph (B)(2) of this rule.	3734.12	state required, federal required	40 CFR 266.103 (c)(8)(ii)(C)	yes	both	no
3745-266-103	(C)(8)(b)(iii)	required	To document this determination, the owner or operator shall submit the applicable information required under paragraph (B)(2) of this rule.	3734.12	state required, federal required	40 CFR 266.103 (c)(8)(ii)(C)	yes	both	no
3745-266-103	(C)(8)(b)(iv)	shall	The protocol shall include a schedule of pre-testing and compliance testing.	3734.12	state required, federal required	40 CFR 266.103 (c)(8)(ii)(D)	yes	both	no
3745-266-103	(C)(8)(b)(iv)	shall	If the owner or operator revises the scheduled date for the compliance test, the owner or operator shall notify the director in writing at least thirty days prior to the revised date of the compliance test.	3734.12	state required, federal required	40 CFR 266.103 (c)(8)(ii)(D)	yes	both	no
3745-266-103	(D)	shall	The owner or operator shall conduct compliance testing and submit to the director a recertification of compliance under provisions of paragraph (C) of this rule within five years from submitting the previous certification or recertification.	3734.12	state required, federal required	40 CFR 266.103 (d)	yes	both	no

3745-266-103	(D)	shall	If the owner or operator seeks to recertify compliance under new operating conditions, the owner or operator shall comply with paragraph (C)(8) of this rule.	3734.12	state required, federal required	40 CFR 266.103 (d)	yes	both	no
3745-266-103	(E)	shall	If the owner or operator does not comply with the compliance schedule in paragraphs (B), (C), and (D) of this rule, hazardous waste burning shall terminate on the date that the deadline is missed, closure activities shall begin under paragraph (L) of this rule, and hazardous waste burning may not resume except under an operating permit issued under rule 3745-50-66 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.103 (e)	yes	both	no
3745-266-103	(E)	shall	If the owner or operator does not comply with the compliance schedule in paragraphs (B), (C), and (D) of this rule, hazardous waste burning shall terminate on the date that the deadline is missed, closure activities shall begin under paragraph (L) of this rule, and hazardous waste burning may not resume except under an operating permit issued under rule 3745-50-66 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.103 (e)	yes	both	no
3745-266-103	(E)	may not	If the owner or operator does not comply with the compliance schedule in paragraphs (B), (C), and (D) of this rule, hazardous waste burning shall terminate on the date that the deadline is missed, closure activities shall begin under paragraph (L) of this rule, and hazardous waste burning may not resume except under an operating permit issued under rule 3745-50-66 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.103 (e)	yes	both	no
3745-266-103	(F)	shall not	Hazardous waste [except waste fed solely as an ingredient under the "Tier I" (or "Adjusted Tier I") feed rate screening limits for metals and chloride or chlorine] shall not be fed into the device during start up and shut down of the boiler or industrial furnace, unless the device is operating within the conditions of operation specified in the certification of compliance.	3734.12	state required, federal required	40 CFR 266.103 (f)	yes	both	no
3745-266-103	(G)	required	During the compliance test required by paragraph (C)(3) of this rule, and upon certification of compliance under paragraph (C) of this rule, a boiler or industrial furnace shall be operated with a functioning system that automatically cuts off the hazardous waste feed when the applicable operating conditions specified in paragraphs (C)(1)(a) and (C)(1)(e) to (C)(1)(m) of this rule deviate from those established in the certification of compliance.	3734.12	state required, federal required	40 CFR 266.103 (g)	yes	both	no
3745-266-103	(G)	shall	During the compliance test required by paragraph (C)(3) of this rule, and upon certification of compliance under paragraph (C) of this rule, a boiler or industrial furnace shall be operated with a functioning system that automatically cuts off the hazardous waste feed when the applicable operating conditions specified in paragraphs (C)(1)(a) and (C)(1)(e) to (C)(1)(m) of this rule deviate from those established in the certification of compliance.	3734.12	state required, federal required	40 CFR 266.103 (g)	yes	both	no
3745-266-103	(G)	shall	In addition, the boiler or industrial furnace shall be operated as follows:	3734.12	state required, federal required	40 CFR 266.103 (g) intent but not stated	yes	both	no
3745-266-103	(G)(1)	shall	To minimize emissions of organic compounds, the minimum combustion chamber temperature (or the indicator of combustion chamber temperature) that occurred during the compliance test shall be maintained while hazardous waste or hazardous waste residues remain in the combustion chamber, with the minimum temperature during the compliance test determined to be either:	3734.12	state required, federal required	40 CFR 266.103 (g)(1)	yes	both	no
3745-266-103	(G)(2)	shall	Operating parameters limited by the certification of compliance shall continue to be monitored during the cutoff, and the hazardous waste feed shall not be restarted until the levels of those parameters comply with the limits established in the certification of compliance.	3734.12	state required, federal required	40 CFR 266.103 (g)(2)	yes	both	no
3745-266-103	(G)(2)	shall not	Operating parameters limited by the certification of compliance shall continue to be monitored during the cutoff, and the hazardous waste feed shall not be restarted until the levels of those parameters comply with the limits established in the certification of compliance.	3734.12	state required, federal required	40 CFR 266.103 (g)(2)	yes	both	no
3745-266-103	(H)	shall	Fugitive emissions shall be controlled by any of the following:	3734.12	state required, federal required	40 CFR 266.103 (h)	yes	both	no
3745-266-103	(H)(3)	shall	Support for such demonstration shall be included in the operating record.	3734.12	state required, federal required	40 CFR 266.103 (h)(3)	yes	both	no

3745-266-103	(I)	shall	A boiler or industrial furnace shall cease burning hazardous waste when changes in combustion properties, or feed rates of the hazardous waste, other fuels, or industrial furnace feedstocks, or changes in the boiler or industrial furnace design or operating conditions deviate from the limits specified in the certification of compliance.	3734.12	state required, federal required	40 CFR 266.103 (i)	yes	both	no
3745-266-103	(J)(1)	shall	The owner or operator shall monitor and record the following, at a minimum, while burning hazardous waste:	3734.12	state required, federal required	40 CFR 266.103 (j)(1)	yes	both	no
3745-266-103	(J)(1)(b)	shall	Carbon monoxide, hydrocarbon, and oxygen monitors shall be installed, operated, and maintained in accordance with methods specified in the appendix to this rule.	3734.12	state required, federal required	40 CFR 266.103 (j)(1)(ii)	yes	both	no
3745-266-103	(J)(1)(c)	shall	Upon the request of the director, sampling and analysis of the hazardous waste (and other fuels and industrial furnace feed stocks as appropriate) and the stack gas emissions shall be conducted to verify that the operating conditions established in the certification of precompliance or certification of compliance achieve the applicable standards of rules 3745-266-104, 3745-266-105, 3745-266-106, and 3745-266-107 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.103 (j)(1)(iii)	yes	both	no
3745-266-103	(J)(2)	shall	The boiler or industrial furnace and associated equipment (pumps, valves, pipes, fuel storage tanks, etc.) shall be subjected to thorough visual inspection when such equipment contains hazardous waste, at least daily for leaks, spills, fugitive emissions, and signs of tampering.	3734.12	state required, federal required	40 CFR 266.103 (j)(2)	yes	both	no
3745-266-103	(J)(3)	shall	The automatic hazardous waste feed cutoff system and associated alarms shall be tested at least once every seven days when hazardous waste is burned to verify operability, unless the owner or operator can demonstrate that weekly testing will unduly restrict or upset operations and that less frequent inspections will be adequate.	3734.12	state required, federal required	40 CFR 266.103 (j)(3)	yes	both	no
3745-266-103	(J)(3)	shall	Support for such demonstration shall be included in the operating record	3734.12	state required, federal required	40 CFR 266.103 (j)(3)	yes	both	no
3745-266-103	(J)(3)	shall	At a minimum, operational testing shall be conducted at least once every thirty days.	3734.12	state required, federal required	40 CFR 266.103 (j)(3)	yes	both	no
3745-266-103	(J)(4)	shall	These monitoring and inspection data shall be recorded and the records shall be placed in the operating log.	3734.12	state required, federal required	40 CFR 266.103 (j)(4)	yes	both	no
3745-266-103	(J)(4)	shall	These monitoring and inspection data shall be recorded and the records shall be placed in the operating log.	3734.12	state required, federal required	40 CFR 266.103 (j)(4)	yes	both	no
3745-266-103	(K)	shall	The owner or operator shall keep in the operating record of the facility all information and data required by this rule for five years.	3734.12	state required, federal required	40 CFR 266.103 (k)	yes	both	no
3745-266-103	(K)	required	The owner or operator shall keep in the operating record of the facility all information and data required by this rule for five years.	3734.12	state required, federal required	40 CFR 266.103 (k)	yes	both	no
3745-266-103	(L)	shall	At closure, the owner or operator shall remove all hazardous waste and hazardous waste residues (including, but not limited to, ash, scrubber waters, and scrubber sludges) from the boiler or industrial furnace and shall comply with rules 3745-66-11 to 3745-66-15 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.103 (l)	yes	both	no
3745-266-103	(L)	shall	At closure, the owner or operator shall remove all hazardous waste and hazardous waste residues (including, but not limited to, ash, scrubber waters, and scrubber sludges) from the boiler or industrial furnace and shall comply with rules 3745-66-11 to 3745-66-15 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.103 (l)	yes	both	no
3745-266-103	Appendix @ 1.0 intro	required	This document presents required methods for demonstrating compliance with Ohio hazardous waste rules for BIFs burning hazardous waste (see rules 3745-266-100 to 3745-266-112 of the Administrative Code).	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 1.0 intro	yes	both	no
3745-266-103	Appendix @ 1.0 in 8.b	required	The CEM performance specifications of section 2.0 of this appendix, the relevant sampling methods 0011, 0023A, 0050, 0051, 0060, and 0061 of U.S. EPA publication SW-846, and in the toxicity equivalency procedure for dioxins and furans of section 4.0 of this appendix are required procedures for determining compliance with BIF rules.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 1.0 in 8.b.	yes	both	no
3745-266-103	Appendix @ 1.0 in 8.b	shall	For the determination of chloride from chloride or chlorine emission sampling train, the owner or operator shall use appropriate methods.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 1.0 in 8.b.	yes	both	no

3745-266-103	Appendix @ 1.0 in 8.b	shall	For the determination of carbonyl compounds by high-performance liquid chromatography, the owner or operator shall use appropriate methods.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 1.0 in 8.b.	yes	both	no
3745-266-103	Appendix @ 2.1.2.2	require	The specifications require CEMSs capable of accepting calibration gases.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.2.2	yes	both	no
3745-266-103	Appendix @ 2.1.3.1	shall	The CEMS shall be installed in a location in which measurements representative of the source's emissions can be obtained.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.3.1	yes	both	no
3745-266-103	Appendix @ 2.1.3.1	required	The optimum location of the sample interface for the CEMS is determined by a number of factors, including ease of access for calibration and maintenance, the degree to which sample conditioning will be required, the degree to which the sample represents total emissions, and the degree to which the sample represents the combustion situation in the firebox.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.3.1	yes	both	no
3745-266-103	Appendix @ 2.1.3.2.2	shall not	This option shall not be used at a site located within eight equivalent diameters downstream of a flow disturbance.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.3.2.2	yes	both	no
3745-266-103	Appendix @ 2.1.3.2.2	shall not	Sampling shall not be performed within 3 cm of the duct or stack inner wall.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.3.2.2	yes	both	no
3745-266-103	Appendix @ 2.1.4	shall	In the second case, when the concentration exceeds the span of the lower range, the data acquisition system recorder shall switch to the high range automatically.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.4	yes	both	no
3745-266-103	Appendix @ 2.1.4.2	shall	The owner or operator shall choose calibration gas concentrations (or calibration filters for in-situ systems) that include zero and high-level calibration values for the daily calibration checks.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.4.2	yes	both	no
3745-266-103	Appendix @ 2.1.4.2	shall	For a single measurement range monitor, three CO calibration gas concentrations (or calibration filters for in-situ systems) shall be used, i.e., the zero and high-level concentrations of the low-range CO analyzer and the high-level concentration of the high-range CO analyzer.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.4.2	yes	both	no
3745-266-103	Appendix @ 2.1.4.2.2	shall	The high-level concentration for the CO or O <sub>2</sub> analyzer shall be between 50 and 90 per cent of the span value, i.e., 100-180 ppm for the low-range CO analyzer, 1500-2700 ppm for the high-range CO analyzer, and 12.5-22.5 per cent O <sub>2</sub> for the O <sub>2</sub> analyzer.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.4.2.2	yes	both	no
3745-266-103	Appendix @ 2.1.4.3	shall	The strip chart recorder, computer, or digital recorder shall be capable of recording all readings within the CEMS's measurement range and shall have a resolution of 0.5 per cent of span value, i.e., 1 ppm CO for low-range CO analyzer, 15 ppm CO for high-range CO analyzer, and 0.1 per cent O <sub>2</sub> for the O <sub>2</sub> analyzer.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.4.3	yes	both	no
3745-266-103	Appendix @ 2.1.4.3	shall	The strip chart recorder, computer, or digital recorder shall be capable of recording all readings within the CEMS's measurement range and shall have a resolution of 0.5 per cent of span value, i.e., 1 ppm CO for low-range CO analyzer, 15 ppm CO for high-range CO analyzer, and 0.1 per cent O <sub>2</sub> for the O <sub>2</sub> analyzer.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.4.3	yes	both	no
3745-266-103	Appendix @ 2.1.4.4	shall not	The response time for the CO or O <sub>2</sub> monitor shall not exceed 2 minutes to achieve 95 per cent of the final stable value.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.4.4	yes	both	no
3745-266-103	Appendix @ 2.1.4.5	shall	The CEMS shall allow the determination of CD at the zero and high-level values.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.4.5	yes	both	no
3745-266-103	Appendix @ 2.1.4.5	shall	The CD shall be determined separately for CO and O <sub>2</sub> monitors in terms of concentration.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.4.5	yes	both	no

3745-266-103	Appendix @ 2.1.4.5	shall not	The CO CEMS calibration response shall not drift or deviate from the reference value of the calibration gas (or calibration filters for in-situ systems) by more than 3 per cent of the span value after each 24-hour period of the 7-day test, i.e., 6 ppm CO for the low-range analyzer (Tier I) and 90 ppm for the high-range analyzer, at both zero and high levels.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.4.5	yes	both	no
3745-266-103	Appendix @ 2.1.4.5	shall not	The O <sub>2</sub> monitor calibration response shall not drift or deviate from the reference value by more than 0.5 per cent O <sub>2</sub> at both zero and high levels.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.4.5	yes	both	no
3745-266-103	Appendix @ 2.1.4.6	shall	The result of the PA test of the CO CEMS (which incorporates the O <sub>2</sub> monitor) shall be no greater than 10 per cent of the mean value of the PTM results or shall be within 10 ppm CO of the PTM results, whichever is less restrictive.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.4.6	yes	both	no
3745-266-103	Appendix @ 2.1.4.6	shall	The result of the PA test of the CO CEMS (which incorporates the O <sub>2</sub> monitor) shall be no greater than 10 per cent of the mean value of the PTM results or shall be within 10 ppm CO of the PTM results, whichever is less restrictive.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.4.6	yes	both	no
3745-266-103	Appendix @ 2.1.4.6	shall	The ppm CO concentration shall be corrected to 7 per cent O <sub>2</sub> before calculating the RA.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.4.6	yes	both	no
3745-266-103	Appendix @ 2.1.4.7	shall	The mean difference between the CEMS and reference values at all three test points (see Table 2.1-3) shall be no greater than 5 per cent of span value for CO monitors (i.e., 10 ppm CO for low range Tier I CO analyzers and 150 ppm CO for high range CO analyzers) and 0.5 per cent for O <sub>2</sub> analyzers.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.4.7	yes	both	no
3745-266-103	Appendix @ 2.1.4.8	shall	The sample to be analyzed shall pass through the measurement section of the analyzer without interruption.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.4.8	yes	both	no
3745-266-103	Appendix @ 2.1.4.8	shall	The detector shall measure the sample concentration at least once every 15 seconds.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.4.8	yes	both	no
3745-266-103	Appendix @ 2.1.4.8	shall	An average emission rate shall be computed and recorded at least once every 60 seconds.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.4.8	yes	both	no
3745-266-103	Appendix @ 2.1.4.9	shall	The CEMS shall calculate every minute an hourly rolling average, which is the arithmetic mean of the 60 most recent 1-minute average values.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.4.9	yes	both	no
3745-266-103	Appendix @ 2.1.4.10	shall	If the CEMS does not meet one or more of the criteria, the necessary corrections shall be made and the performance tests repeated.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.4.10	yes	both	no
3745-266-103	Appendix @ 2.1.5.2	shall	All CD determinations shall be made following a 24-hour period during which no unscheduled maintenance, repair, or adjustment takes place.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.5.2	yes	both	no
3745-266-103	Appendix @ 2.1.5.3	shall	RA testing for CO and O <sub>2</sub> shall be conducted simultaneously so that the results can be calculated for CO corrected to 7 per cent O <sub>2</sub> .	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.5.3	yes	both	no
3745-266-103	Appendix @ 2.1.5.3	shall	The RA test shall be conducted during the CD test period.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.5.3	yes	both	no
3745-266-103	Appendix @ 2.1.6.1.1	shall	The gas shall pass through all filters, scrubbers, conditioners, and other CEMS components used during normal sampling.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.6.1.1	yes	both	no
3745-266-103	Appendix @ 2.1.6.1.1	shall	To meet the specification, none of the differences shall exceed the limits specified in Table 2.1-1.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.6.1.1	yes	both	no

3745-266-103	Appendix @ 2.1.6.2.1	required	Record the time (upscale response time) required to reach 95 per cent of the final stable value.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.6.2.1	yes	both	no
3745-266-103	Appendix @ 2.1.6.3.1.2	shall	The calibration gas shall be injected into the sample system as close to the sampling probe outlet as practical and should pass through all CEMS components used during normal sampling.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.6.3.1.2	yes	both	no
3745-266-103	Appendix @ 2.1.6.4.2.2	shall	When the installed CEMS uses a nondispersive infrared (NDIR) analyzer, method 10 shall use the alternative interference trap specified in section 10.1 of the method.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.6.4.2.2	yes	both	no
3745-266-103	Appendix @ 2.1.6.4.3	shall	The total number of sets used to determine the RA shall be greater than or equal to nine.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.6.4.3	yes	both	no
3745-266-103	Appendix @ 2.1.6.4.3	shall	All data, including the rejected data, shall be reported.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.6.4.3	yes	both	no
3745-266-103	Appendix @ 2.1.6.4.4	shall	If the CO concentration measured by the CEMS is normalized to a specified diluent concentration, the PTM results shall be normalized to the same value.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.6.4.4	yes	both	no
3745-266-103	Appendix @ 2.1.9.1	may not	Under some operating conditions, it may not be possible to obtain meaningful results using the RA test procedure.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.9.1	yes	both	no
3745-266-103	Appendix @ 2.1.9.2	shall	All parts of the CEMS shall be functioning properly before the RA requirement can be waived.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.9.2	yes	both	no
3745-266-103	Appendix @ 2.1.9.2	shall	The instruments also shall have successfully passed the CE and CD requirements of the performance specifications.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.9.2	yes	both	no
3745-266-103	Appendix @ 2.1.9.2	requires	Substitution of the alternative procedure requires approval of the director.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.9.2	yes	both	no
3745-266-103	Appendix @ 2.1.10	shall	The owner or operator shall establish a QA program to evaluate and monitor CEMS performance.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.10	yes	both	no
3745-266-103	Appendix @ 2.1.10	shall	As a minimum, the QA program shall include:	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.10	yes	both	no
3745-266-103	Appendix @ 2.1.10.1	shall	The calibration shall be adjusted if the check indicates the instrument's CD exceeds the specification established in section 2.1.4.5 of this appendix.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.10.1	yes	both	no
3745-266-103	Appendix @ 2.1.10.1	shall	The gases shall be injected as close to the probe as possible to provide a check of the entire sampling system.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.10.1	yes	both	no
3745-266-103	Appendix @ 2.1.10.2	shall	The audit shall include a review of the calibration check data, an inspection of the recording system, an inspection of the control panel warning lights, and an inspection of the sample transport and interface system (e.g., flowmeters, filters), as appropriate.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.1.10.2	yes	both	no
3745-266-103	Appendix @ 2.2.3.1	shall	The CEMS shall be installed in a location in which measurements representative of the source's emissions can be obtained.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.3.1	yes	both	no

3745-266-103	Appendix @ 2.2.3.1	required	The optimum location of the sample interface for the CEMS is determined by a number of factors, including ease of access for calibration and maintenance, the degree to which sample conditioning will be required, the degree to which the sample represents total emissions, and the degree to which the sample represents the combustion situation in the firebox.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.3.1	yes	both	no
3745-266-103	Appendix @ 2.2.3.1	shall	The measurement point shall be within the centroidal area of the stack or duct cross-section.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.3.1	yes	both	no
3745-266-103	Appendix @ 2.2.4	shall	If this method is applied in highly explosive areas, caution and care shall be exercised in choice of equipment and installation.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.4	yes	both	no
3745-266-103	Appendix @ 2.2.4.1	shall	Heated systems shall maintain the temperature of the sample gas between 150° C (300° F) and 175° C (350° F) throughout the system.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.4.1	yes	both	no
3745-266-103	Appendix @ 2.2.4.1	requires	This requires all system components such as the probe, calibration valve, filter, sample lines, pump, and the FID to be kept heated at all times such that no moisture is condensed out of the system.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.4.1	yes	both	no
3745-266-103	Appendix @ 2.2.4.1.4	shall	An out-of-stack filter shall be heated.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.4.1.4	yes	both	no
3745-266-103	Appendix @ 2.2.4.3	shall	The owner or operator shall choose calibration gas concentrations that include zero and high-level calibration values.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.4.3	yes	both	no
3745-266-103	Appendix @ 2.2.4.3.2	shall	The high-level concentration shall be between 50 and 90 ppm (50 and 90 per cent of the span value).	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.4.3.2	yes	both	no
3745-266-103	Appendix @ 2.2.4.4	shall	The strip chart recorder, computer, or digital recorder shall be capable of recording all readings within the CEMS's measurement range and shall have a resolution of 0.5 ppm (0.5 per cent of span value).	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.4.4	yes	both	no
3745-266-103	Appendix @ 2.2.4.4	shall	The strip chart recorder, computer, or digital recorder shall be capable of recording all readings within the CEMS's measurement range and shall have a resolution of 0.5 ppm (0.5 per cent of span value).	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.4.4	yes	both	no
3745-266-103	Appendix @ 2.2.4.5	shall not	The response time for the CEMS shall not exceed 2 minutes to achieve 95 per cent of the final stable value.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.4.5	yes	both	no
3745-266-103	Appendix @ 2.2.4.6	shall	The CEMS shall allow the determination of CD at the zero and high-level values.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.4.6	yes	both	no
3745-266-103	Appendix @ 2.2.4.6	shall not	The CEMS calibration response shall not differ by more than + 3 ppm (+ 3 per cent of the span value) after each 24-hour period of the 7-day test at both zero and high levels.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.4.6	yes	both	no
3745-266-103	Appendix @ 2.2.4.7	shall	The mean difference between the CEMS and reference values at all three test points listed below shall be no greater than 5 ppm (+ 5 per cent of the span value).	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.4.7	yes	both	no
3745-266-103	Appendix @ 2.2.4.8	shall	The sample to be analyzed shall pass through the measurement section of the analyzer without interruption.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.4.8	yes	both	no
3745-266-103	Appendix @ 2.2.4.8	shall	The detector shall measure the sample concentration at least once every 15 seconds.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.4.8	yes	both	no

3745-266-103	Appendix @ 2.2.4.8	shall	An average emission rate shall be computed and recorded at least once every 60 seconds.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.4.8	yes	both	no
3745-266-103	Appendix @ 2.2.4.9	shall	The CEMS shall calculate every minute an hourly rolling average, which is the arithmetic mean of the 60 most recent 1-minute average values.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.4.9	yes	both	no
3745-266-103	Appendix @ 2.2.4.10	shall	If the CEMS does not meet one or more of the criteria, necessary corrections shall be made and the performance tests repeated.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.4.10	yes	both	no
3745-266-103	Appendix @ 2.2.5.2	shall	All CD determinations shall be made following a 24-hour period during which no unscheduled maintenance, repair, or adjustment takes place.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.5.2	yes	both	no
3745-266-103	Appendix @ 2.2.6.1.1	shall	The gas shall pass through all CEM components used during normal sampling.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.6.1.1	yes	both	no
3745-266-103	Appendix @ 2.2.6.2.1	required	Record the time (upscale response time) required to reach 95 per cent of the final stable value.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.6.2.1	yes	both	no
3745-266-103	Appendix @ 2.2.6.3.1.2	shall	The calibration gas should be injected into the sampling system as close to the sampling probe outlet as practical and shall pass through all filters, scrubbers, conditioners, and other monitor components used during normal, sampling.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.6.3.1.2	yes	both	no
3745-266-103	Appendix @ 2.2.9	shall	The owner or operator shall establish a QA program to evaluate and monitor CEMS performance.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.9	yes	both	no
3745-266-103	Appendix @ 2.2.9	shall	As a minimum, the QA program shall include:	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.9	yes	both	no
3745-266-103	Appendix @ 2.2.9.1	shall	The calibration shall be adjusted if the check indicates the instrument's CD exceeds 3 ppm.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.9.1	yes	both	no
3745-266-103	Appendix @ 2.2.9.1	shall	The gases shall be injected as close to the probe as possible to provide a check of the entire sampling system.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.9.1	yes	both	no
3745-266-103	Appendix @ 2.2.9.2	shall	The audit shall include a review of the calibration check data, an inspection of the recording system, an inspection of the control panel warning lights, and an inspection of the sample transport and interface system (e.g., flowmeters, filters), as appropriate.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.9.2	yes	both	no
3745-266-103	Appendix @ 2.2.10	shall not	The gas conditioning system, however, shall not allow the sample gas to bubble through the condensate as this would remove water soluble organic compounds.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 2.2.10	yes	both	no
3745-266-103	Appendix @ 4.0	shall	PCDDs and PCDFs shall be determined using whichever is the most recent version between U.S. EPA publication SW-846 method 0023A (incorporated by reference in rule 3745-50-11 of the Administrative Code) as identified, or 40 CFR Part 60 appendix A, OAQPS method 23.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 4.0	yes	both	no
3745-266-103	Appendix @ 4.0	shall	For the purpose of estimating risks posed by emissions from BIFs, however, specific congeners and homologues shall be measured using the specified method and then multiplied by the assigned toxicity equivalence factors (TEFs), using procedures described in "Interim Procedures for Estimating Risks Associated with Exposures to Mixtures of Chlorinated Dibenzo-p-Dioxins and Dibenzofurans (CDDs and CDFs) and 1989 Update," EPA-625/3-89/016, March 1989.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 4.0	yes	both	no
3745-266-103	Appendix @ 5.0	may not	To ensure a sufficient degree of conservatism, the HWCAQSP may not be used if any of the five screening procedure limitations listed below are true:	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 5.0	yes	both	no

3745-266-103	Appendix @ 5.0	required	If any of these criteria are met or the director determines that this procedure is not appropriate, then detailed site-specific modeling or modeling using the "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources," EPA-450/4-88-010, Office of Air Quality Planning and Standards, August 1988, is required.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 5.0	yes	both	no
3745-266-103	Appendix @ 5.0	shall	Detailed site-specific dispersion modeling shall conform to the U.S. EPA "Guidance on Air Quality Models (Revised)," EPA-450/2-78-027R, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina, July 1986.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 5.0	yes	both	no
3745-266-103	Appendix @ 5.0 in Step 1	required	Determine maximum terrain rise for the following three distance ranges from the facility (not required if the highest stack is less than 10 m in height):	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 5.0 in Step 1	yes	both	no
3745-266-103	Appendix @ 5.0 Step 3	shall	If the facility has several stacks, a worst-case stack shall be chosen to conservatively represent release conditions at the facility.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 5.0 Step 3	yes	both	no
3745-266-103	Appendix @ 5.0 Step 4	shall not	The stack height to be used in the subsequent steps of this procedure shall not be greater than the maximum GEP.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 5.0 Step 4	yes	both	no
3745-266-103	Appendix @ 5.0 Step 5	shall not	As specified in Step 4, the stack height used to estimate the effective stack height shall not exceed GEP requirements.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 5.0 Step 5	yes	both	no
3745-266-103	Appendix @ 5.0 Step 5 @ (E)	shall	For those situations where the conditions in Step 5(D) do not apply, the effective stack height shall be adjusted for terrain.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 5.0 Step 5 @ (E)	yes	both	no
3745-266-103	Appendix @ 6.1	require	Both procedures require consideration of characteristics within a 3-km radius from a source, in this case the facility stacks.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 6.1	yes	both	no
3745-266-103	Appendix @ 6.2	require	This process can require extensive analysis, which, for many applications, can be greatly streamlined without sacrificing confidence in selecting the appropriate urban or rural classification.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 6.2	yes	both	no
3745-266-103	Appendix @ 6.2 in White	require	This code applies to areas that are unwooded and do not have densely packed structures which would require the pink code (house omission tint).	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 6.2 in White	yes	both	no
3745-266-103	Appendix @ 7.1	shall not	To be eligible for the Beville exclusion from the definition of "hazardous waste" under paragraph (B)(1) of rule 3745-266-112 of the Administrative Code, waste-derived residue shall not contain constituents in the appendix to rule 3745-51-11 of the Administrative Code that could reasonably be attributable to the hazardous waste (toxic constituents) at concentrations significantly higher than in residue generated without burning or processing hazardous waste (normal residue).	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 7.1	yes	both	no
3745-266-103	Appendix @ 7.1	shall	If changes in raw materials or fuels could lower the statistically-derived concentrations of toxic constituents of concern, the statistically-derived baseline shall be re-established for any such mode of operation with the new raw material or fuel.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 7.1	yes	both	no
3745-266-103	Appendix @ 7.1	shall	If more than one sample is analyzed to characterize the waste-derived residue generated over a 24-hour period, the arithmetic mean of the concentrations shall be used as the waste-derived concentration for each constituent.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 7.1	yes	both	no
3745-266-103	Appendix @ 7.3	may not	As noted in section 7.2 of this appendix, this statistical approach (use of the upper tolerance limit) for calculation of the concentration in normal residue is based on the assumption that the concentration data are distributed normally. U.S. EPA is aware that concentration data of this type may not always be distributed normally, particularly when concentrations are near the detection limits.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 7.3	yes	both	no
3745-266-103	Appendix @ 7.3	shall	In all cases where the owner or operator wishes to use other than an assumption of normally distributed data, or believes that use of an alternate statistical approach is appropriate to the specific data set, the owner or operator shall provide supporting rationale in the operating record that demonstrates that the data treatment is based upon sound statistical practice.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 7.3	yes	both	no

3745-266-103	Appendix @ 7.4	shall	Until the guidance information is available, facilities may present an alternate approach to the handling of nondetect data points, but shall provide supporting rationale in the operating record for consideration by the director.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 7.4	yes	both	no
3745-266-103	Appendix @ 8.0	shall	During permit by rule, owners or operators of BIFs burning hazardous waste shall submit documentation to the director that certifies that emissions of HCl, Cl <sub>2</sub> , metals, and particulate matter (PM) are not likely to exceed allowable emission rates.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 8.0	yes	both	no
3745-266-103	Appendix @ 8.0	shall	Subsequently, owners or operators shall use emissions testing to demonstrate that emissions do not exceed allowable levels, and to establish operating limits.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 8.0	yes	both	no
3745-266-103	Appendix @ Table 8.1-2 footnote a	must	If a BIF fires between two ranges, the APCS temperature under the higher thermal input must be used.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ Table 8.1-2 footnote a	yes	both	no
3745-266-103	Appendix @ Table 8.1-3 footnote a	must	If a BIF fires between two ranges, the APCS temperature under the higher thermal input must be used.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ Table 8.1-3 footnote a	yes	both	no
3745-266-103	Appendix @ 8.1 after Table 8.1-3	may not	However, best engineering judgement, based on examination of pilot-scale data reported by Carroll et al. (2) on the effects of waste chlorine content on metals emissions, suggests that the one per cent cutoff may not be sufficiently conservative.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 8.1 after Table 8.1-3	yes	both	no
3745-266-103	Appendix @ 9.2	shall	Therefore, the owner or operator shall estimate the controlled emission rate of both HCl and Cl <sub>2</sub> and show that HCl and Cl <sub>2</sub> do not exceed allowable levels.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 9.2	yes	both	no
3745-266-103	Appendix @ 9.3	required	Nonetheless, cement kilns and light-weight aggregate kilns are required to initially certify that PM emissions are not likely to exceed the PM limit, and subsequently, certify through compliance testing that the PM limit is not exceeded.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 9.3	yes	both	no
3745-266-103	Appendix @ 9.4	shall	To properly document engineering judgement, the owner or operator shall keep a written record of all assumptions and calculations necessary to justify the APCS RE used.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 9.4	yes	both	no
3745-266-103	Appendix @ 9.4	shall	The owner or operator shall provide this record to the director upon request and shall be prepared to defend the assumptions and calculations used.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 9.4	yes	both	no
3745-266-103	Appendix @ 9.4	shall	The owner or operator shall provide this record to the director upon request and shall be prepared to defend the assumptions and calculations used.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 9.4	yes	both	no
3745-266-103	Appendix @ 9.4, bullet	may not	Using emissions testing data from the facility to support an SRE, even though the testing may not meet full quality assurance or quality control (QA/QC) procedures (e.g., triplicate test runs).	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 9.4, bullet	yes	both	no
3745-266-103	Appendix @ 9.5	may not	Further, mass balance data of facility inputs, emissions, and products or residues may not be used to support a partitioning factor, given the inherent uncertainties of such procedures.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 9.5	yes	both	no
3745-266-103	Appendix @ 10.2	shall	Under this method, cement kilns and other industrial furnaces that recycle emission control residue back into the furnace shall comply with a kiln dust concentration limit (i.e., a collected particulate matter (PM) limit) for each metal, as well as limits on the maximum feedrates of each of the metals in: (1) pumpable hazardous waste; and (2) all hazardous waste.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.2	yes	both	no
3745-266-103	Appendix @ 10.3 in (3) after equation (2)	shall	The enrichment factor used in the above equation shall be determined experimentally from a minimum of 10 tests in which metal concentrations are measured in kiln dust and stack samples taken simultaneously.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.3 in (3) after equation (2)	yes	both	no
3745-266-103	Appendix @ 10.3 in (3) after equation (5)	required	If this situation occurs more than 5 per cent of the time, the facility would be required to rerun the series of 10 tests to determine the enrichment factor.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.3 in (3) after equation (5)	yes	both	no

3745-266-103	Appendix @ 10.4 after figure 10.4-1, bullet	shall	If the cement kiln dust metal concentration exceeds the "conservative" limit more than 5 per cent of the time (i.e., more than three failures in last 60 tests), the series of tests to determine the enrichment factor shall be repeated.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.4 after figure 10.4-1, bullet	yes	both	no
3745-266-103	Appendix @ 10.4 after figure 10.4-1, bullet	shall	If the enrichment factor has increased, the series of tests to determine the enrichment factor shall be repeated.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.4 after figure 10.4-1, bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (2), bullet	must	These tests must be conducted within a 14-day period.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (2), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (2), bullet	shall	If the tests are not completed within a 14-day period, the tests shall be repeated.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (2), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (2), bullet	shall	Simultaneous stack samples and kiln dust samples shall be taken.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (2), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (2), bullet	shall	Stack sampling shall be conducted with the multiple metals train according to procedures provided in section 10.3 of this appendix.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (2), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (2), bullet	shall	Kiln dust sampling shall be conducted as follows:	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (2), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (2), bullet	must	The feedrates of hazardous metals in all pumpable hazardous waste streams and in all hazardous waste streams must be monitored during these tests.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (2), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (2), bullet	not required	It is recommended (but not required) that the feedrates of hazardous metals in all feedstreams also be monitored.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (2), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (2), bullet	required	At least ten single (noncomposited) runs are required during the tests.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (2), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (2), bullet	shall	The facility shall follow a normal schedule of kiln dust recharging for all of the tests.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (2), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (2), bullet	shall	Three of the first five tests shall be compliance tests in conformance with paragraph (C) of rule 3745-266-103 of the Administrative Code; i.e., the tests shall be used to determine maximum allowable feedrates of metals in pumpable hazardous wastes and in all hazardous wastes, as well as to determine other compliance limits [see paragraph (C)(1) of rule 3745-266-103 of the Administrative Code].	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (2), bullet	yes	both	no

3745-266-103	Appendix @ 10.5 in (2), bullet	shall	Three of the first five tests shall be compliance tests in conformance with paragraph (C) of rule 3745-266-103 of the Administrative Code; i.e., the tests shall be used to determine maximum allowable feedrates of metals in pumpable hazardous wastes and in all hazardous wastes, as well as to determine other compliance limits [see paragraph (C)(1) of rule 3745-266-103 of the Administrative Code].	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (2), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (2), bullet	shall	The remainder of the tests need not be conducted under full compliance test conditions; however, the facility shall operate at the facility's compliance test production rate, and the facility shall burn hazardous waste during these tests such that the feedrate of each metal for pumpable and total hazardous wastes is at least 25 per cent of the feedrate during compliance testing.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (2), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (2), bullet	shall	The remainder of the tests need not be conducted under full compliance test conditions; however, the facility shall operate at the facility's compliance test production rate, and the facility shall burn hazardous waste during these tests such that the feedrate of each metal for pumpable and total hazardous wastes is at least 25 per cent of the feedrate during compliance testing.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (2), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (2), bullet	must	If these criteria, and those discussed below, are not met for any parameter during a test, then either the test is not valid for determining enrichment factors under this method, or the compliance limits for that parameter must be established based on these test conditions rather than on the compliance test conditions.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (2), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (2), bullet	shall not	Metal emissions shall not exceed Tier III (or Tier II) limits.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (2), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (2), bullet	shall not	PM emissions shall not exceed the most stringent of applicable PM standards in rule 3745-266-105 of the Administrative Code (or an optional self-imposed particulate standard).	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (2), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (2), bullet	shall	The facility shall generate normal, marketable product using normal raw materials and fuels under normal operating conditions (for parameters other than those specified under this method) when these tests are conducted.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (2), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (2), bullet	shall	Chromium shall be treated as a special case:	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (2), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (4), bullet	shall	The limit for total chromium shall be calculated using the Tier III (or Tier II) metal limit for hexavalent chromium.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (4), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (4), bullet	shall	If the stack samples described in Step 2 were analyzed for hexavalent chromium, the SEF based on the hexavalent chromium enrichment factors (as defined in Step 2) shall be used in this calculation.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (4), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (4), bullet	shall	If the stack samples were not analyzed for hexavalent chromium, then the SEF based on the total chromium enrichment factor shall be used in this calculation.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (4), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (4), bullet	shall	The limit for total chromium shall be calculated using the Tier III (or Tier II) metal limit for hexavalent chromium.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (4), bullet	yes	both	no

3745-266-103	Appendix @ 10.5 in (4), bullet	shall	If the stack samples were not analyzed for hexavalent chromium, the EF <sub>95</sub> % based on the total chromium enrichment factor shall be used in this calculation.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (4), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (4), bullet	shall	Steps 2-4 shall be repeated for recertification, which is required once every 3 years [see paragraph (D) of rule 3745-266-103 of the Administrative Code].	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (4), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (4), bullet	required	Steps 2-4 shall be repeated for recertification, which is required once every 3 years [see paragraph (D) of rule 3745-266-103 of the Administrative Code].	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (4), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (5), bullet	shall	All metals shall initially be classified as "critical" metals and be monitored on a daily basis.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (5), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (5), bullet	shall	"Noncritical" metals shall be monitored on a weekly basis.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (5), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (5), bullet	shall	A "noncritical" metal shall be reclassified as a "critical" metal if its concentration in the kiln dust is above 10 per cent of its "conservative" kiln dust metal concentration limit for any single daily or weekly sample.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (5), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (5), bullet	shall	Samples shall be collected at least once every 8 hours, and a daily composite shall be prepared according to SW-846 procedures.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (5), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (5), bullet	shall	Samples shall be collected at least once every 8 hours, and a daily composite shall be prepared according to SW-846 procedures.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (5), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (5), bullet	required	At least one composite sample is required.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (5), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (5), bullet	required	This sample is referred to as the "required" sample.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (5), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (5), bullet	shall	These additional samples shall be collected over the same time period and according to the same procedures as those used for the "required" sample.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (5), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (5), bullet	required	These additional samples shall be collected over the same time period and according to the same procedures as those used for the "required" sample.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (5), bullet	yes	both	no

3745-266-103	Appendix @ 10.5 in (5), bullet	shall	Samples for "critical" metals shall be daily composites.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (5), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (5), bullet	shall	Samples for "noncritical" metals shall be weekly composites.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (5), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (5), bullet	required	Analyze the "required" sample to determine the concentration of each metal.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (5), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (5), bullet	shall	This analysis shall be completed within 48 hours after the close of the sampling period.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (5), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (6), bullet	shall	After certification of compliance with the metals standards, a facility shall conduct quarterly enrichment factor verification tests every three months for the duration of permit by rule.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (6), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (6), bullet	shall	The first quarterly test shall be completed within three months after certification (or recertification).	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (6), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (6), bullet	shall	Each subsequent quarterly test shall be completed within three months after the preceding quarterly test. Failure to meet this schedule is a violation.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (6), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (6), bullet	shall	Simultaneous stack samples and kiln dust samples shall be collected.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (6), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (6), bullet	required	At least three single (noncomposited) runs are required.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (6), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (6), bullet	shall	These tests need not be conducted under the operating conditions of the initial compliance test; however, the facility shall operate under the following conditions:	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (6), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (6), bullet	shall	It shall operate at compliance test production rate.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (6), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (6), bullet	shall	It shall burn hazardous waste during the test, and for the 2-day period immediately preceding the test, such that the feedrate of each metal for pumpable and total hazardous wastes consist of at least 25 per cent of the operating limits established during the compliance test.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (6), bullet	yes	both	no

3745-266-103	Appendix @ 10.5 in (6), bullet	shall	It shall remain in compliance with all compliance parameters [see paragraph (C)(1) of rule 3745-266-103 of the Administrative Code].	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (6), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (6), bullet	shall	It shall follow a normal schedule of kiln dust recharging.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (6), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (6), bullet	shall	It shall generate normal marketable product from normal raw materials during the tests.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (6), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (7), after bullets	must	If the enrichment factors have increased significantly, the tests to determine the enrichment factors must be repeated (refer to Step 11).	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (7), after bullets	yes	both	no
3745-266-103	Appendix @ 10.5 in (8), before bullets	required	If the "conservative" kiln dust metal concentration limit was exceeded for any metal in any single analysis of the "required" kiln dust sample, the "spare" samples corresponding to the same period may be analyzed to determine if the exceedance was due to a sampling or analysis error.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (8), before bullets	yes	both	no
3745-266-103	Appendix @ 10.5 in (8), bullet	required	If the average of all the samples for a given day (or week, as applicable) (including the "required" sample and the "spare" samples) does not exceed the "conservative" kiln dust metal concentration limit, no corrective measures are necessary; continue with the daily or weekly monitoring as described in Step 5.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (8), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (8), bullet	required	If the average of all the samples for a given day (or week, as applicable) exceeds the "conservative" kiln dust metal concentration limit, but the average of the "spare" samples is below the "conservative" kiln dust metal concentration limit, apply the Q-test, described in Appendix A to this appendix, to determine whether the "required" sample concentration can be judged as an outlier.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (8), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (8), bullet	required	If the "required" sample concentration is judged an outlier, no corrective measures are necessary; continue with the daily or weekly monitoring described in Step 5.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (8), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (8), bullet	required	If the "required" sample concentration is not judged an outlier, refer to Step 9.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (8), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (10), bullet	shall	If so, the tests to determine the enrichment factors shall be repeated (refer to Step 11).	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (10), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (11), before bullets	shall	The tests to determine the enrichment factor shall be repeated if: (1) More than three exceedances of the "conservative" kiln dust metal concentration limit occur within any 60 consecutive daily samples; (2) an excursion of the "conservative" kiln dust metal concentration limit occurs in any weekly sample; or (3) a quarterly test indicates that the enrichment factors have increased significantly.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (11), before bullets	yes	both	no
3745-266-103	Appendix @ 10.5 in (11), bullet	shall	The facility shall notify the director if these tests shall be repeated.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (11), bullet	yes	both	no

3745-266-103	Appendix @ 10.5 in (11), bullet	shall	The facility shall notify the director if these tests shall be repeated.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (11), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (11), bullet	shall	During this period, the facility shall reduce the feed rate of the metal in violation by 50 per cent.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (11), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (11), bullet	shall	If the facility has not completed the recertification process within this period, the facility shall stop burning or obtain an extension.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (11), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (11), bullet	shall	Meanwhile, the facility shall continue with daily kiln dust metals monitoring (Step 5) and shall remain in compliance with the "violation" kiln dust metal concentration limits (Step 9).	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (11), bullet	yes	both	no
3745-266-103	Appendix @ 10.5 in (11), bullet	shall	Meanwhile, the facility shall continue with daily kiln dust metals monitoring (Step 5) and shall remain in compliance with the "violation" kiln dust metal concentration limits (Step 9).	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.5 in (11), bullet	yes	both	no
3745-266-103	Appendix @ 10.6	shall	Cement kilns and other industrial furnaces that recycle emission control residue back into the furnace shall comply with the same certification schedules and procedures (with the few exceptions described below) that apply to other BIFs.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6	yes	both	no
3745-266-103	Appendix @ 10.6	require	These schedules and procedures, as provided in rule 3745-266-103 of the Administrative Code, require no later than December 7, 2004, each facility submit a certification which establishes precompliance limits for a number of compliance parameters [see paragraph (B)(3) of rule 3745-266-103 of the Administrative Code], and that each facility immediately begin to operate under these limits.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6	yes	both	no
3745-266-103	Appendix @ 10.6	shall	These precompliance limits shall ensure that permit by rule emissions limits for hazardous metals, particulate matter, HCl, and Cl <sub>2</sub> are not likely to be exceeded.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6	yes	both	no
3745-266-103	Appendix @ 10.6	shall	Determination of the values of the precompliance limits shall be made based on either (1) conservative default assumptions provided in this Methods Manual, or (2) engineering judgement.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6	yes	both	no
3745-266-103	Appendix @ 10.6 in (2)	shall	The "safe" enrichment factor shall be calculated from either conservative default values, or engineering judgement.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (2)	yes	both	no
3745-266-103	Appendix @ 10.6 in (2) after figure 10.6-1, bullet	shall	The facility shall keep a written record of all assumptions and calculations necessary to justify the SEF.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (2) after figure 10.6-1, bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (2) after figure 10.6-1, bullet	shall	The facility shall provide this record to the director upon request and shall be prepared to defend these assumptions and calculations.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (2) after figure 10.6-1, bullet	yes	both	no

3745-266-103	Appendix @ 10.6 in (2) after figure 10.6-1, bullet	shall	The facility shall provide this record to the director upon request and shall be prepared to defend these assumptions and calculations.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (2) after figure 10.6-1, bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (4), bullet	shall	This certification shall include precompliance limits for all compliance parameters that apply to other BIFs (i.e., those that do not recycle emission control residue back into the furnace) as listed in paragraph (B)(3) of rule 3745-266-103 of the Administrative Code, except that it is not necessary to set precompliance limits on maximum feedrate of each hazardous metal in all combined feedstreams.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (4), bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (4), bullet	shall	Furnaces shall establish precompliance limits on the maximum concentration of each hazardous metal in collected kiln dust (which shall be set according to the procedures described above).	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (4), bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (4), bullet	shall	Furnaces shall establish precompliance limits on the maximum concentration of each hazardous metal in collected kiln dust (which shall be set according to the procedures described above).	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (4), bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (5), bullet	shall	All metals shall initially be classified as "critical" metals and be monitored on a daily basis.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (5), bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (5), bullet	shall	"Noncritical" metals shall be monitored on a weekly basis, at a minimum.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (5), bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (5), bullet	shall	A "noncritical" metal shall be reclassified as a "critical" metal if its concentration in the kiln dust is above 10 per cent of its "conservative" kiln dust metal concentration limit for any single daily or weekly sample.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (5), bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (5), bullet	shall	Samples shall be collected at least once every 8 hours, and a daily composite prepared according to SW-846 procedures.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (5), bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (5), bullet	required	At least one composite sample is required.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (5), bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (5), bullet	required	This sample is referred to as the "required" sample.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (5), bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (5), bullet	shall	These additional samples shall be collected over the same time period and according to the same procedures as those used for the "required" sample.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (5), bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (5), bullet	shall	These additional samples shall be collected over the same time period and according to the same procedures as those used for the "required" sample.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (5), bullet	yes	both	no

3745-266-103	Appendix @ 10.6 in (5), bullet	shall	Samples for "critical" metals shall be daily composites.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (5), bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (5), bullet	shall	Samples for "noncritical" metals shall be weekly composites, at a minimum.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (5), bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (5), bullet	required	Analyze the "required" sample to determine the concentration of each metal.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (5), bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (5), bullet	shall	This analysis shall be completed within 48 hours after the close of the sampling period.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (5), bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (8), before bullets	required	If the "conservative" kiln dust metal concentration limit was exceeded for any metal in any single analysis of the "required" kiln dust sample, the "spare" samples corresponding to the same period may be analyzed to determine if the exceedance is due to a sampling or analysis error.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (8), before bullets	yes	both	no
3745-266-103	Appendix @ 10.6 in (8), bullet	required	If the average of all the samples for a given day (or week, as applicable) (including the "required" sample and the "spare" samples) does not exceed the "conservative" kiln dust metal concentration limit, no corrective measures are necessary; continue with the daily or weekly monitoring as described in Step 5.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (8), bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (8), bullet	required	If the average of all the samples for a given day (or week, as applicable) exceeds the "conservative" kiln dust metal concentration limit, but the average of the "spare" samples is below the "conservative" kiln dust metal concentration limit, apply the Q-test, described in Appendix A to this appendix, to determine whether the "required" sample concentration can be judged as an outlier.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (8), bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (8), bullet	required	If the "required" sample concentration is judged an outlier.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (8), bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (8), bullet	required	If the "required" sample concentration is not judged an outlier, refer to Step 10.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (8), bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (10), bullet	shall	If so, the tests to determine the enrichment factors shall be repeated (refer to Step 11).	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (10), bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (11) before bullets	shall	A revised certification of precompliance shall be submitted to the director (or certification of compliance shall be submitted) if: (1) More than three exceedances of the "conservative" kiln dust metal concentration limit occur within any 60 consecutive daily samples; or (2) an exceedance of the "conservative" kiln dust metal concentration limit occurs in any weekly sample.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (11) bwfoew bullets	yes	both	no
3745-266-103	Appendix @ 10.6 in (11) before bullets	shall	A revised certification of precompliance shall be submitted to the director (or certification of compliance shall be submitted) if: (1) More than three exceedances of the "conservative" kiln dust metal concentration limit occur within any 60 consecutive daily samples; or (2) an exceedance of the "conservative" kiln dust metal concentration limit occurs in any weekly sample.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (11) bwfoew bullets	yes	both	no

3745-266-103	Appendix @ 10.6 in (11), bullet	shall	The facility shall notify the director if a revised certification of precompliance shall be submitted.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (11), bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (11), bullet	shall	The facility shall notify the director if a revised certification of precompliance shall be submitted.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (11), bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (11), bullet	shall	During this period, the feed rate of the metal in violation shall be reduced by 50 per cent.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (11), bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (11), bullet	shall	In the case of a revised certification of precompliance, engineering judgement shall be used to ensure that the "conservative" kiln dust metal concentration will not be exceeded.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (11), bullet	yes	both	no
3745-266-103	Appendix @ 10.6 in (11), bullet	shall	Meanwhile, the facility shall continue with daily kiln dust metals monitoring (Step 5).	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ 10.6 in (11), bullet	yes	both	no
3745-266-103	Appendix @ footnote 6	require	This process can require extensive analysis, which, for many applications, can be greatly streamlined without sacrificing confidence in selecting the appropriate urban or rural classification.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ footnote 6	yes	both	no
3745-266-103	Appendix @ Appendix A to this appendix @ A.1.	shall	After at least 10 initial emissions tests are performed, an enrichment factor for each metal shall be determined.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ Appendix A to this appendix @ A.1.	yes	both	no
3745-266-103	Appendix @ Appendix A to this appendix @ A.3.	required	If the concentration of any hazardous metal in the "required" kiln dust sample exceeds the kiln dust metal concentration limit, the "spare" samples are analyzed.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ Appendix A to this appendix @ A.3.	yes	both	no
3745-266-103	Appendix @ Appendix A to this appendix @ A.3.	required	If the average of the combined "required" and "spare" values is still above the limit, a statistical test is used to decide if the upper value can be rejected.	3734.12	state required, federal required	40 CFR Part 266 appndx 9 @ Appendix A to this appendix @ A.3.	yes	both	no
3745-266-104	(A)(1)	shall	Except as provided in paragraph (A)(3) of this rule, a boiler or industrial furnace burning hazardous waste shall achieve a DRE of 99.99 per cent for all organic hazardous constituents in the waste feed.	3734.12	state required, federal required	40 CFR 266.104 (a)(1)	yes	both	no
3745-266-104	(A)(1)	shall	To demonstrate conformance with this requirement, 99.99 per cent DRE shall be demonstrated during a trial burn for each principal organic hazardous constituent (POHC) designated [under paragraph (A)(2) of this rule] in its permit for each waste feed. DRE is determined for each POHC from the following equation:	3734.12	state required, federal required	40 CFR 266.104 (a)(1)	yes	both	no
3745-266-104	(A)(2)	shall	POHCs are those compounds for which compliance with the DRE requirements of this rule shall be demonstrated in a trial burn in conformance with procedures prescribed in rule 3745-50-66 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.104 (a)(2)	yes	both	no
3745-266-104	(A)(2)	shall	One or more POHCs shall be designated by the director for each waste feed to be burned.	3734.12	state required, federal required	40 CFR 266.104 (a)(2)	yes	both	no

3745-266-104	(A)(2)	shall	POHCs shall be designated based on the degree of difficulty of destruction of the organic constituents in the waste and on their concentrations or mass in the waste feed considering the results of waste analyses submitted with "Part B" of the permit application.	3734.12	state required, federal required	40 CFR 266.104 (a)(2)	yes	both	no
3745-266-104	(A)(3)	shall	A boiler or industrial furnace burning hazardous waste containing (or derived from) EPA hazardous waste numbers F020, F021, F022, F023, F026, or F027 shall achieve a DRE of 99.9999 per cent for each POHC designated [under paragraph (A)(2) of this rule] in its permit.	3734.12	state required, federal required	40 CFR 266.104 (a)(3)	yes	both	no
3745-266-104	(A)(3)	shall	This performance shall be demonstrated on POHCs that are more difficult to burn than tetra-, penta-, and hexachlorodibenzo-p-dioxins and dibenzofurans.	3734.12	state required, federal required	40 CFR 266.104 (a)(3)	yes	both	no
3745-266-104	(A)(3)	shall	In addition, the owner or operator of the boiler or industrial furnace shall notify the director of intent to burn EPA hazardous waste numbers F020, F021, F022, F023, F026, or F027.	3734.12	state required, federal required	40 CFR 266.104 (a)(3)	yes	both	no
3745-266-104	(B)(2)	shall	Carbon monoxide and oxygen shall be continuously monitored in conformance with "Performance Specifications for Continuous Emission Monitoring of Hydrocarbons for Incinerators, Boilers, and Industrial Furnaces Burning Hazardous Waste" in the appendix to rule 3745-266-103 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.104 (b)(2)	yes	both	no
3745-266-104	(B)(3)	shall	Compliance with the one hundred ppmv carbon monoxide limit shall be demonstrated during the trial burn (for new facilities or a permit by rule facility applying for a permit) or the compliance test (for permit by rule facilities).	3734.12	state required, federal required	40 CFR 266.104 (b)(3)	yes	both	no
3745-266-104	(B)(3)	shall not	To demonstrate compliance, the highest hourly rolling average carbon monoxide level during any valid run of the trial burn or compliance test shall not exceed one hundred ppmv.	3734.12	state required, federal required	40 CFR 266.104 (b)(3)	yes	both	no
3745-266-104	(C)(2)	shall	Hydrocarbon limits shall be established under this rule on an hourly rolling average basis (i.e., over any sixty minute period), reported as propane, and continuously corrected to seven per cent oxygen, dry gas basis.	3734.12	state required, federal required	40 CFR 266.104 (c)(2)	yes	both	no
3745-266-104	(C)(3)	shall	Hydrocarbons shall be continuously monitored in conformance with "Performance Specifications for Continuous Emission Monitoring of Hydrocarbons for Incinerators, Boilers, and Industrial Furnaces Burning Hazardous Waste" in the appendix to rule 3745-266-103 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.104 (c)(3)	yes	both	no
3745-266-104	(C)(3)	shall	Carbon monoxide and oxygen shall be continuously monitored in conformance with paragraph (B)(2) of this rule.	3734.12	state required, federal required	40 CFR 266.104 (c)(3)	yes	both	no
3745-266-104	(D)	shall	Owners and operators of industrial furnaces (e.g., kilns, cupolas) that feed hazardous waste for a purpose other than solely as an ingredient [see paragraph (A)(5)(b) of rule 3745-266-103 of the Administrative Code] at any location other than the end where products are normally discharged and where fuels are normally fired shall comply with the hydrocarbon limits provided by paragraph (C) or (F) of this rule irrespective of whether stack gas carbon monoxide concentrations meet the one hundred ppmv limit of paragraph (B) of this rule.	3734.12	state required, federal required	40 CFR 266.104 (d)	yes	both	no
3745-266-104	(E)	shall	Owners and operators of boilers and industrial furnaces that are equipped with a dry particulate matter control device that operates within the temperature range of four hundred fifty to seven hundred fifty degrees Fahrenheit, and industrial furnaces operating under an alternative hydrocarbon limit established under paragraph (F) of this rule shall conduct a site specific risk assessment as follows to demonstrate that emissions of chlorinated dibenzo p dioxins and dibenzofurans do not result in an increased lifetime cancer risk to the hypothetical maximum exposed individual exceeding one in one hundred thousand:	3734.12	state required, federal required	40 CFR 266.104 (e)	yes	both	no
3745-266-104	(E)(3)	shall	The maximum annual average concentration shall be used when a person resides on-site; and	3734.12	state required, federal required	40 CFR 266.104 (e)(3)	yes	both	no
3745-266-104	(E)(4)	shall not	The ratio of the predicted maximum annual average ground level concentration of 2,3,7,8-TCDD equivalents to the risk specific dose for 2,3,7,8-TCDD provided in appendix B to rule 3745-266-109 of the Administrative Code ( $2.2 \times 10^{-7}$ ) shall not exceed 1.0.	3734.12	state required, federal required	40 CFR 266.104 (e)(4)	yes	both	no
3745-266-104	(G)	shall	Compliance with this rule shall be demonstrated simultaneously by emissions testing or during separate runs under identical operating conditions.	3734.12	state required, federal required	40 CFR 266.104 (g)	yes	both	no

3745-266-104	(G)	shall	Further, data to demonstrate compliance with the carbon monoxide and hydrocarbon limits of this rule or to establish alternative carbon monoxide or hydrocarbon limits under this rule shall be obtained during the time that DRE testing, and where applicable, CDD and CDF testing under paragraph (E) of this rule and comprehensive organic emissions testing under paragraph (F) of this rule is conducted.	3734.12	state required, federal required	40 CFR 266.104 (g)	yes	both	no
3745-266-105	(A)	may not	A boiler or industrial furnace burning hazardous waste may not emit particulate matter in excess of one hundred eighty milligrams per dry standard cubic meter (0.08 grains per dry standard cubic foot) after correction to a stack gas concentration of seven per cent oxygen, using procedures prescribed in 40 CFR Part 60, appendix A, methods 1 to 5, and the appendix to rule 3745-266-103 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.105 (a)	yes	both	no
3745-266-105	(C)(1)	shall	Measured pollutant levels shall be corrected for the amount of oxygen in the stack gas according to the formula:	3734.12	state required, federal required	40 CFR 266.105 (c)(1)	yes	both	no
3745-266-105	(C)(3)	shall	Compliance with all emission standards provided by rules 3745-266-100 to 3745-266-112 of the Administrative Code shall be based on correcting to seven per cent oxygen using this procedure.	3734.12	state required, federal required	40 CFR 266.105 (c)(3)	yes	both	no
3745-266-106	(A)	shall	The owner or operator shall comply with the metals standards provided by paragraph (B), (C), (D), (E), or (F) of this rule for each metal listed in paragraph (B) of this rule that is present in the hazardous waste at detectable levels by using appropriate analytical procedures.	3734.12	state required, federal required	40 CFR 266.106 (a)	yes	both	no
3745-266-106	(B)(1)	shall not	The feed rates of antimony, barium, lead, mercury, thallium, and silver in all feed streams, including hazardous waste, fuels, and industrial furnace feed stocks shall not exceed the screening limits specified in appendix B to this rule.	3734.12	state required, federal required	40 CFR 266.106 (b)(1)	yes	both	no
3745-266-106	(B)(2)(a)	shall not	The feed rates of arsenic, cadmium, beryllium, and chromium in all feed streams, including hazardous waste, fuels, and industrial furnace feed stocks shall not exceed values derived from the screening limits specified in appendix B to this rule.	3734.12	state required, federal required	40 CFR 266.106 (b)(2)(i)	yes	both	no
3745-266-106	(B)(2)(a)	shall not	The feed rate of each of these metals is limited to a level such that the sum of the ratios of the actual feed rate to the feed rate screening limit specified in appendix B to this rule shall not exceed 1.0, as provided by the following equation:	3734.12	state required, federal required	40 CFR 266.106 (b)(2)(i)	yes	both	no
3745-266-106	(B)(3)(b)	may not	The stack height (Ha) may not exceed "good engineering practice stack height" as defined in 40 CFR 51.100(ii).	3734.12	state required, federal required	40 CFR 266.106 (b)(3)(ii)	yes	both	no
3745-266-106	(B)(3)(c)	shall	If the TESH for a particular facility is not listed in the tables in appendix B to this rule, the nearest lower TESH listed in the tables in appendix B to this rule shall be used.	3734.12	state required, federal required	40 CFR 266.106 (b)(3)(iii)	yes	both	no
3745-266-106	(B)(3)(c)	shall	If the TESH is four meters or less, a value of four meters shall be used.	3734.12	state required, federal required	40 CFR 266.106 (b)(3)(iii)	yes	both	no
3745-266-106	(B)(5)	shall	To determine whether land use in the vicinity of the facility is urban or rural, procedures provided in the appendix to rule 3745-266-103 of the Administrative Code shall be used.	3734.12	state required, federal required	40 CFR 266.106 (b)(5)	yes	both	no
3745-266-106	(B)(6)	shall	Owners and operators of facilities with more than one on site stack from a boiler, industrial furnace, incinerator, or other thermal treatment unit subject to controls of metals emissions under a hazardous waste installation and operation permit or interim standards controls shall comply with the screening limits for all such units assuming all hazardous waste is fed into the device with the worst case stack based on dispersion characteristics.	3734.12	state required, federal required	40 CFR 266.106 (b)(6)	yes	both	no
3745-266-106	(B)(7)	shall	Owners and operators of such facilities shall comply with either the "Tier III" standards provided by paragraph (D) of this rule or with the "Adjusted Tier I" feed rate screening limits provided by paragraph (E) of this rule.	3734.12	state required, federal required	40 CFR 266.106 (b)(7)	yes	both	no
3745-266-106	(B)(7)(e)	required	The director determines that standards based on site specific dispersion modeling are required.	3734.12	state required, federal required	40 CFR 266.106 (b)(7)(v)	yes	both	no
3745-266-106	(B)(8)	shall	The feed rate of metals in each feedstream shall be monitored to ensure that the feed rate screening limits are not exceeded.	3734.12	state required, federal required	40 CFR 266.106 (b)(8)	yes	both	no
3745-266-106	(C)(1)	shall not	The emission rates of antimony, barium, lead, mercury, thallium, and silver shall not exceed the screening limits specified in appendix B to this rule.	3734.12	state required, federal required	40 CFR 266.106 (c)(1)	yes	both	no
3745-266-106	(C)(2)	shall not	The emission rates of arsenic, cadmium, beryllium, and chromium shall not exceed values derived from the screening limits specified in appendix B to this rule.	3734.12	state required, federal required	40 CFR 266.106 (c)(2)	yes	both	no

3745-266-106	(C)(2)	shall not	The emission rate of each of these metals is limited to a level such that the sum of the ratios of the actual emission rate to the emission rate screening limit specified in appendix B to this rule shall not exceed 1.0, as provided by the following equation:	3734.12	state required, federal required	40 CFR 266.106 (c)(2)	yes	both	no
3745-266-106	(C)(3)	shall	The emission rate limits shall be implemented by limiting feed rates of the individual metals to levels during the trial burn (for new facilities or a permit by rule facility applying for a permit) or the compliance test (for permit by rule facilities).	3734.12	state required, federal required	40 CFR 266.106 (c)(3)	yes	both	no
3745-266-106	(C)(3)	shall	The feed rate of metals in each feedstream shall be monitored to ensure that the feed rate limits for the feedstreams specified in rule 3745-266-102 or 3745-266-103 of the Administrative Code are not exceeded.	3734.12	state required, federal required	40 CFR 266.106 (c)(3)	yes	both	no
3745-266-106	(C)(5)(a)	shall	Owners and operators of facilities with more than one on-site stack from a boiler, industrial furnace, incinerator, or other thermal treatment unit subject to controls on metals emissions under a hazardous waste installation and operation permit or interim standards controls shall comply with the emissions screening limits for any such stacks assuming all hazardous waste is fed into the device with the worst case stack based on dispersion characteristics.	3734.12	state required, federal required	40 CFR 266.106 (c)(5)(i)	yes	both	no
3745-266-106	(C)(5)(c)	shall not	For each metal, the total emissions of the metal from those stacks shall not exceed the screening limit for the worst-case stack.	3734.12	state required, federal required	40 CFR 266.106 (c)(5)(iii)	yes	both	no
3745-266-106	(D)(1)	shall	Conformance with the "Tier III" metals controls shall be demonstrated by emissions testing to determine the emission rate for each metal.	3734.12	state required, federal required	40 CFR 266.106 (d)(1)	yes	both	no
3745-266-106	(D)(1)	shall	In addition, conformance with either the "Tier III" or "Adjusted Tier I" metals controls shall be demonstrated by air dispersion modeling to predict the maximum annual average off site ground level concentration for each metal, and a demonstration that acceptable ambient levels are not exceeded.	3734.12	state required, federal required	40 CFR 266.106 (d)(1)	yes	both	no
3745-266-106	(D)(3)	shall	For the carcinogenic metals, arsenic, cadmium, beryllium, and chromium, the sum of the ratios of the predicted maximum annual average off site ground level concentrations (except that on-site concentrations shall be considered if a person resides on site) to the RSD for all carcinogenic metals emitted shall not exceed 1.0, as determined by the following equation:	3734.12	state required, federal required	40 CFR 266.106 (d)(3)	yes	both	no
3745-266-106	(D)(3)	shall not	For the carcinogenic metals, arsenic, cadmium, beryllium, and chromium, the sum of the ratios of the predicted maximum annual average off site ground level concentrations (except that on-site concentrations shall be considered if a person resides on site) to the RSD for all carcinogenic metals emitted shall not exceed 1.0, as determined by the following equation:	3734.12	state required, federal required	40 CFR 266.106 (d)(3)	yes	both	no
3745-266-106	(D)(4)	shall not	For the noncarcinogenic metals, the predicted maximum annual average off site ground level concentration for each metal shall not exceed the reference air concentration.	3734.12	state required, federal required	40 CFR 266.106 (d)(4)	yes	both	no
3745-266-106	(D)(5)	shall	Owners and operators of facilities with more than one on site stack from a boiler, industrial furnace, incinerator, or other thermal treatment unit subject to controls on metals emissions under a hazardous waste installation and operation permit or interim standards controls shall conduct emissions testing (except that facilities complying with "Adjusted Tier I" controls need not conduct emissions testing) and dispersion modeling to demonstrate that the aggregate emissions from all such on site stacks do not result in an exceedance of the acceptable ambient levels.	3734.12	state required, federal required	40 CFR 266.106 (d)(5)	yes	both	no
3745-266-106	(D)(6)	shall	Under "Tier III", the metals controls shall be implemented by limiting feed rates of the individual metals to levels during the trial burn (for new facilities or a permit by rule facility applying for a permit) or the compliance test (for permit by rule facilities).	3734.12	state required, federal required	40 CFR 266.106 (d)(6)	yes	both	no
3745-266-106	(D)(6)	shall	The feed rate of metals in each feedstream shall be monitored to ensure that the feed rate limits for the feedstreams specified in rule 3745-266-102 or 3745-266-103 of the Administrative Code are not exceeded.	3734.12	state required, federal required	40 CFR 266.106 (d)(6)	yes	both	no
3745-266-106	(F)(2)	shall	The emission limits provided by paragraph (D) of this rule shall be determined as follows:	3734.12	state required, federal required	40 CFR 266.106 (f)(2)	yes	both	no
3745-266-106	(G)(1)	shall	Emission testing for metals shall be conducted using method 0060, "Determinations of Metals in Stack Emissions," U.S. EPA publication SW 846.	3734.12	state required, federal required	40 CFR 266.106 (g)(1)	yes	both	no

3745-266-106	(H)	required	Dispersion modeling required by this rule shall be conducted according to methods recommended in 40 CFR Part 51, appendix W ("Guideline on Air Quality Models- Revised," and its supplements), the "Hazardous Waste Combustion Air Quality Screening Procedure", provided in the appendix to rule 3745-266-103 of the Administrative Code, or in "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised" to predict the maximum annual average off site ground level concentration.	3734.12	state required, federal required	40 CFR 266.106 (h)	yes	both	no
3745-266-106	(H)	shall	Dispersion modeling required by this rule shall be conducted according to methods recommended in 40 CFR Part 51, appendix W ("Guideline on Air Quality Models- Revised," and its supplements), the "Hazardous Waste Combustion Air Quality Screening Procedure", provided in the appendix to rule 3745-266-103 of the Administrative Code, or in "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised" to predict the maximum annual average off site ground level concentration.	3734.12	state required, federal required	40 CFR 266.106 (h)	yes	both	no
3745-266-106	(H)	shall	However, on-site concentrations shall be considered when a person resides on site.	3734.12	state required, federal required	40 CFR 266.106 (h)	yes	both	no
3745-266-107	(A)	shall	The owner or operator shall comply with the hydrogen chloride and chlorine gas controls provided by paragraph (B), (C), or (E) of this rule.	3734.12	state required, federal required	40 CFR 266.107 (a)	yes	both	no
3745-266-107	(B)(1)	shall not	The feed rate of total chlorine and chloride, both organic and inorganic, in all feed streams, including hazardous waste, fuels, and industrial furnace feed stocks shall not exceed the levels specified.	3734.12	state required, federal required	40 CFR 266.107 (b)(1)	yes	both	no
3745-266-107	(B)(2)	shall not	The stack emission rates of hydrogen chloride and chlorine gas shall not exceed the levels specified.	3734.12	state required, federal required	40 CFR 266.107 (b)(2)	yes	both	no
3745-266-107	(B)(4)	shall	Owners and operators of facilities with more than one on site stack from a boiler, industrial furnace, incinerator, or other thermal treatment unit subject to controls on hydrogen chloride or chlorine gas emissions under a hazardous waste facility installation and operation permit or interim standards controls shall comply with the "Tier I" and "Tier II" screening limits for those stacks assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics.	3734.12	state required, federal required	40 CFR 266.107 (b)(4)	yes	both	no
3745-266-107	(B)(4)(b)	shall not	Under "Tier I," the total feed rate of chlorine and chloride to all subject devices shall not exceed the screening limit for the worst-case stack.	3734.12	state required, federal required	40 CFR 266.107 (b)(4)(ii)	yes	both	no
3745-266-107	(B)(4)(c)	shall not	Under "Tier II," the total emissions of hydrogen chloride and chlorine gas from all subject stacks shall not exceed the screening limit for the worst-case stack.	3734.12	state required, federal required	40 CFR 266.107 (b)(4)(iii)	yes	both	no
3745-266-107	(C)(1)	shall	Conformance with the "Tier III" controls shall be demonstrated by emissions testing to determine the emission rate for hydrogen chloride and chlorine gas, air dispersion modeling to predict the maximum annual average off site ground level concentration for each compound, and a demonstration that acceptable ambient levels are not exceeded.	3734.12	state required, federal required	40 CFR 266.107 (c)(1)	yes	both	no
3745-266-107	(C)(3)	shall	Owners and operators of facilities with more than one on site stack from a boiler, industrial furnace, incinerator, or other thermal treatment unit subject to controls on hydrogen chloride or chlorine gas emissions under a hazardous waste facility installation and operation permit or interim standards controls shall conduct emissions testing and dispersion modeling to demonstrate that the aggregate emissions from all such on site stacks do not result in an exceedance of the acceptable ambient levels for hydrogen chloride and chlorine gas.	3734.12	state required, federal required	40 CFR 266.107 (c)(3)	yes	both	no
3745-266-107	(F)	shall	Emissions testing for hydrogen chloride and chlorine gas shall be conducted using the procedures described in method 0050 or method 0051, U.S. EPA publication SW-846.	3734.12	state required, federal required	40 CFR 266.107 (f)	yes	both	no
3745-266-107	(G)	shall	Dispersion modeling shall be conducted according to paragraph (H) of rule 3745-266-106 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.107 (g)	yes	both	no
3745-266-111	(C)(1)	shall	No direct transfer of a pumpable hazardous waste shall be conducted from an open top container to a boiler or industrial furnace.	3734.12	state required, federal required	40 CFR 266.111 (c)(1)	yes	both	no
3745-266-111	(C)(2)	shall	Direct transfer equipment used for pumpable hazardous waste shall always be closed, except when necessary to add or remove the waste, and shall not be opened, handled, or stored in a manner that may cause any rupture or leak.	3734.12	state required, federal required	40 CFR 266.111 (c)(2)	yes	both	no

3745-266-111	(C)(2)	shall not	Direct transfer equipment used for pumpable hazardous waste shall always be closed, except when necessary to add or remove the waste, and shall not be opened, handled, or stored in a manner that may cause any rupture or leak.	3734.12	state required, federal required	40 CFR 266.111 (c)(2)	yes	both	no
3745-266-111	(C)(3)	shall	The direct transfer of hazardous waste to a boiler or industrial furnace shall be conducted so that it does not do any of the following:	3734.12	state required, federal required	40 CFR 266.111 (c)(3)	yes	both	no
3745-266-111	(C)(4)	shall not	Hazardous waste shall not be placed in direct transfer equipment, if it could cause the equipment or its secondary containment system to rupture, leak, corrode, or otherwise fail.	3734.12	state required, federal required	40 CFR 266.111 (c)(4)	yes	both	no
3745-266-111	(C)(5)	shall	The owner or operator of the facility shall use appropriate controls and practices to prevent spills and overflows from the direct transfer equipment or its secondary containment systems.	3734.12	state required, federal required	40 CFR 266.111 (c)(5)	yes	both	no
3745-266-111	(D)	shall	Applying the definition of "container" under this rule, owners and operators shall comply with all of the following:	3734.12	state required, federal required	40 CFR 266.111 (d)	yes	both	no
3745-266-111	(D)(2)	required	The use and management requirements of rules 3745-66-70 to 3745-66-77 of the Administrative Code, except for rules 3745-66-70 and 3745-66-74 of the Administrative Code, and except that in lieu of the special requirements of rule 3745-66-76 of the Administrative Code for ignitable waste or reactive waste, the owner or operator may comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjacent property line that can be built upon as required in the national fire protection association's (NFPA) "Flammable and Combustible Liquids Code."	3734.12	state required, federal required	40 CFR 266.111 (d)(2)	yes	both	no
3745-266-111	(D)(2)	shall	The owner or operator shall obtain and keep on file at the facility a written certification by the local fire marshal that the installation meets the subject NFPA codes.	3734.12	state required, federal required	40 CFR 266.111 (d)(2)	yes	both	no
3745-266-111	(E)	shall	Direct transfer equipment shall meet all of the following:	3734.12	state required, federal required	40 CFR 266.111 (e)	yes	both	no
3745-266-111	(E)(1)	shall	Owners and operators shall comply with the secondary containment requirements of rule 3745-66-93 of the Administrative Code, except for paragraphs (A), (D), (E), and (I) of rule 3745-66-93 of the Administrative Code, as follows:	3734.12	state required, federal required	40 CFR 266.111 (e)(1)	yes	both	no
3745-266-111	(E)(2)(a)	shall	For existing direct transfer equipment that does not have secondary containment, the owner or operator shall determine whether the equipment is leaking or is unfit for use.	3734.12	state required, federal required	40 CFR 266.111 (e)(2)(i)	yes	both	no
3745-266-111	(E)(2)(a)	shall	The owner or operator shall obtain and keep on file at the facility a written assessment reviewed and certified by a qualified professional engineer in accordance with paragraph (D) of rule 3745-50-41 of the Administrative Code that attests to the equipment's integrity.	3734.12	state required, federal required	40 CFR 266.111 (e)(2)(i)	yes	both	no
3745-266-111	(E)(2)(b)	shall	This assessment shall determine whether the direct transfer equipment is adequately designed and has sufficient structural strength and compatibility with the wastes to be transferred to ensure that it will not collapse, rupture, or fail.	3734.12	state required, federal required	40 CFR 266.111 (e)(2)(ii)	yes	both	no
3745-266-111	(E)(2)(b)	shall	At a minimum, this assessment shall consider all of the following:	3734.12	state required, federal required	40 CFR 266.111 (e)(2)(ii)	yes	both	no
3745-266-111	(E)(2)(c)	shall	If, as a result of the assessment specified in paragraphs (E)(2)(a) to (E)(2)(b)(v) of this rule, the direct transfer equipment is found to be leaking or unfit for use, the owner or operator shall comply with paragraphs (A) and (B) of rule 3745-66-96 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.111 (e)(2)(iii)	yes	both	no
3745-266-111	(E)(3)(a)	shall	The owner or operator shall inspect at least once each operating hour when hazardous waste is being transferred from the transport vehicle (container) to the boiler or industrial furnace all of the following:	3734.12	state required, federal required	40 CFR 266.111 (e)(3)(i)	yes	both	no
3745-266-111	(E)(3)(b)	shall	The owner or operator shall inspect cathodic protection systems, if used, to ensure that the systems are functioning properly according to the schedule provided by paragraph (B) of rule 3745-66-95 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.111 (e)(3)(ii)	yes	both	no
3745-266-111	(E)(3)(c)	shall	Records of inspections made under paragraphs (E)(3) to (E)(3)(c) of this rule shall be maintained in the operating record at the facility, and available for inspection for at least three years after the date of the inspection.	3734.12	state required, federal required	40 CFR 266.111 (e)(3)(iii)	yes	both	no
3745-266-111	(E)(4)	shall	Owners and operators shall comply with rule 3745-66-92 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.111 (e)(4)	yes	both	no
3745-266-111	(E)(5)	shall	Owners and operators shall comply with rule 3745-66-96 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.111 (e)(5)	yes	both	no

3745-266-111	(E)(6)	shall	Owners and operators shall comply with rule 3745-66-97 of the Administrative Code, except for paragraphs (C)(2) to (C)(4) of rule 3745-66-97 of the Administrative Code.	3734.12	state required, federal required	40 CFR 266.111 (e)(6)	yes	both	no
3745-266-202	(D)	shall	Any imminent and substantial threats associated with any remaining material shall be addressed.	3734.12	state required, federal required	40 CFR 266.202 (d)	yes	both	no
3745-266-202	(D)	shall	If remedial action is infeasible, the operator of the range shall maintain a record of the event for as long as any threat remains.	3734.12	state required, federal required	40 CFR 266.202 (d)	yes	both	no
3745-266-202	(D)	shall	The record shall include the type of munition and the location of the munition (to the extent the location is known).	3734.12	state required, federal required	40 CFR 266.202 (d)	yes	both	no
3745-266-203	(A)(1)(b)	shall	The waste military munitions shall be transported in accordance with the department of defense (DOD) shipping controls applicable to the transport of military munitions.	3734.12	state required, federal required	40 CFR 266.203 (a)(1)(ii)	yes	both	no
3745-266-203	(A)(1)(c)	shall	The waste military munitions shall be transported from a military owned or operated installation to a military owned or operated treatment, storage, or disposal facility.	3734.12	state required, federal required	40 CFR 266.203 (a)(1)(iii)	yes	both	no
3745-266-203	(A)(1)(d)	shall	The transporter of the waste shall provide verbal notice to the director within twenty-four hours after the time the transporter becomes aware of any loss or theft of the waste military munitions, or any failure to meet a condition of paragraph (A)(1) of this rule that may endanger health or the environment.	3734.12	state required, federal required	40 CFR 266.203 (a)(1)(iv)	yes	both	no
3745-266-203	(A)(1)(d)	shall	In addition, a written submittal describing the circumstances shall be provided within five days after the time the transporter becomes aware of any loss or theft of the waste military munitions or any failure to meet a condition of paragraph (A)(1) of this rule.	3734.12	state required, federal required	40 CFR 266.203 (a)(1)(iv)	yes	both	no
3745-266-203	(A)(2)	shall	If any waste military munitions shipped under paragraph (A)(1) of this rule are not received by the receiving facility within forty-five days after the day the waste was shipped, the owner or operator of the receiving facility shall report this non receipt to the director within five days.	3734.12	state required, federal required	40 CFR 266.203 (a)(2)	yes	both	no
3745-266-205	(A)(1)(b)	shall	The waste military munitions shall be subject to the jurisdiction of the department of defense explosives safety board (DDESB).	3734.12	state required, federal required	40 CFR 266.205 (a)(1)(ii)	yes	both	no
3745-266-205	(A)(1)(c)	shall	The waste military munitions shall be stored in accordance with the DDESB storage standards applicable to waste military munitions.	3734.12	state required, federal required	40 CFR 266.205 (a)(1)(iii)	yes	both	no
3745-266-205	(A)(1)(d)	shall	Within ninety days after December 7, 2004 or within ninety days after a storage unit is first used to store waste military munitions, whichever is later, the owner or operator shall notify the director of the location of any waste storage unit used to store waste military munitions for which the conditional exemption in paragraph (A)(1) of this rule is claimed.	3734.12	state required, federal required	40 CFR 266.205 (a)(1)(iv)	yes	both	no
3745-266-205	(A)(1)(e)	shall	The owner or operator shall provide verbal notice to the director within twenty-four hours after the time the owner or operator becomes aware of any loss or theft of the waste military munitions, or any failure to meet a condition of paragraph (A)(1) of this rule that may endanger health or the environment.	3734.12	state required, federal required	40 CFR 266.205 (a)(1)(v)	yes	both	no
3745-266-205	(A)(1)(e)	shall	In addition, a written submittal describing the circumstances shall be provided within five days after the time the owner or operator becomes aware of any loss or theft of the waste military munitions or any failure to meet a condition of paragraph (A)(1) of this rule.	3734.12	state required, federal required	40 CFR 266.205 (a)(1)(v)	yes	both	no
3745-266-205	(A)(1)(f)	shall	The owner or operator shall inventory the waste military munitions at least annually, shall inspect the waste military munitions at least quarterly for compliance with the conditions of paragraph (A)(1) of this rule, and shall maintain records of the findings of these inventories and inspections for at least three years.	3734.12	state required, federal required	40 CFR 266.205 (a)(1)(vi)	yes	both	no
3745-266-205	(A)(1)(f)	shall	The owner or operator shall inventory the waste military munitions at least annually, shall inspect the waste military munitions at least quarterly for compliance with the conditions of paragraph (A)(1) of this rule, and shall maintain records of the findings of these inventories and inspections for at least three years.	3734.12	state required, federal required	40 CFR 266.205 (a)(1)(vi)	yes	both	no
3745-266-205	(A)(1)(f)	shall	The owner or operator shall inventory the waste military munitions at least annually, shall inspect the waste military munitions at least quarterly for compliance with the conditions of paragraph (A)(1) of this rule, and shall maintain records of the findings of these inventories and inspections for at least three years.	3734.12	state required, federal required	40 CFR 266.205 (a)(1)(vi)	yes	both	no
3745-266-205	(A)(1)(g)	shall	Access to the stored waste military munitions shall be limited to appropriately trained and authorized personnel.	3734.12	state required, federal required	40 CFR 266.205 (a)(1)(vii)	yes	both	no

3745-266-205	(B)	shall	The owner or operator shall notify the director when a storage unit identified in paragraph (A)(1)(d) of this rule will no longer be used to store waste military munitions.	3734.12	state required, federal required	40 CFR 266.205 (b)	yes	both	no
3745-266-210	(E)	required	"Land disposal restriction (LDR) treatment standards" means treatment standards, under Chapter 3745-270 of the Administrative Code, that a hazardous waste is required to meet before such hazardous waste may be disposed of in a hazardous waste land disposal unit.	3734.12	state required, federal required	40 CFR 266.210 Land Disposal Restriction (LDR) Treatment Standards	yes	both	no

OAC Rule #	Paragraph	Restriction	Description/Quotation	Statutory Authority	State or Fed Law?	If Fed, crosswalk?	Federally delegated program?	Removal would require state or federal law change?	Requirement on the agency or director?
3745-270-01	(A)	prohibited	Chapter 3745-270 of the Administrative Code identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.	3734.12	state required, federal required	40 CFR 268.1 (a)	yes	both	no
3745-270-01	(C)(3)	prohibited	Wastes that are hazardous only because they exhibit a hazardous characteristic, and which are otherwise prohibited from land disposal under Chapter 3745-270 of the Administrative Code, or 40 CFR Part 148, are not prohibited from land disposal if the wastes meet the following criteria:	3734.12	state required, federal required	40 CFR 268.1 (c)(3)	yes	both	no
3745-270-01	(C)(3)	not prohibited	Wastes that are hazardous only because they exhibit a hazardous characteristic, and which are otherwise prohibited from land disposal under Chapter 3745-270 of the Administrative Code, or 40 CFR Part 148, are not prohibited from land disposal if the wastes meet the following criteria:	3734.12	state required, federal required	40 CFR 268.1 (c)(3)	yes	both	no
3745-270-01	(C)(3)(b)	prohibited	Do not exhibit any prohibited characteristic of hazardous waste identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code at the point of injection.	3734.12	state required, federal required	40 CFR 268.1 (c)(3)(ii)	yes	both	no
3745-270-01	(C)(4)	prohibited	Wastes that are hazardous only because the wastes exhibit a hazardous characteristic, and which are otherwise prohibited by Chapter 3745-270 of the Administrative Code, are not prohibited if the wastes meet any of the following criteria, unless the wastes are subject to a specified method of treatment other than DEACT in rule 3745-270-40 of the Administrative Code, or are D003 reactive cyanide:	3734.12	state required, federal required	40 CFR 268.1 (c)(4)	yes	both	no
3745-270-01	(C)(4)	not prohibited	Wastes that are hazardous only because the wastes exhibit a hazardous characteristic, and which are otherwise prohibited by Chapter 3745-270 of the Administrative Code, are not prohibited if the wastes meet any of the following criteria, unless the wastes are subject to a specified method of treatment other than DEACT in rule 3745-270-40 of the Administrative Code, or are D003 reactive cyanide:	3734.12	state required, federal required	40 CFR 268.1 (c)(4)	yes	both	no
3745-270-01	(C)(4)(d)	prohibited	The wastes no longer exhibit a prohibited characteristic at the point of land disposal (i.e., placement in a surface impoundment).	3734.12	state required, federal required	40 CFR 268.1 (c)(4)(iv)	yes	both	no
3745-270-01	(E)(4)	prohibited	De minimis losses of characteristic wastes to wastewaters are not considered to be prohibited wastes and are defined as losses from normal material handling operations (e.g. spills from the unloading or transfer of materials from bins or other containers; leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; and relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; rinsate from empty containers or from containers that are rendered empty by that rinsing; and laboratory wastes not exceeding one per cent of the total flow of wastewater into the facility's headworks on an annual basis, or with a combined annualized average concentration not exceeding one part per million in the headworks of the facility's wastewater treatment or pretreatment facility.	3734.12	state required, federal required	40 CFR 268.1 (e)(4)	yes	both	no
3745-270-09	(A)	shall	The initial generator of a waste shall determine each EPA hazardous waste number applicable to the waste in order to determine the applicable treatment standards under rules 3745-270-40 to 3745-270-49 of the Administrative Code.	3734.12	state required, federal required	40 CFR 268.9 (a)	yes	both	no
3745-270-09	(A)	required	This determination may be made concurrently with the hazardous waste determination required for rule 3745-52-11 of the Administrative Code.	3734.12	state required, federal required	40 CFR 268.9 (a)	yes	both	no
3745-270-09	(A)	shall	If the generator determines that the generator's waste displays a hazardous characteristic (and is not D001 nonwastewater treated by CMBST, RORGS, or POLYM in the table in rule 3745-270-42 of the Administrative Code), the generator shall determine "underlying hazardous constituents" (as defined in rule 3745-270-02 of the Administrative Code) in the characteristic waste.	3734.12	state required, federal required	40 CFR 268.9 (a)	yes	both	no

3745-270-09	(B)	prohibited	Where a prohibited waste is both listed under rules 3745-51-30 to 3745-51-35 of the Administrative Code and exhibits a characteristic under rules 3745-51-20 to 3745-51-24 of the Administrative Code, the treatment standard for the EPA hazardous waste number listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code will operate in lieu of the standard for the EPA hazardous waste number under rules 3745-51-20 to 3745-51-24 of the Administrative Code, provided that the treatment standard for the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic.	3734.12	state required, federal required	40 CFR 268.9 (b)	yes	both	no
3745-270-09	(B)	shall	Otherwise, the waste shall meet the treatment standards for all applicable listed and characteristic EPA hazardous waste numbers.	3734.12	state required, federal required	40 CFR 268.9 (b)	yes	both	no
3745-270-09	(C)	prohibited	In addition to any applicable standards determined from the initial point of generation, no prohibited waste which exhibits a characteristic under rules 3745-51-20 to 3745-51-24 of the Administrative Code may be land disposed unless the waste complies with the treatment standards under rules 3745-270-40 to 3745-270-49 of the Administrative Code.	3734.12	state required, federal required	40 CFR 268.9 (c)	yes	both	no
3745-270-09	(D)	shall	Wastes that exhibit a characteristic are also subject to rule 3745-270-07 of the Administrative Code, except that once the waste is no longer hazardous, a one-time notification and certification shall be placed in the generator's or treater's on-site files.	3734.12	state required, federal required	40 CFR 268.9 (d)	yes	both	no
3745-270-09	(D)	shall	The notification and certification shall be updated if the process or operation generating the waste changes or if the licensed solid waste landfill facility receiving the waste changes.	3734.12	state required, federal required	40 CFR 268.9 (d)	yes	both	no
3745-270-09	(D)(1)	shall	The notification shall include the following information:	3734.12	state required, federal required	40 CFR 268.9 (d)(1)	yes	both	no
3745-270-09	(D)(2)	shall	The certification shall be signed by an authorized representative and shall state the language in paragraph (B)(4) of rule 3745-270-07 of the Administrative Code.	3734.12	state required, federal required	40 CFR 268.9 (d)(2)	yes	both	no
3745-270-09	(D)(2)	shall	The certification shall be signed by an authorized representative and shall state the language in paragraph (B)(4) of rule 3745-270-07 of the Administrative Code.	3734.12	state required, federal required	40 CFR 268.9 (d)(2)	yes	both	no
3745-270-42	(A)	shall	The following wastes in the table in rule 3745-270-40 of the Administrative Code "Treatment Standards for Hazardous Wastes," for which standards are expressed as a treatment method rather than a concentration level, shall be treated using the technology or technologies specified in the table in this rule.	3734.12	state required, federal required	40 CFR 268.42 (a)	yes	both	no
3745-270-42	(A) table, in IMERC	shall	All wastewater and nonwastewater residues derived from this process shall then comply with the corresponding treatment standards per EPA hazardous waste number with consideration of any applicable subcategories (e.g., high or low mercury subcategories).	3734.12	state required, federal required	40 CFR 268.42 (a) table, in IMERC	yes	both	no
3745-270-42	(A) table, in LLEXT	shall	Liquid-liquid extraction (often referred to as solvent extraction) of organics from liquid wastes into an immiscible solvent for which the hazardous constituents have a greater solvent affinity, resulting in an extract high in organics that shall undergo either incineration, reuse as a fuel, or other recovery or reuse and a raffinate (extracted liquid waste) proportionately low in organics that shall undergo further treatment as specified in the standard.	3734.12	state required, federal required	40 CFR 268.42 (a) table, in LLEXT	yes	both	no
3745-270-42	(A) table, in LLEXT	shall	Liquid-liquid extraction (often referred to as solvent extraction) of organics from liquid wastes into an immiscible solvent for which the hazardous constituents have a greater solvent affinity, resulting in an extract high in organics that shall undergo either incineration, reuse as a fuel, or other recovery or reuse and a raffinate (extracted liquid waste) proportionately low in organics that shall undergo further treatment as specified in the standard.	3734.12	state required, federal required	40 CFR 268.42 (a) table, in LLEXT	yes	both	no
3745-270-42	(A) table, in RMERC	shall	The retorting or roasting unit (or facility) shall be subject to one or more of the following: (a) a national emissions standard for hazardous air pollutants (NESHAP) for mercury; (b) a best available control technology (BACT) or a lowest achievable emission rate (LAER) standard for mercury imposed pursuant to a prevention of significant deterioration (PSD) permit; or (c) a state permit that establishes emission limitations (within meaning of Section 302 of the Clean Air Act) for mercury.	3734.12	state required, federal required	40 CFR 268.42 (a) table, in RMERC	yes	both	no
3745-270-42	(A) table, in RMERC	shall	All wastewater and nonwastewater residues derived from this process shall then comply with the corresponding treatment standards per EPA hazardous waste number with consideration of any applicable subcategories (e.g., high or low mercury subcategories).	3734.12	state required, federal required	40 CFR 268.42 (a) table, in RMERC	yes	both	no

3745-270-42	(A) table, in SSTRP	shall	These operating parameters are dependent upon the design parameters of the unit, such as the number of separation stages and the internal column design, thus resulting in a condensed extract high in organics that shall undergo either incineration, reuse as a fuel, or other recovery or reuse and an extracted wastewater that shall undergo further treatment as specified in the standard.	3734.12	state required, federal required	40 CFR 268.42 (a) table, in SSTRP	yes	both	no
3745-270-42	(A) table, in SSTRP	shall	These operating parameters are dependent upon the design parameters of the unit, such as the number of separation stages and the internal column design, thus resulting in a condensed extract high in organics that shall undergo either incineration, reuse as a fuel, or other recovery or reuse and an extracted wastewater that shall undergo further treatment as specified in the standard.	3734.12	state required, federal required	40 CFR 268.42 (a) table, in SSTRP	yes	both	no
3745-270-42	(B)	shall	The applicant shall submit information demonstrating that the applicant's treatment method is in compliance with federal, state, and local requirements and is protective of human health and the environment.	3734.12	state required, federal required	40 CFR 268.42 (b)	yes	both	no
3745-270-42	(B)	shall	Any approval shall be stated in writing and may contain such provisions and conditions as the director deems appropriate.	3734.12	state required, federal required	40 CFR 268.42 (b)	yes	both	no
3745-270-42	(B)	shall	The person to whom such approval is issued shall comply with all limitations contained in such a determination.	3734.12	state required, federal required	40 CFR 268.42 (b)	yes	both	no
3745-270-42	Appendix A, text	may not	Hazardous wastes with the following EPA hazardous waste numbers may not be placed in lab packs under the alternative treatment standards of paragraph (C) of rule 3745-270-42 of the Administrative Code: D009, F019, K003, K004, K005, K006, K062, K071, K100, K106, P010, P011, P012, P076, P078, U134, and U151.	3734.12	state required, federal required	40 CFR 268 appendix 4, text	yes	both	no
3745-270-42	Appendix B, intro	shall	Characteristic wastes that are not managed in a facility regulated by the Clean Water Act (CWA) or in a CWA-equivalent facility, and that also contain underlying hazardous constituents" (as defined in rule 3745-270-02 of the Administrative Code) shall be treated not only by a "deactivating" technology to remove the characteristic, but also to achieve the universal treatment standards (UTS) for underlying hazardous constituents.	3734.12	state required, federal required	40 CFR 268 appendix 6, intro	yes	both	no

OAC Rule #	Paragraph	Restriction	Description/Quotation	Statutory Authority	State or Fed Law?	If Fed, crosswalk?	Federally delegated program?	Removal would require state or federal law change?	Requirement on the agency or director?
3745-273-08	(A)(2) [Comment]	required	Persons who store, treat, or dispose of conditionally exempt small quantity generator wastes in Ohio, who are not the generator of that waste, and who do not manage those wastes under Chapter 3745-273 of the Administrative Code, are required to obtain an Ohio hazardous waste permit and to comply with the applicable requirements in Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code.	3734.12	state required	none	yes	no	no
3745-273-08	(B)	shall	Persons who commingle the wastes described in paragraphs (A)(1) and (A)(2) of this rule together with universal waste regulated under Chapter 3745-273 of the Administrative Code shall manage the commingled waste under Chapter 3745-273 of the Administrative Code	3734.12	state required, federal required	40 CFR 273.8 (b)	yes	both	no
3745-273-13	(A)	shall	A small quantity handler of universal waste shall manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:	3734.12	state required, federal required	40 CFR 273.13 (a)	yes	both	no
3745-273-13	(A)(1)	shall	A small quantity handler of universal waste shall contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container.	3734.12	state required, federal required	40 CFR 273.13 (a)(1)	yes	both	no
3745-273-13	(A)(1)	shall	The container shall be closed, structurally sound, compatible with the contents of the battery, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.	3734.12	state required, federal required	40 CFR 273.13 (a)(1)	yes	both	no
3745-273-13	(A)(1)	shall	The container shall be closed, structurally sound, compatible with the contents of the battery, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.	3734.12	state required, federal required	40 CFR 273.13 (a)(1)	yes	both	no
3745-273-13	(A)(2)	shall	A small quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but shall be immediately closed after removal):	3734.12	state required, federal required	40 CFR 273.13 (a)(2)	yes	both	no
3745-273-13	(A)(3)	shall	A small quantity handler of universal waste who removes electrolyte from batteries, or who generates other waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in paragraph (A)(2) of this rule, shall determine whether the electrolyte or other waste exhibit a characteristic of hazardous waste identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code.	3734.12	state required, federal required	40 CFR 273.13 (a)(3)	yes	both	no
3745-273-13	(B)	shall	A small quantity handler of universal waste shall manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment.	3734.12	state required, federal required	40 CFR 273.13 (b)	yes	both	no
3745-273-13	(B)	shall	The universal waste pesticides shall be contained in one or more of the following manners:	3734.12	state required, federal required	40 CFR 273.13 (b)	yes	both	no
3745-273-13	(C)	shall	A small quantity handler of universal waste shall manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:	3734.12	state required, federal required	40 CFR 273.13 (c)	yes	both	no
3745-273-13	(C)(1)	shall	A small quantity handler of universal waste shall place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.	3734.12	state required, federal required	40 CFR 273.13 (c)(1)	yes	both	no
3745-273-13	(C)(1)	shall	The container shall be closed, structurally sound, compatible with the contents of the device, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and shall be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.	3734.12	state required, federal required	40 CFR 273.13 (c)(1)	yes	both	no

3745-273-13	(C)(1)	shall	The container shall be closed, structurally sound, compatible with the contents of the device, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and shall be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.	3734.12	state required, federal required	40 CFR 273.13 (c)(1)	yes	both	no
3745-273-13	(C)(1)	shall	The container shall be closed, structurally sound, compatible with the contents of the device, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and shall be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.	3734.12	state required, federal required	40 CFR 273.13 (c)(1)	yes	both	no
3745-273-13	(C)(4)(a)	shall	A small quantity handler of universal waste who removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in the original housing shall determine whether the following exhibit a characteristic of hazardous waste identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code:	3734.12	state required, federal required	40 CFR 273.13 (c)(4)(a)	yes	both	no
3745-273-13	(C)(4)(b)	shall	If the mercury, residues, or other waste exhibit a characteristic of hazardous waste, the mercury, residues, or other waste shall be managed in compliance with all applicable requirements of Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code.	3734.12	state required, federal required	40 CFR 273.13 (c)(4)(b)	yes	both	no
3745-273-13	(C)(4)(b)	shall	The handler is considered the generator of the mercury, residues, or other waste and shall manage the mercury, residues, or other waste in compliance with Chapter 3745-52 of the Administrative Code.	3734.12	state required, federal required	40 CFR 273.13 (c)(4)(b)	yes	both	no
3745-273-13	(D)	shall	A small quantity handler of universal waste shall manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:	3734.12	state required, federal required	40 CFR 273.13 (d)	yes	both	no
3745-273-13	(D)(1)	shall	A small quantity handler of universal waste shall contain any lamp in containers, cabinets or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps.	3734.12	state required, federal required	40 CFR 273.13 (d)(1)	yes	both	no
3745-273-13	(D)(1)	shall	Such containers, cabinets and packages shall remain closed and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.	3734.12	state required, federal required	40 CFR 273.13 (d)(1)	yes	both	no
3745-273-13	(D)(1)	shall	Such containers, cabinets and packages shall remain closed and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.	3734.12	state required, federal required	40 CFR 273.13 (d)(1)	yes	both	no
3745-273-13	(D)(2)	shall	A small quantity handler of universal waste shall immediately clean up and place in a container any lamp that is broken and shall place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment.	3734.12	state required, federal required	40 CFR 273.13 (d)(2)	yes	both	no
3745-273-13	(D)(2)	shall	A small quantity handler of universal waste shall immediately clean up and place in a container any lamp that is broken and shall place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment.	3734.12	state required, federal required	40 CFR 273.13 (d)(2)	yes	both	no
3745-273-13	(D)(2)	shall	Containers shall be closed, structurally sound, compatible with the contents of the lamps, and shall lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.	3734.12	state required, federal required	40 CFR 273.13 (d)(2)	yes	both	no
3745-273-13	(D)(2)	shall	Containers shall be closed, structurally sound, compatible with the contents of the lamps, and shall lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.	3734.12	state required, federal required	40 CFR 273.13 (d)(2)	yes	both	no
3745-273-13	(E)	shall	A small quantity handler of universal waste shall manage universal waste aerosol containers in a way that prevents releases of any universal waste or any component of a universal waste to the environment, as follows:	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(E)(1)	shall	A small quantity handler of universal waste shall store aerosol containers in a cabinet, hopper, container or other unit such as a table top or shelving unit that is structurally sound and compatible with the contents of the containers and that lacks evidence of leakage.	3734.12	state required	none	yes, but not this paragraph	no	no

3745-273-13	(E)(2)	shall	A small quantity handler of universal waste who initially collects aerosol containers at a universal waste satellite accumulation area prior to moving the aerosol containers to a specified accumulation area for storage, puncturing or shipment off-site shall move the satellite accumulation container to the specified accumulation area prior to the capacity of the satellite accumulation area being exceeded.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(E)(3)	shall	A small quantity handler of universal waste shall immediately empty a leaking aerosol container of the container's contents in accordance with paragraph (E)(4) of this rule or shall individually overpack the leaking aerosol container in a container having enough absorbent material to absorb the leaking contents of the aerosol container.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(E)(3)	shall	A small quantity handler of universal waste shall immediately empty a leaking aerosol container of the container's contents in accordance with paragraph (E)(4) of this rule or shall individually overpack the leaking aerosol container in a container having enough absorbent material to absorb the leaking contents of the aerosol container.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(E)(4)(a)	shall	The small quantity handler of universal waste shall use commercially available equipment, or equipment specifically custom designed or retrofitted according to accepted engineering practices based on established codes, standards, published technical reports, or similar peer reviewed documents, to puncture or crush and empty aerosol containers within an enclosed compartment.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(E)(4)(b)	shall	The small quantity handler of universal waste shall use puncturing or crushing equipment that has sufficient processing capacity to puncture or crush the quantity of aerosol containers received or generated within one year.	3734.12	state required	none	yes, but not this paragraph	No	no
3745-273-13	(E)(4)(c)	shall	The small quantity handler of universal waste shall ensure that puncturing or crushing equipment meets the following conditions:	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(E)(4)(c)(i)	shall	The equipment shall be located in a well ventilated area.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(E)(4)(c)(ii)	shall	The equipment shall be protected from an ignition source.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(E)(4)(c)(iii)	shall	The equipment shall be connected to a container or tank to collect liquids released from the aerosol container.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(E)(4)(d)	shall	The small quantity handler of universal waste shall maintain the puncturing or crushing equipment and replace air filters according to the manufacturer's specifications.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(E)(4)(e)	shall	The small quantity handler of universal waste shall determine if the collected liquids, except for liquids consisting solely of paint, and air filters meet the definition of "hazardous waste" according to Chapter 3745-51 of the Administrative Code.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(E)(4)(f)	shall	The small quantity handler of universal waste shall train each operator of the aerosol container puncturing or crushing equipment regarding the safe and proper operation of the puncturing or crushing equipment, the maintenance of the unit, the segregation of incompatible wastes and the identification of aerosol containers for which puncturing or crushing may not be appropriate.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(E)(4)(f)	may not	The small quantity handler of universal waste shall train each operator of the aerosol container puncturing or crushing equipment regarding the safe and proper operation of the puncturing or crushing equipment, the maintenance of the unit, the segregation of incompatible wastes and the identification of aerosol containers for which puncturing or crushing may not be appropriate.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(E)(5)	shall	A small quantity handler of universal waste shall manage aerosol containers that are ignitable or reactive in accordance with the following:	3734.12	state required	none	yes, but not this paragraph	no	no

3745-273-13	(E)(5)(a)	shall	The written approval shall be maintained on-site for as long as ignitable or reactive aerosol containers are managed on-site.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(E)(6)	shall	A small quantity handler of universal waste shall manage aerosol containers that are incompatible in accordance with rule 3745-66-77 of the Administrative Code.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(E)(7)	shall	The small quantity handler of universal waste shall design, construct, maintain, and operate the facility to minimize the possibility of a fire, explosion, or unplanned sudden or non-sudden release of universal waste or hazardous constituents to air, soil, or surface water which could threaten human health or the environment.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(F)	shall	A small quantity handler of universal waste shall manage universal waste antifreeze in a way that prevents releases of any universal waste or any component of a universal waste to the environment, as follows:	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(F)(1)	shall	A small quantity handler of universal waste shall store antifreeze in containers or tanks that are structurally sound and compatible with the antifreeze.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(F)(1)	shall	Such containers and tanks shall lack leakage or damage, including severe corrosion, which could cause leakage under reasonably foreseeable conditions.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(F)(2)	shall	A container or tank that does not comply with paragraph (F)(1) of this rule shall be overpacked or taken out of service by the small quantity handler of universal waste by transferring the contents of the container or tank to another container or tank.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(F)(3)	shall	A small quantity handler of universal waste who stores antifreeze in a container shall keep the container closed except when adding or removing antifreeze.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(F)(4)	shall	A small quantity handler of universal waste shall store antifreeze in a tank that complies with paragraphs (B) to (H) of rule 3745-66-101 of the Administrative Code.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(F)(5)	shall not	A small quantity handler of universal waste shall not commingle or contaminate antifreeze subsequent to the removal of the antifreeze from a heat exchanger or other equipment when used to winterize that equipment with listed hazardous waste or a characteristic hazardous waste as described in Chapter 3745-51 of the Administrative Code.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(F)(6)	shall	A small quantity handler of universal waste shall develop and maintain at the facility a procedure that describes how antifreeze will be prevented from being commingled or contaminated subsequent to removal from the heat exchanger or other equipment when used to winterize that equipment with a listed hazardous waste or a characteristic hazardous waste as described in Chapter 3745-51 of the Administrative Code.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(F)(7)	shall	A small quantity handler of universal waste who manages antifreeze shall use dedicated antifreeze collection and storage containers and tanks for the management of antifreeze.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(F)(8)(a)	shall	The small quantity handler of universal waste shall use commercially available equipment, or equipment specifically custom designed or retrofitted according to accepted engineering practices based on established codes, standards, published technical reports or similar peer reviewed documents to reclaim the antifreeze as "reclaimed" is defined in rule 3745-51-01 of the Administrative Code.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(F)(8)(b)	shall	The small quantity handler of universal waste shall use reclamation equipment that has sufficient processing capacity to reclaim the quantity of antifreeze received or generated by the handler within one year.	3734.12	state required	none	yes, but not this paragraph	no	no

3745-273-13	(F)(8)(c)	shall	The small quantity handler of universal waste shall train each operator of the reclamation equipment regarding the proper operation and maintenance of the antifreeze reclamation equipment.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(F)(8)(d)	shall	A small quantity handler of universal waste shall determine if the wastes generated from the reclamation of antifreeze are "hazardous wastes" as described in Chapter 3745-51 of the Administrative Code.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(F)(9)	shall	A small quantity handler of universal waste upon detection of a release of antifreeze shall do the following as applicable:	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(F)(11)	shall	A small quantity handler of universal waste who manages antifreeze shall train employees who manage antifreeze regarding the universal waste requirements applicable to antifreeze, the proper management of antifreeze, the procedure to prevent contamination of antifreeze with characteristic hazardous waste or listed hazardous waste, and the proper response to a release of antifreeze.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(G)	shall	A small quantity handler of universal waste shall manage universal waste paint and paint-related wastes in a way that prevents releases of any universal waste or any component of a universal waste to the environment, as follows:	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(G)(1)	shall	The small quantity handler of universal waste shall store universal waste paint or paint-related wastes in units that feed crushing or shredding equipment (i.e., hopper), containers, or tanks that are structurally sound and compatible with the paint or paint-related wastes.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(G)(1)	shall	Such hoppers, containers, and tanks shall lack leakage or damage, including severe corrosion, which could cause leakage under reasonably foreseeable conditions.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(G)(2)	shall	The small quantity handler of universal waste shall ensure that a hopper, container, or tank that does not comply with paragraph (G)(1) of this rule is overpacked or taken out of service by transferring the contents to another hopper, container, or tank.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(G)(3)	shall	The small quantity handler of universal waste shall keep hoppers and containers that hold paint and paint-related wastes closed except when adding or removing paint or paint-related wastes.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(G)(4)	shall	The small quantity handler of universal waste shall store paint or paint-related waste in a tank that complies with paragraphs (B) to (H) of rule 3745-66-101 of the Administrative Code.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(G)(7)	shall	The handler shall evaluate the wastes to determine if such wastes are listed hazardous wastes or characteristic hazardous waste as described in Chapter 3745-51 of the Administrative Code.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(G)(8)	shall	The small quantity handler of universal waste who recycles universal waste paint and paint-related wastes as described in paragraphs (G)(5) and (G)(6) of this rule shall ensure that employees responsible for recycling universal waste paint and paint-related wastes are trained regarding the proper operation and maintenance of the recycling process.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(G)(9)	shall	The small quantity handler of universal waste upon detection of a release of paint or paint-related wastes shall do the following as applicable:	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(G)(10)	shall	A small quantity handler of universal waste shall manage paint and paint-related wastes that are ignitable or reactive in accordance with the following:	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(G)(10)(a)	shall	The written approval shall be maintained on-site for as long as the ignitable or reactive paint and paint-related wastes are managed on-site.	3734.12	state required	none	yes, but not this paragraph	no	no

3745-273-13	(G)(11)	shall	A small quantity handler of universal waste shall manage paint and paint-related wastes that are incompatible in accordance with rule 3745-66-77 of the Administrative Code.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(G)(12)	shall	The small quantity handler of universal waste shall design, construct, maintain, and operate the facility to minimize the possibility of a fire, explosion, or unplanned sudden or non-sudden release of universal waste or hazardous constituents to air, soil, or surface water which could threaten human health or the environment.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(G)(14)(a)	shall	The small quantity handler of universal waste shall use commercially available equipment, or equipment specifically custom designed or retrofitted according to accepted engineering practices based on established codes, standards, published technical reports, or similar peer reviewed documents, to puncture, shred or crush and empty paint containers within an enclosed compartment or hopper.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(G)(14)(b)	shall	The small quantity handler of universal waste shall use equipment that has sufficient processing capacity to empty the quantity of paint containers received or generated within one year.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(G)(14)(c)	shall	The small quantity handler of universal waste shall collect the liquids from the paint container.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(G)(14)(d)	shall	The small quantity handler of universal waste shall maintain the puncturing, crushing, and shredding equipment and replace air filters according to the manufacturer's specifications.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-13	(G)(14)(e)	shall	The small quantity handler of universal waste shall train each operator of the equipment used to shred, puncture, or crush containers of universal waste paint regarding the maintenance and proper operation of the equipment.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-14	intro	shall	A small quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified in this rule:	3734.12	state required	40 CFR 273.14 intro	yes	both	no
3745-273-14	(A)	shall	Universal waste batteries (i.e., each battery), or a container in which the batteries are contained, shall be labeled or marked clearly with any of the following phrases: "Universal Waste- Batteries" or "Waste Batteries" or "Used Batteries."	3734.12	state required	40 CFR 273.14 (a)	yes	both	no
3745-273-14	(B)	shall	A container, (or multiple container package unit), tank, or transport vehicle or vessel in which recalled universal waste pesticides as described in paragraph (A)(1) of rule 3745-273-03 of the Administrative Code are contained shall be labeled or marked clearly with both:	3734.12	state required	40 CFR 273.14 (b)	yes	both	no
3745-273-14	(C)	shall	A container, tank, or transport vehicle or vessel in which unused pesticide products as described in paragraph (A)(2) of rule 3745-273-03 of the Administrative Code are contained shall be labeled or marked clearly with both:	3734.12	state required	40 CFR 273.14 (c)	yes	both	no
3745-273-14	(C)(1)(b)	required	If using the labels described in paragraph (C)(1)(a) of this rule is not feasible, the appropriate label as required under the department of transportation regulation 49 CFR Part 172.	3734.12	state required	40 CFR 273.14 (c)(1)(ii)	yes	both	no
3745-273-14	(D)(1)	shall	Universal waste mercury-containing equipment (i.e., each device), or a container in which the equipment is contained, shall be labeled or marked clearly with any of the following phrases: "Universal Waste- Mercury-containing Equipment" or "Waste Mercury-Containing Equipment" or "Used Mercury-Containing Equipment."	3734.12	state required	40 CFR 273.14 (d)(1)	yes	both	no
3745-273-14	(D)(2)	shall	A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats shall be labeled or marked clearly with any of the following phrases: "Universal Waste-Mercury Thermostats" or "Waste Mercury Thermostats" or "Used Mercury Thermostats."	3734.12	state required, federal required	40 CFR 273.14 (d)(2)	yes	no	no
3745-273-14	(E)	shall	Each lamp or a container or package in which such lamps are contained shall be labeled or marked clearly with any of the following phrases: "Universal Waste- Lamps" or "Waste Lamps" or "Used Lamps."	3734.12	state required	40 CFR 273.14 (e)	yes	both	no

3745-273-14	(F)	shall	Each universal waste aerosol container, multiple aerosol container package, cabinet, or other unit in which the aerosol containers are accumulated shall be labeled with words that identify the contents of the unit (for example, universal waste aerosol containers, used aerosol containers, recyclable aerosol containers).	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-14	(G)	shall	Each container or tank of universal waste antifreeze used to accumulate antifreeze shall be labeled with words that identify the contents of the container or tank (for example, used antifreeze, spent antifreeze, UW antifreeze, recyclable antifreeze).	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-14	(H)(1)	shall	Each container, tank, multiple container package or hopper in which universal waste paints are accumulated shall be labeled with words that identify the contents of the container, tank, multiple container package or hopper (for example, UW paint, paint waste or recyclable paint).	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-14	(H)(2)	shall	Each container or tank in which universal paint-related wastes are accumulated shall be labeled to identify the contents of the container or tank (for example, paint-related universal waste, paint-related waste, paint wastes, paint rags, used paint stripper or used paint blast media).	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-15	(C)	shall	A small quantity handler of universal waste who accumulates universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date the universal waste becomes a waste or is received at the facility or, regarding aerosol containers, from the time the containers are placed in the specified accumulation area or received at the facility.	3734.12	state required, federal required	40 CFR 273.15 (c)	yes	both	no
3745-273-32	(A)(1)	shall	Except as provided in paragraphs (A)(2) of this rule, a large quantity handler of universal waste shall have sent written notification of universal waste management to the director, and received a USEPA identification number, before meeting or exceeding the five thousand kilogram storage limit.	3734.12	state required, federal required	40 CFR 273.32 (a)(1)	yes	both	no
3745-273-32	(A)(2)	not required	A large quantity handler of universal waste who has already notified Ohio EPA of hazardous waste management activities and has received a USEPA identification number is not required to renotify under this rule.	3734.12	state required, federal required	40 CFR 273.32 (a)(2)	yes	both	no
3745-273-32	(B)	shall	This notification shall include in the following:	3734.12	state required, federal required	40 CFR 273.32 (b)	yes	both	no
3745-273-33	(A)	shall	A large quantity handler of universal waste shall manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:	3734.12	state required, federal required	40 CFR 273.33 (a)	yes	both	no
3745-273-33	(A)(1)	shall	A large quantity handler of universal waste shall contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container.	3734.12	state required, federal required	40 CFR 273.33 (a)(1)	yes	both	no
3745-273-33	(A)(1)	shall	The container shall be closed, structurally sound, compatible with the contents of the battery, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.	3734.12	state required, federal required	40 CFR 273.33 (a)(1)	yes	both	no
3745-273-33	(A)(1)	shall	The container shall be closed, structurally sound, compatible with the contents of the battery, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.	3734.12	state required, federal required	40 CFR 273.33 (a)(1)	yes	both	no
3745-273-33	(A)(2)	shall	A large quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but shall be immediately closed after removal):	3734.12	state required, federal required	40 CFR 273.33 (a)(2)	yes	both	no
3745-273-33	(A)(3)	shall	A large quantity handler of universal waste who removes electrolyte from batteries, or who generates other waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, shall determine whether the electrolyte or other waste exhibit a characteristic of hazardous waste identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code.	3734.12	state required, federal required	40 CFR 273.33 (a)(3)	yes	both	no
3745-273-33	(A)(3)(a)	shall	If the electrolyte or other waste exhibit a characteristic of hazardous waste, the electrolyte or other waste shall be managed in compliance with all applicable requirements of Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code.	3734.12	state required, federal required	40 CFR 273.33 (a)(3)(i)	yes	both	no

3745-273-33	(B)	shall	A large quantity handler of universal waste shall manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment.	3734.12	state required, federal required	40 CFR 273.33 (b)	yes	both	no
3745-273-33	(B)	shall	The universal waste pesticides shall be contained in one or more of the following manners:	3734.12	state required, federal required	40 CFR 273.33 (b)	yes	both	no
3745-273-33	(C)	shall	A large quantity handler of universal waste shall manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:	3734.12	state required, federal required	40 CFR 273.33 (c)	yes	both	no
3745-273-33	(C)(1)	shall	A large quantity handler of universal waste shall place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.	3734.12	state required, federal required	40 CFR 273.33 (c)(1)	yes	both	no
3745-273-33	(C)(1)	shall	The container shall be closed, structurally sound, compatible with the contents of the device, shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and shall be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.	3734.12	state required, federal required	40 CFR 273.33 (c)(1)	yes	both	no
3745-273-33	(C)(1)	shall	The container shall be closed, structurally sound, compatible with the contents of the device, shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and shall be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.	3734.12	state required, federal required	40 CFR 273.33 (c)(1)	yes	both	no
3745-273-33	(C)(1)	shall	The container shall be closed, structurally sound, compatible with the contents of the device, shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and shall be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.	3734.12	state required, federal required	40 CFR 273.33 (c)(1)	yes	both	no
3745-273-33	(C)(4)(a)	shall	A large quantity handler of universal waste who removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in the original housing shall determine whether the following exhibit a characteristic of hazardous waste identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code:	3734.12	state required, federal required	40 CFR 273.33 (c)(4)(i)	yes	both	no
3745-273-33	(C)(4)(b)	shall	If the mercury, residues, or other waste exhibit a characteristic of hazardous waste, the mercury, residues, or other waste shall be managed in compliance with all applicable requirements of Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code.	3734.12	state required, federal required	40 CFR 273.33 (c)(4)(ii)	yes	both	no
3745-273-33	(C)(4)(b)	shall	The handler is considered the generator of the mercury, residues, or other waste and shall manage the mercury, residues, or other waste in compliance with Chapter 3745-52 of the Administrative Code.	3734.12	state required, federal required	40 CFR 273.33 (c)(4)(ii)	yes	both	no
3745-273-33	(D)	shall	A large quantity handler of universal waste shall manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:	3734.12	state required, federal required	40 CFR 273.33 (d)	yes	both	no
3745-273-33	(D)(1)	shall	A large quantity handler of universal waste shall contain any lamp in containers, cabinets or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps.	3734.12	state required, federal required	40 CFR 273.33 (d)(1)	yes	both	no
3745-273-33	(D)(1)	shall	Such containers, cabinets and packages shall remain closed and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.	3734.12	state required, federal required	40 CFR 273.33 (d)(1)	yes	both	no
3745-273-33	(D)(1)	shall	Such containers, cabinets and packages shall remain closed and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.	3734.12	state required, federal required	40 CFR 273.33 (d)(1)	yes	both	no
3745-273-33	(D)(2)	shall	A large quantity handler of universal waste shall immediately clean up and place in a container any lamp that is broken and shall place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment.	3734.12	state required, federal required	40 CFR 273.33 (d)(2)	yes	both	no
3745-273-33	(D)(2)	shall	A large quantity handler of universal waste shall immediately clean up and place in a container any lamp that is broken and shall place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment.	3734.12	state required, federal required	40 CFR 273.33 (d)(2)	yes	both	no

3745-273-33	(D)(2)	shall	Containers shall be closed, structurally sound, compatible with the contents of the lamps, and shall lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.	3734.12	state required, federal required	40 CFR 273.33 (d)(2)	yes	both	no
3745-273-33	(D)(2)	shall	Containers shall be closed, structurally sound, compatible with the contents of the lamps, and shall lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.	3734.12	state required, federal required	40 CFR 273.33 (d)(2)	yes	both	no
3745-273-33	(E)	shall	A large quantity handler of universal waste shall manage universal waste aerosol containers in a way that prevents releases of any universal waste or any component of a universal waste to the environment, as follows:	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(E)(1)	shall	A large quantity handler of universal waste shall store aerosol containers in a cabinet, hopper, container or other unit such as a table top or shelving unit that is structurally sound and compatible with the contents of the containers and that lacks evidence of leakage.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(E)(2)	shall	A large quantity handler of universal waste who initially collects aerosol containers at a universal waste satellite accumulation area prior to moving the aerosol containers to a specified accumulation area for storage, puncturing, or shipment off-site shall move the satellite accumulation container to the specified accumulation area prior to the capacity of the satellite accumulation area being exceeded.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(E)(3)	shall	A large quantity handler of universal waste shall immediately empty a leaking aerosol container of the container's contents in accordance with paragraph (E)(4) of this rule or shall individually overpack the leaking aerosol container in a container having enough absorbent material to absorb the leaking contents of the aerosol container.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(E)(3)	shall	A large quantity handler of universal waste shall immediately empty a leaking aerosol container of the container's contents in accordance with paragraph (E)(4) of this rule or shall individually overpack the leaking aerosol container in a container having enough absorbent material to absorb the leaking contents of the aerosol container.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(E)(4)(a)	shall	The large quantity handler of universal waste shall use commercially available equipment, or equipment specifically custom designed or retrofitted according to accepted engineering practices based on established codes, standards, published technical reports, or similar peer reviewed documents, to puncture or crush and empty aerosol containers within an enclosed compartment.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(E)(4)(b)	shall	The large quantity handler of universal waste shall use puncturing or crushing equipment that has sufficient processing capacity to puncture or crush the quantity of aerosol containers received or generated within one year.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(E)(4)(c)	shall	The large quantity handler of universal waste shall ensure that puncturing or crushing equipment meets the following conditions:	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(E)(4)(c)(i)	shall	The equipment shall be located in a well ventilated area.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(E)(4)(c)(ii)	shall	The equipment shall be protected from an ignition source.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(E)(4)(c)(iii)	shall	The equipment shall be connected to a container or tank to collect liquids released from the aerosol container.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(E)(4)(d)	shall	The large quantity handler of universal waste shall maintain the puncturing or crushing equipment and replace air filters according to the manufacturer's specifications.	3734.12	state required	none	yes, but not this paragraph	no	no

3745-273-33	(E)(4)(e)	shall	The large quantity handler of universal waste shall determine if the collected liquids, except for liquids consisting solely of paint, and air filters meet the definition of "hazardous waste" according to Chapter 3745-51 of the Administrative Code.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(E)(4)(f)	shall	The large quantity handler of universal waste shall train each operator of the aerosol container puncturing or crushing equipment regarding the safe and proper operation of the puncturing or crushing equipment, the maintenance of the unit, the segregation of incompatible wastes and the identification of aerosol containers for which puncturing or crushing may not be appropriate.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(E)(4)(f)	may not	The large quantity handler of universal waste shall train each operator of the aerosol container puncturing or crushing equipment regarding the safe and proper operation of the puncturing or crushing equipment, the maintenance of the unit, the segregation of incompatible wastes and the identification of aerosol containers for which puncturing or crushing may not be appropriate.	3734.12	state required state required	none	yes, but not this paragraph	no	no
3745-273-33	(E)(5)	shall	A large quantity handler of universal waste shall manage aerosol containers that are ignitable or reactive in accordance with the following:	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(E)(5)(a)	shall	The written approval shall be maintained on-site for as long as ignitable or reactive aerosol containers are managed on-site.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(E)(6)	shall	A large quantity handler of universal waste shall manage aerosol containers that are incompatible in accordance with rule 3745-66-77 of the Administrative Code.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(E)(7)	shall	The large quantity handler of universal waste shall design, construct, maintain, and operate the facility to minimize the possibility of a fire, explosion, or unplanned sudden or non-sudden release of universal waste or hazardous constituents to air, soil, or surface water which could threaten human health or the environment.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(F)	shall	A large quantity handler of universal waste shall manage universal waste antifreeze in a way that prevents releases of any universal waste or any component of a universal waste to the environment, as follows:	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(F)(1)	shall	A large quantity handler of universal waste shall store antifreeze in containers or tanks that are structurally sound and compatible with the antifreeze.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(F)(1)	shall	Such containers and tanks shall lack leakage or damage, including severe corrosion, which could cause leakage under reasonably foreseeable conditions.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(F)(2)	shall	A container or tank that does not comply with paragraph (F)(1) of this rule shall be overpacked or taken out of service by the large quantity handler of universal waste by transferring the contents of the container or tank to another container or tank.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(F)(3)	shall	A large quantity handler of universal waste who stores antifreeze in a container shall keep the container closed except when adding or removing antifreeze.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(F)(4)	shall	A large quantity handler of universal waste shall store antifreeze in a tank that complies with paragraphs (B) to (H) of rule 3745-66-101 of the Administrative Code.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(F)(5)	shall not	A large quantity handler of universal waste shall not commingle or contaminate antifreeze subsequent to the removal of the antifreeze from a heat exchanger or other equipment when used to winterize that equipment with listed hazardous waste or a characteristic hazardous waste as described in Chapter 3745-51 of the Administrative Code.	3734.12	state required	none	yes, but not this paragraph	no	no

3745-273-33	(F)(6)	shall	A large quantity handler of universal waste shall develop and maintain at the facility a procedure that describes how antifreeze will be prevented from being commingled or contaminated subsequent to removal of the antifreeze from a heat exchanger or other equipment when used to winterize that equipment with a listed hazardous waste or a characteristic hazardous waste as described in Chapter 3745-51 of the Administrative Code.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(F)(7)	shall	A large quantity handler of universal waste who manages antifreeze shall use dedicated antifreeze collection and storage containers and tanks for the management of antifreeze.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(F)(8)(a)	shall	The large quantity handler of universal waste shall use commercially available equipment, or equipment specifically custom designed or retrofitted according to accepted engineering practices based on established codes, standards, published technical reports or similar peer reviewed documents to reclaim the antifreeze as "reclaimed" is defined in rule 3745-51-01 of the Administrative Code.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(F)(8)(b)	shall	The large quantity handler of universal waste shall use reclamation equipment that has sufficient processing capacity to reclaim the quantity of antifreeze received or generated by the handler within one year.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(F)(8)(c)	shall	The large quantity handler of universal waste shall train each operator of the reclamation equipment regarding the proper operation and maintenance of the antifreeze reclamation equipment.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(F)(8)(d)	shall	A large quantity handler of universal waste shall determine if the wastes generated from the reclamation of antifreeze are "hazardous wastes" as described in Chapter 3745-51 of the Administrative Code.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(F)(9)	shall	A large quantity handler of universal waste upon detection of a release of antifreeze shall do the following, as applicable:	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(F)(11)	shall	A large quantity handler of universal waste who manages antifreeze shall train employees who manage antifreeze regarding the universal waste requirements applicable to antifreeze, the proper management of antifreeze, the procedure to prevent contamination of antifreeze with characteristic hazardous waste or listed hazardous waste, and the proper response to a release of antifreeze.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(G)	shall	A large quantity handler of universal waste shall manage universal waste paint and paint-related wastes in a way that prevents releases of any universal waste or any component of a universal waste to the environment as follows:	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(G)(1)	shall	The large quantity handler of universal waste shall store universal waste paint or paint-related wastes in units that feed crushing or shredding equipment (i.e., hopper), containers, or tanks that are structurally sound and compatible with the paint or paint-related wastes.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(G)(1)	shall	Such hoppers, containers, and tanks shall lack leakage or damage, including severe corrosion, which could cause leakage under reasonably foreseeable conditions.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(G)(2)	shall	The large quantity handler of universal waste shall ensure that a hopper, container, or tank that does not comply with paragraph (G)(1) of this rule is overpacked or taken out of service by transferring the contents to another hopper, container, or tank.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(G)(3)	shall	The large quantity handler of universal waste shall keep hoppers and containers that hold paint and paint-related wastes closed except when adding or removing paint or paint-related wastes.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(G)(4)	shall	The large quantity handler of universal waste shall store paint or paint-related waste in a tank that complies with rules 3745-66-90 to 3745-66-99 except paragraph (C) of rule 3745-66-97 of the Administrative Code.	3734.12	state required	none	yes, but not this paragraph	no	no

3745-273-33	(G)(7)	shall	The handler shall evaluate the wastes to determine if such wastes are listed hazardous wastes or characteristic hazardous waste as described in Chapter 3745-51 of the Administrative Code.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(G)(8)	shall	The large quantity handler of universal waste who recycles universal waste paint and paint-related wastes as described in paragraphs (G)(5) and (G)(6) of this rule shall ensure that employees responsible for recycling universal waste paint and paint-related wastes are trained regarding the proper operation and maintenance of the recycling process.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(G)(9)	shall	The large quantity handler of universal waste upon detection of a release of paint or paint-related wastes shall do the following, as applicable:	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(G)(10)	shall	A large quantity handler of universal waste shall manage paint and paint-related wastes that are ignitable or reactive in accordance with the following:	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(G)(10)(a)	shall	The written approval shall be maintained on-site for as long as the ignitable or reactive paint and paint-related wastes are managed on-site.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(G)(11)	shall	A large quantity handler of universal waste shall manage paint and paint-related wastes that are incompatible in accordance with rule 3745-66-77 of the Administrative Code.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(G)(12)	shall	The large quantity handler of universal waste shall design, construct, maintain, and operate the facility to minimize the possibility of a fire, explosion, or unplanned sudden or non-sudden release of universal waste or hazardous constituents to air, soil, or surface water which could threaten human health or the environment.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(G)(14)(a)	shall	The large quantity handler of universal waste shall use commercially available equipment or equipment specifically custom designed or retrofitted according to accepted engineering practices based on established codes, standards, published technical reports, or similar peer reviewed documents to puncture, shred, or crush and empty the paint containers within an enclosed compartment or hopper.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(G)(14)(b)	shall	The large quantity handler of universal waste shall use equipment that has sufficient processing capacity to empty the quantity of paint containers received or generated within one year.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(G)(14)(c)	shall	The large quantity handler of universal waste shall collect the liquids from the paint container.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(G)(14)(d)	shall	The large quantity handler of universal waste shall maintain the puncturing, crushing and shredding equipment and replace air filters according to the manufacturer's specifications.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-33	(G)(14)(e)	shall	The large quantity handler of universal waste shall train each operator of the equipment used to shred, puncture, or crush containers of universal waste paint regarding the maintenance and proper operation of the equipment.	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-34	intro	shall	A large quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified in this rule.	3734.12	state required, federal required	40 CFR 273.34 intro	yes	both	no
3745-273-34	(A)	shall	Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, shall be labeled or marked clearly with any of the following phrases: "Universal Waste- Batteries" or "Waste Batteries" or "Used Batteries."	3734.12	state required, federal required	40 CFR 273.34 (a)	yes	both	no
3745-273-34	(B)	shall	A container (or multiple container package unit), tank, or transport vehicle or vessel in which recalled universal waste pesticides as described in paragraph (A)(1) of rule 3745-273-03 of the Administrative Code are contained shall be labeled or marked clearly with both:	3734.12	state required, federal required	40 CFR 273.34 (b)	yes	both	no

3745-273-34	(C)	shall	A container, tank, or transport vehicle or vessel in which unused pesticide products as described in paragraph (A)(2) of rule 3745-273-03 of the Administrative Code are contained shall be labeled or marked clearly with both:	3734.12	state required, federal required	40 CFR 273.34 (c)	yes	both	no
3745-273-34	(C)(1)(b)	required	If using the labels described in paragraph (C)(1)(a) of this rule is not feasible, the appropriate label as required under the department of transportation regulation 49 CFR Part 172.	3734.12	state required, federal required	40 CFR 273.34 (c)(1)(ii)	yes	both	no
3745-273-34	(D)(1)	shall	Mercury-containing equipment (i.e., each device), or a container in which the equipment is contained, shall be labeled or marked clearly with any of the following phrases: "Universal Waste- Mercury-Containing Equipment" or "Waste Mercury-Containing Equipment" or "Used Mercury-Containing Equipment."	3734.12	state required, federal required	40 CFR 273.34 (d)(1)	yes	both	no
3745-273-34	(D)(2)	shall	A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats shall be labeled or marked clearly with any of the following phrases: "Universal Waste-Mercury Thermostats" or "Waste Mercury Thermostats" or "Used Mercury Thermostats."	3734.12	state required, federal required	40 CFR 273.34 (d)(2)	yes	both	no
3745-273-34	(E)	shall	Each lamp or a container or package in which such lamps are contained shall be labeled or marked clearly with any of the following phrases: "Universal Waste- Lamps" or "Waste Lamps" or "Used Lamps."	3734.12	state required, federal required	40 CFR 273.34 (e)	yes	both	no
3745-273-34	(F)	shall	Each universal waste aerosol container, multiple aerosol container package, cabinet, or other unit in which the aerosol containers are accumulated shall be labeled with words that identify the contents of the unit (for example, universal waste aerosol containers, used aerosol containers, recyclable aerosol containers).	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-34	(G)	shall	Each container or tank of universal waste antifreeze used to accumulate antifreeze shall be labeled with words that identify the contents of the container or tank (for example, used antifreeze, spent antifreeze, UW antifreeze, recyclable antifreeze).	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-34	(H)(1)	shall	Each container, tank, multiple container package or hopper in which universal waste paints are accumulated shall be labeled with words that identify the contents of the container, tank, multiple container package or hopper (for example, UW paint, paint waste or recyclable paint).	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-34	(H)(2)	shall	Each container or tank in which universal paint-related wastes are accumulated shall be labeled to identify the contents of the container or tank (for example, paint-related UW, paint-related waste, paint wastes, paint rags, used paint stripper or used paint blast media).	3734.12	state required	none	yes, but not this paragraph	no	no
3745-273-35	(C)	shall	A large quantity handler of universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date the universal waste becomes a waste or is received at the facility or, regarding aerosol containers, from the time the containers are placed in the specified accumulation area or received at the facility.	3734.12	state required, federal required	40 CFR 273.35 (c)	yes	both	no
3745-273-37	(A)	must	A large quantity handler of universal waste must immediately contain all releases of universal wastes and other residues from universal wastes.	3734.12	state required, federal required	40 CFR 273.37 (a)	yes	both	no
3745-273-37	(B)	must	A large quantity handler of universal waste must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code.	3734.12	state required, federal required	40 CFR 273.37 (b)	yes	both	no
3745-273-37	(B)	must	A large quantity handler of universal waste must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code.	3734.12	state required, federal required	40 CFR 273.37 (b)	yes	both	no
3745-273-39	(A)	shall	A large quantity handler of universal waste shall keep a record of each shipment of universal waste received at the facility.	3734.12	state required, federal required	40 CFR 273.39 (a)	yes	both	no
3745-273-39	(A)	shall	The record for each shipment of universal waste received shall include all of the following information:	3734.12	state required, federal required	40 CFR 273.39 (a)	yes	both	no
3745-273-39	(B)	shall	A large quantity handler of universal waste shall keep a record of each shipment of universal waste sent from the handler to other facilities.	3734.12	state required, federal required	40 CFR 273.39 (b)	yes	both	no

3745-273-39	(B)	shall	The record for each shipment of universal waste sent shall include all of the following information:	3734.12	state required, federal required	40 CFR 273.39 (b)	yes	both	no
3745-273-39	(C)(1)	shall	A large quantity handler of universal waste shall retain the records described in paragraph (A) of this rule for at least three years after the date of receipt of a shipment of universal waste.	3734.12	state required, federal required	40 CFR 273.39 (c)(1)	yes	both	no
3745-273-39	(C)(2)	shall	A large quantity handler of universal waste shall retain the records described in paragraph (B) of this rule for at least three years after the date a shipment of universal waste left the facility.	3734.12	state required, federal required	40 CFR 273.39 (c)(2)	yes	both	no
3745-273-60	(B)	shall	The owner or operator of a destination facility that recycles a particular universal waste without storing that universal waste before that universal waste is recycled shall comply with paragraph (C)(2) of rule 3745-51-06 of the Administrative Code.	3734.12	state required, federal required	40 CFR 273.60 (b)	yes	both	no
3745-273-60	(C)	shall	The owner or operator of a destination facility who enters recyclable materials into a recycling process within seventy-two hours after the arrival of the recyclable materials at the facility shall comply with paragraph (C)(3) of rule 3745-51-06 of the Administrative Code.	3734.12		none	yes	both	no
3745-273-62	(A)	shall	The owner or operator of a destination facility shall keep a record of each shipment of universal waste received at the facility.	3734.12	state required, federal required	40 CFR 273.62 (a)	yes	both	no
3745-273-62	(A)	shall	The record for each shipment of universal waste received shall include all of the following information:	3734.12	state required, federal required	40 CFR 273.62 (a)	yes	both	no
3745-273-62	(B)	shall	The owner or operator of a destination facility shall retain the records described in paragraph (A) of this rule for at least three years after the date of receipt of a shipment of universal waste.	3734.12	state required, federal required	40 CFR 273.62 (b)	yes	both	no

OAC Rule #	Paragraph	Restriction	Description/Quotation	Statutory Authority	State or Fed Law?	If Fed, crosswalk?	Federally delegated program?	Removal would require state or federal law change?	Requirement on the agency or director?
3745-279-42	(A)	shall	Used oil transporters who have not previously notified Ohio EPA or U.S. EPA of regulated waste activity shall comply with this rule and shall obtain a U.S. EPA identification number.	3734.12	state required, federal required	40 CFR 279.42 (a)	yes	both	no
3745-279-42	(A)	shall	Used oil transporters who have not previously notified Ohio EPA or U.S. EPA of regulated waste activity shall comply with this rule and shall obtain a U.S. EPA identification number.	3734.12	state required, federal required	40 CFR 279.42 (a)	yes	both	no
3745-279-43	(A)	shall	A used oil transporter shall deliver all used oil received to one of the following:	3734.12	state required, federal required	40 CFR 279.43 (a)	yes	both	no
3745-279-43	(B)	shall	Used oil transporters shall comply with all applicable requirements under the U.S. department of transportation (U.S. DOT) regulations in 49 CFR Parts 171 to 180.	3734.12	state required, federal required	40 CFR 279.43 (b)	yes	both	no
3745-279-43	(B)	shall	Persons transporting used oil that meets the definition of "hazardous material" in 49 CFR 171.8 shall comply with all applicable regulations in 49 CFR Parts 171 to 180.	3734.12	state required, federal required	40 CFR 279.43 (b)	yes	both	no
3745-279-43	(C)(1)	shall	In the event of a discharge of used oil during transportation, the transporter shall take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area).	3734.12	state required, federal required	40 CFR 279.43 (c)(1)	yes	both	no
3745-279-43	(C)(3)	shall	An air, rail, highway, or water transporter who has discharged used oil shall:	3734.12	state required, federal required	40 CFR 279.43 (c)(3)	yes	both	no
3745-279-43	(C)(3)(a)	required	Give notice, if required by 49 CFR 171.15, to the "National Response Center" at 800/424-8802.	3734.12	state required, federal required	40 CFR 279.43 (c)(3)(i)	yes	both	no
3745-279-43	(C)(3)(a)[Comment]	requires	The public utilities commission of Ohio, which has adopted 49 CFR 171.15 by reference, also requires notice of such discharge.	3734.12	state required	none	yes, including this [Comment]	no	no
3745-279-43	(C)(3)(b)	required	Report in writing as required by 49 CFR 171.16.	3734.12	state required, federal required	40 CFR 279.43 (c)(3)(ii)	yes	both	no
3745-279-43	(C)(4)	shall	A water transporter who has discharged used oil shall give notice as required by 33 CFR 153.203.	3734.12	state required, federal required	40 CFR 279.43 (c)(4)	yes	both	no
3745-279-43	(C)(4)	required	A water transporter who has discharged used oil shall give notice as required by 33 CFR 153.203.	3734.12	state required, federal required	40 CFR 279.43 (c)(4)	yes	both	no
3745-279-43	(C)(5)	shall	A transporter shall clean up any used oil discharge that occurs during transportation or take such action as may be required or approved by federal, state, or local officials so that the used oil discharge no longer presents a hazard to human health or the environment.	3734.12	state required, federal required	40 CFR 279.43 (c)(5)	yes	both	no
3745-279-43	(C)(5)	required	A transporter shall clean up any used oil discharge that occurs during transportation or take such action as may be required or approved by federal, state, or local officials so that the used oil discharge no longer presents a hazard to human health or the environment.	3734.12	state required, federal required	40 CFR 279.43 (c)(5)	yes	both	no
3745-279-51	(A)	shall	Used oil processors and re-refiners who have not previously notified Ohio EPA or U.S. EPA of regulated waste activity shall comply with this rule and shall obtain a U.S. EPA identification number.	3734.12	state required, federal required	40 CFR 279.51 (a)	yes	both	no
3745-279-51	(A)	shall	Used oil processors and re-refiners who have not previously notified Ohio EPA or U.S. EPA of regulated waste activity shall comply with this rule and shall obtain a U.S. EPA identification number.	3734.12	state required, federal required	40 CFR 279.51 (a)	yes	both	no
3745-279-52	(A)	shall	Owners and operators of used oil processing and re-refining facilities shall comply with the following requirements:	3734.12	state required, federal required	40 CFR 279.52 (a)	yes	both	no
3745-279-52	(A)(1)	shall	Facilities shall be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water which could threaten human health or the environment.	3734.12	state required, federal required	40 CFR 279.52 (a)(1)	yes	both	no
3745-279-52	(A)(2)	required	Required equipment.	3734.12	state required, federal required	40 CFR 279.52 (a)(2)	yes	both	no

3745-279-52	(A)(2)	shall	All facilities shall be equipped with the following, unless none of the hazards posed by used oil handled at the facility could require a particular kind of equipment specified in paragraphs (A)(2)(a) to (A)(2)(d) of this rule:	3734.12	state required, federal required	40 CFR 279.52 (a)(2)	yes	both	no
3745-279-52	(A)(2)	require	All facilities shall be equipped with the following, unless none of the hazards posed by used oil handled at the facility could require a particular kind of equipment specified in paragraphs (A)(2)(a) to (A)(2)(d) of this rule:	3734.12	state required, federal required	40 CFR 279.52 (a)(2)	yes	both	no
3745-279-52	(A)(3)	required	All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, shall be tested and maintained as necessary to assure its proper operation in time of emergency.	3734.12	state required, federal required	40 CFR 279.52 (a)(3)	yes	both	no
3745-279-52	(A)(3)	shall	All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, shall be tested and maintained as necessary to assure its proper operation in time of emergency.	3734.12	state required, federal required	40 CFR 279.52 (a)(3)	yes	both	no
3745-279-52	(A)(4)(a)	shall	Whenever used oil is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation shall have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required in paragraph (A)(2) of this rule.	3734.12	state required, federal required	40 CFR 279.52 (a)(4)(i)	yes	both	no
3745-279-52	(A)(4)(a)	not required	Whenever used oil is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation shall have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required in paragraph (A)(2) of this rule.	3734.12	state required, federal required	40 CFR 279.52 (a)(4)(i)	yes	both	no
3745-279-52	(A)(4)(b)	shall	If there is ever just one employee on the premises while the facility is operating, the employee shall have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required in paragraph (A)(2) of this rule.	3734.12	state required, federal required	40 CFR 279.52 (a)(4)(ii)	yes	both	no
3745-279-52	(A)(4)(b)	not required	If there is ever just one employee on the premises while the facility is operating, the employee shall have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required in paragraph (A)(2) of this rule.	3734.12	state required, federal required	40 CFR 279.52 (a)(4)(ii)	yes	both	no
3745-279-52	(A)(5)	required	Required aisle space.	3734.12	state required, federal required	40 CFR 279.52 (a)(5)	yes	both	no
3745-279-52	(A)(5)	shall	The owner or operator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.	3734.12	state required, federal required	40 CFR 279.52 (a)(5)	yes	both	no
3745-279-52	(A)(6)(a)	shall	The owner or operator shall attempt to make all of the following arrangements, as appropriate for the type of used oil handled at the facility and the potential need for the services of the following organizations:	3734.12	state required, federal required	40 CFR 279.52 (a)(6)(i)	yes	both	no
3745-279-52	(A)(6)(b)	shall	Where state or local authorities decline to enter into such arrangements, the owner or operator shall document the refusal in the operating record.	3734.12	state required, federal required	40 CFR 279.52 (a)(6)(ii)	yes	both	no
3745-279-52	(B)	shall	Owners and operators of used oil processors and re-refiners facilities shall comply with the following requirements:	3734.12	state required, federal required	40 CFR 279.52 (b)	yes	both	no
3745-279-52	(B)(1)(a)	shall	Each owner or operator shall have a contingency plan for the facility.	3734.12	state required, federal required	40 CFR 279.52 (b)(1)(i)	yes	both	no
3745-279-52	(B)(1)(a)	shall	The contingency plan shall be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water.	3734.12	state required, federal required	40 CFR 279.52 (b)(1)(i)	yes	both	no
3745-279-52	(B)(1)(b)	shall	The contingency plan shall be implemented immediately whenever there is a fire, explosion, or release of used oil which could threaten human health or the environment.	3734.12	state required, federal required	40 CFR 279.52 (b)(1)(ii)	yes	both	no

3745-279-52	(B)(2)(a)	shall	The contingency plan shall describe the actions facility personnel shall take to comply with paragraphs (B)(1) and (B)(6) of this rule in response to fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water at the facility.	3734.12	state required, federal required	40 CFR 279.52 (b)(2)(i)	yes	both	no
3745-279-52	(B)(2)(a)	shall	The contingency plan shall describe the actions facility personnel shall take to comply with paragraphs (B)(1) and (B)(6) of this rule in response to fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water at the facility.	3734.12	state required, federal required	40 CFR 279.52 (b)(2)(i)	yes	both	no
3745-279-52	(B)(2)(c)	shall	The contingency plan shall describe arrangements with local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services, pursuant to paragraph (A)(6) of this rule.	3734.12	state required, federal required	40 CFR 279.52 (b)(2)(iii)	yes	both	no
3745-279-52	(B)(2)(d)	shall	The contingency plan shall list names, addresses, and home or cellular telephone numbers of all persons qualified to act as emergency coordinator [see paragraph (B)(5) of this rule], and this list shall be kept up to date.	3734.12	state required, federal required	40 CFR 279.52 (b)(2)(iv)	yes	both	no
3745-279-52	(B)(2)(d)	shall	The contingency plan shall list names, addresses, and home or cellular telephone numbers of all persons qualified to act as emergency coordinator [see paragraph (B)(5) of this rule], and this list shall be kept up to date.	3734.12	state required, federal required	40 CFR 279.52 (b)(2)(iv)	yes	both	no
3745-279-52	(B)(2)(d)	shall	Where more than one person is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which they will assume responsibility as alternates.	3734.12	state required, federal required	40 CFR 279.52 (b)(2)(iv)	yes	both	no
3745-279-52	(B)(2)(d)	shall	Where more than one person is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which they will assume responsibility as alternates.	3734.12	state required, federal required	40 CFR 279.52 (b)(2)(iv)	yes	both	no
3745-279-52	(B)(2)(e)	shall	The contingency plan shall include a list of all emergency equipment at the facility [such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment], where this equipment is required.	3734.12	state required, federal required	40 CFR 279.52 (b)(2)(v)	yes	both	no
3745-279-52	(B)(2)(e)	required	The contingency plan shall include a list of all emergency equipment at the facility [such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment], where this equipment is required.	3734.12	state required, federal required	40 CFR 279.52 (b)(2)(v)	yes	both	no
3745-279-52	(B)(2)(e)	shall	This list shall be kept up to date.	3734.12	state required, federal required	40 CFR 279.52 (b)(2)(v)	yes	both	no
3745-279-52	(B)(2)(e)	shall	In addition, the contingency plan shall include the location and a physical description of each item on the list, and a brief outline of the capabilities of each item.	3734.12	state required, federal required	40 CFR 279.52 (b)(2)(v)	yes	both	no
3745-279-52	(B)(2)(f)	shall	The contingency plan shall include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary.	3734.12	state required, federal required	40 CFR 279.52 (b)(2)(vi)	yes	both	no
3745-279-52	(B)(2)(f)	shall	This evacuation plan shall describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of used oil or fires).	3734.12	state required, federal required	40 CFR 279.52 (b)(2)(vi)	yes	both	no
3745-279-52	(B)(3)	shall	A copy of the contingency plan and all revisions to the contingency plan shall be both:	3734.12	state required, federal required	40 CFR 279.52 (b)(3)	yes	both	no
3745-279-52	(B)(4)	shall	The contingency plan shall be reviewed, and immediately amended, if necessary, whenever:	3734.12	state required, federal required	40 CFR 279.52 (b)(4)	yes	both	no
3745-279-52	(B)(5)	shall	At all times, there shall be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures.	3734.12	state required, federal required	40 CFR 279.52 (b)(5)	yes	both	no
3745-279-52	(B)(5)	shall	This emergency coordinator shall be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristic of used oil handled, the location of all records within the facility, and facility layout.	3734.12	state required, federal required	40 CFR 279.52 (b)(5)	yes	both	no
3745-279-52	(B)(5)	shall	In addition, this person shall have the authority to commit the resources needed to implement the contingency plan.	3734.12	state required, federal required	40 CFR 279.52 (b)(5)	yes	both	no
3745-279-52	(B)(6)(a)	shall	Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the designee when the emergency coordinator is on call) shall immediately:	3734.12	state required, federal required	40 CFR 279.52 (b)(6)(i)	yes	both	no
3745-279-52	(B)(6)(b)	shall	Whenever there is a release, fire, or explosion, the emergency coordinator shall immediately identify the character, exact source, amount, and areal extent of any released materials.	3734.12	state required, federal required	40 CFR 279.52 (b)(6)(ii)	yes	both	no

3745-279-52	(B)(6)(c)	shall	In addition, the emergency coordinator shall assess possible hazards to human health or the environment that may result from the release, fire, or explosion.	3734.12	state required, federal required	40 CFR 279.52 (b)(6)(iii)	yes	both	no
3745-279-52	(B)(6)(c)	shall	This assessment shall consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or surface water run-offs from water or chemical agents used to control fire and heat-induced explosions).	3734.12	state required, federal required	40 CFR 279.52 (b)(6)(iii)	yes	both	no
3745-279-52	(B)(6)(d)(i)	shall	If the emergency coordinator's determination indicates that evacuation of local areas may be advisable, the emergency coordinator shall immediately notify appropriate local authorities and shall be available to help appropriate officials decide whether local areas should be evacuated.	3734.12	state required, federal required	40 CFR 279.52 (b)(6)(iv)(A)	yes	both	no
3745-279-52	(B)(6)(d)(i)	shall	If the emergency coordinator's determination indicates that evacuation of local areas may be advisable, the emergency coordinator shall immediately notify appropriate local authorities and shall be available to help appropriate officials decide whether local areas should be evacuated.	3734.12	state required, federal required	40 CFR 279.52 (b)(6)(iv)(A)	yes	both	no
3745-279-52	(B)(6)(d)(ii)	shall	The emergency coordinator shall immediately notify the Ohio EPA "Emergency Response Unit" at 800/282-9378, and either the "U.S. EPA Region 5 Response Center" at 312/353-2318 or the "National Response Center" at 800/424-8802.	3734.12	state required, federal required	40 CFR 279.52 (b)(6)(iv)(B)	yes	both	no
3745-279-52	(B)(6)(d)(ii)	shall	The notification report shall include all of the following:	3734.12	state required, federal required	40 CFR 279.52 (b)(6)(iv)(B)	yes	both	no
3745-279-52	(B)(6)(e)	shall	During an emergency, the emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other used oil or hazardous waste at the facility.	3734.12	state required, federal required	40 CFR 279.52 (b)(6)(v)	yes	both	no
3745-279-52	(B)(6)(e)	shall	These measures shall include, where applicable, stopping processes and operation, collecting and containing released used oil, and removing or isolating containers.	3734.12	state required, federal required	40 CFR 279.52 (b)(6)(v)	yes	both	no
3745-279-52	(B)(6)(f)	shall	If the facility stops operation in response to a fire, explosion, or release, the emergency coordinator shall monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.	3734.12	state required, federal required	40 CFR 279.52 (b)(6)(vi)	yes	both	no
3745-279-52	(B)(6)(g)	shall	Immediately after an emergency, the emergency coordinator shall provide for recycling, storing, or disposing of recovered used oil, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.	3734.12	state required, federal required	40 CFR 279.52 (b)(6)(vi)	yes	both	no
3745-279-52	(B)(6)(h)	shall	The emergency coordinator shall ensure that in the affected areas of the facility:	3734.12	state required, federal required	40 CFR 279.52 (b)(6)(vii)	yes	both	no
3745-279-52	(B)(6)(h)(iii)	shall	The owner or operator shall notify the director, and appropriate state and local authorities that the facility is in compliance with paragraphs (B)(6)(h)(i) and (B)(6)(h)(ii) of this rule before operations are resumed in the affected areas of the facility.	3734.12	state required, federal required	40 CFR 279.52 (b)(6)(vii)(C)	yes	both	no
3745-279-52	(B)(6)(i)	shall	The owner or operator shall note in the operating record the time, date, and details of any incident that requires the contingency plan to be implemented. Within fifteen days after the incident, the owner or operator shall submit a written report on the incident to the director.	3734.12	state required, federal required	40 CFR 279.52 (b)(6)(ix)	yes	both	no
3745-279-52	(B)(6)(i)	requires	The owner or operator shall note in the operating record the time, date, and details of any incident that requires the contingency plan to be implemented.	3734.12	state required, federal required	40 CFR 279.52 (b)(6)(ix)	yes	both	no
3745-279-52	(B)(6)(i)	shall	Within fifteen days after the incident, the owner or operator shall submit a written report on the incident to the director.	3734.12	state required, federal required	40 CFR 279.52 (b)(6)(ix)	yes	both	no
3745-279-52	(B)(6)(i)	shall	The report shall include all of the following:	3734.12	state required, federal required	40 CFR 279.52 (b)(6)(ix)	yes	both	no
3745-279-62	(A)	shall	Used oil burners who have not previously notified Ohio EPA or U.S. EPA of regulated waste activity shall comply with this rule and shall obtain a U.S. EPA identification number.	3734.12	state required, federal required	40 CFR 279.62 (a)	yes	both	no
3745-279-62	(A)	shall	Used oil burners who have not previously notified Ohio EPA or U.S. EPA of regulated waste activity shall comply with this rule and shall obtain a U.S. EPA identification number.	3734.12	state required, federal required	40 CFR 279.62 (a)	yes	both	no
3745-279-73	(A)	shall	Used oil fuel marketers subject to rules 3745-279-70 to 3745-279-75 of the Administrative Code who have not previously notified Ohio EPA or U.S. EPA of regulated waste activity shall comply with this rule and shall obtain a U.S. EPA identification number.	3734.12	state required, federal required	40 CFR 279.73 (a)	yes	both	no

3745-279-73	(A)	shall	Used oil fuel marketers subject to rules 3745-279-70 to 3745-279-75 of the Administrative Code who have not previously notified Ohio EPA or U.S. EPA of regulated waste activity shall comply with this rule and shall obtain a U.S. EPA identification number.	3734.12	state required, federal required	40 CFR 279.73 (a)	yes	both	no
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OAC Rule #	Paragraph	Restriction	Description/Quotation	Statutory Authority	State or Fed Law?	If Fed, crosswalk?	Federally delegated program?	Removal would require state or federal law change?	Requirement on the agency or director?
3745-300-01	(A)(1)	shall	"Acceptance limit" is the numerical range in which an analyte shall be quantitated in a proficiency testing sample.	3746.04	state	none	no	State	no
3745-300-01	(C)(1)	shall	"Capture zone" means all unsaturated and saturated subsurface areas that presently contribute or shall contribute ground water to a well.	3746.04	state	none	no	State	no
3745-300-01	(C)(11)	required	"Class C release" means a release of petroleum occurring or identified from an underground storage tank system subject to sections 3737.87 to 3737.89 of the Revised Code for which the responsible person for the release is specifically determined by the fire marshal not to be a viable person capable of undertaking or completing the corrective actions required under those sections for the release.	3746.04	state	none	no	State	no
3745-300-01	(C)(20)	shall	"Course" is any educational activity with a clear purpose and objective which shall maintain, improve, or expand the skills and knowledge relevant to the investigation, assessment, or remediation of hazardous substances or petroleum.	3746.04	state	none	no	State	no
3745-300-01	(D)(1)	may not	"Determination of sufficient evidence letter" is a notification from the director, pursuant to section 3746.02 of the Revised Code and this chapter, that a person or property that is the subject of an enforcement letter may or may not participate in the voluntary action program.	3746.04	state	none	no	State	no
3745-300-01	(H)(2)(b)	required	Any product registered as a pesticide under section 921.02 of the Revised Code when the product is used in a manner inconsistent with the product's required labeling.	3746.04	state	none	no	State	no
3745-300-01	(I)(11)	required	Activity and use limitations are considered institutional controls when required pursuant to sections 5301.08 to 5301.92 of the Revised Code.	3746.04	state	none	no	State	no
3745-300-01	(M)(1)	shall	Therefore, proper citation of the method shall include the method number plus the revision suffix, if any.	3746.04	state	none	no	State	no
3745-300-01	(N)(4)	shall	"No further action letter" is a document issued by a certified professional under affidavit upon determination by the person undertaking a voluntary action that either there is no information indicating there has been a release of hazardous substances or petroleum at or upon the property, or there has been a release of hazardous substances or petroleum at or upon the property and applicable standards were not exceeded or have been or shall be achieved in accordance with Chapter 3746. of the Revised Code and rules adopted thereunder.	3746.04	state	none	no	State	no
3745-300-01	(P)(3)	required	"Pathway exclusion" is a demonstration made in accordance with rule 3745-300-11 of the Administrative Code and approved by the director that excludes the releases of hazardous substances or petroleum associated with a potentially complete or complete exposure pathway to an off-property area from the release of liability provided by the covenant not to sue, and from any demonstration of compliance with applicable standards that is otherwise required for issuance of the no further action letter.	3746.04	state	none	no	State	no
3745-300-01	(P)(9)	required	"Phase I property assessment" is all the activities required to evaluate a property in accordance with rule 3745-300-06 of the Administrative Code, Chapter 3746. of the Revised Code, and the standards provided in division (B) of section 3746.07 of the Revised Code.	3746.04	state	none	no	State	no
3745-300-01	(P)(10)	required	"Phase II property assessment" is all the activities required to evaluate a property in accordance with rule 3745-300-07 of the Administrative Code, Chapter 3746. of the Revised Code, and the standards provided in division (C) of section 3746.07 of the Revised Code.	3746.04	state	none	no	State	no
3745-300-01	(P)(11)	shall	"Point of compliance" is any location on or off the property to which applicable standards shall be met and maintained.	3746.04	state	none	no	State	no
3745-300-01	(P)(13)	required	"Professional development hour unit" is a unit hour for tracking continuing education, as required by paragraph (C) of rule 3745-300-05 of the Administrative Code.	3746.04	state	none	no	State	no

3745-300-01	(R)(6)	require	"Recreational activities" are highly variable exposure scenarios that require determination of applicable standards through a property-specific risk assessment conducted pursuant to rule 3745-300-09 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-01	(R)(10)	shall	Such experience shall indicate that the applicant is competent to conduct voluntary actions or to render voluntary action opinions.	3746.04	state	none	no	State	no
3745-300-01	(R)(14)	requires	"Restricted residential land use" is residential land use that requires the implementation of institutional controls, engineering controls, any other remedial activities to comply with applicable standards for residential land use.	3746.04	state	none	no	State	no
3745-300-01	(R)(14)	required	Restricted residential land use is considered protective for, and may be applied to, residential land uses appropriate for a point of compliance less than the minimum depth of ten feet that is required by rule 3745-300-07 of the Administrative Code, vapor intrusion remedies, or ground water use restrictions.	3746.04	state	none	no	State	no
3745-300-01	(R)(14)	requires	Restricted residential land use requires a central management entity to implement or oversee the institutional controls, engineering controls, and any other remedial activities used to comply with applicable standards pursuant to rule 3745-300-11 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-01	(U)(2)	shall	"Unrestricted potable use standard" means ground water standards based on the assumption that ground water shall be used as a source of water for drinking, cooking, showering, and bathing.	3746.04	state	none	no	State	no
3745-300-01	(V)(1)(b)	shall	To demonstrate that applicable standards have been met, the person undertaking such measures shall establish either of the following:	3746.04	state	none	no	State	no
3745-300-01	(V)(1)(b)(ii)	shall	That there has been a release of hazardous substances or petroleum at or upon the property and that applicable standards were not exceeded or have been or shall be achieved in accordance with this chapter and Chapter 3746. of the Revised Code.	3746.04	state	none	no	State	no
3745-300-02	(B)(2)	requires	Any property on which a class V underground injection control well is located is eligible for the voluntary action program if such property is not the subject of an order or permit that requires site assessment, removal, or remediation of hazardous substances or petroleum.	3746.04	state	none	no	no	no
3745-300-02	(B)(3)	required	Any property where corrective action is required, pursuant to a federal or a state permit issued under the Resource Conservation and Recovery Act, and the regulations adopted thereunder, or Chapter 3734. of the Revised Code and rules adopted thereunder, as applicable.	3746.04	state	none	no	no	no
3745-300-02	(B)(4)	requires	Any property that is the subject of a federal enforcement action which requires site assessment, removal, or remedial activities, pursuant to any federal laws and regulations, including, without limitation, the federal laws provided in division (A) of section 3746.02 of the Revised Code.	3746.04	state	none	no	no	no
3745-300-02	(B)(5)	required	Closure required of hazardous waste or solid waste facility.	3746.04	state	none	no	State	no
3745-300-02	(B)(5)	required	Any property where closure of a hazardous waste facility or a solid waste facility is required.	3746.04	state	none	no	State	no
3745-300-02	(B)(5)(a)	required	"Property where closure of a solid waste facility is required" includes the following:	3746.04	state	none	no	State	no
3745-300-02	(B)(5)(a)(ii)	required	Any solid waste facility, for which closure activities have been completed in accordance with Chapter 3734. of the Revised Code, during the term of any applicable post-closure care period required by Chapters 3745-27, 3745-29, and 3745-30 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-02	(B)(5)(b)	required	For the purposes of this rule, "property where closure of a hazardous waste facility is required" includes the following:	3746.04	state	none	no	State	no
3745-300-02	(B)(5)(b)(i)	required	Those portions of property on which hazardous waste generator closure of any accumulation area is required pursuant to Chapter 3745-52 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-02	(B)(5)(b)(ii)	required	Those portions of a property on which "closure" of a "hazardous waste management unit" is required under Chapter 3734. of the Revised Code, as those terms are defined in section 3734.01 of the Revised Code, and rule 3745-50-10 of the Administrative Code, respectively, regardless of whether or not a hazardous waste facility installation and operation permit has been issued.	3746.04	state	none	no	State	no
3745-300-02	(B)(5)(b)(ii)	required	Properties on which "hazardous wastes," as defined in section 3734.01 of the Revised Code, were treated, stored, or disposed, are required to be closed in accordance with Chapter 3734. of the Revised Code and rules adopted thereunder.	3746.04	state	none	no	State	no

3745-300-02	(B)(5)(b)(iii)	required	Any hazardous waste management unit described in paragraph (B) (5)(b) of this rule, during the term of any applicable post-closure care period required by Chapters 3745-55 and 3745-66 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-02	(B)(6)	shall not	However, this paragraph shall not apply to property with either of the following:	3746.04	state	none	no	State	no
3745-300-02	(C)(1)	shall	After receipt of the enforcement letter, the person seeking to enter the voluntary action program ("proposed volunteer") shall present sufficient evidence to Ohio EPA that the proposed volunteer has done or is doing the following:	3746.04	state	none	no	State	no
3745-300-02	(C)(2)	shall	Not later than thirty days after the receipt of an enforcement letter, the proposed volunteer shall submit to Ohio EPA for consideration, at a minimum, evidence that shows completion of the following:	3746.04	state	none	no	State	no
3745-300-02	(C)(2)(a)	shall	A phase I property assessment report, which meets the requirements in paragraph (G) of rule 3745-300-06 of the Administrative Code, was completed prior to receipt of the enforcement letter for the property for which a no further action letter shall be sought.	3746.04	state	none	no	State	no
3745-300-02	(C)(2)(b)	shall	A detailed summary of planned data collection activities, a schedule to conduct planned data collection activities, a detailed description of how such data shall be evaluated, and a general description of and estimation of the time frame for completion of each milestone of the phase II property assessment activities and determinations described in paragraph (F) of rule 3745-300-07 of the Administrative Code and any other voluntary activities necessary to address the threat identified in the enforcement letter.	3746.04	state	none	no	State	no
3745-300-02	(C)(2)(c)	shall	Such documentation shall have been prepared prior to receipt of the enforcement letter.	3746.04	state	none	no	State	no
3745-300-02	(C)(2)(c)	required	Recent completion of the activities required in paragraphs (C)(2)(a) and (C)(2)(b) of this rule may satisfy the requirements of this paragraph.	3746.04	state	none	no	State	no
3745-300-02	(C)(3)	shall	Not later than sixty days after receipt of the enforcement letter, or such other time period as approved by Ohio EPA, the proposed volunteer, through the certified professional, shall demonstrate to the director that all existing documentation and data pertaining to the voluntary action have been reviewed by the certified professional and shall submit to Ohio EPA the following:	3746.04	state	none	no	State	no
3745-300-02	(C)(3)	shall	Not later than sixty days after receipt of the enforcement letter, or such other time period as approved by Ohio EPA, the proposed volunteer, through the certified professional, shall demonstrate to the director that all existing documentation and data pertaining to the voluntary action have been reviewed by the certified professional and shall submit to Ohio EPA the following:	3746.04	state	none	no	State	No
3745-300-02	(C)(4)	required	Upon the submittal of all items required by paragraphs (C) (2) and (C)(3) of this rule, the director shall do the following:	3746.04	state	none	no	State	No
3745-300-02	(C)(4)	shall	Upon the submittal of all items required by paragraphs (C)(2) and (C)(3) of this rule, the director shall do the following:	3746.04	state	none	no	State	yes, director
3745-300-02	(C)(6)	shall	In order to remain eligible with respect to paragraph (B)(8) of this rule, the proposed volunteer shall do the following:	3746.04	state	none	no	State	no
3745-300-02	(C)(6)(b)	shall	The initial report shall be submitted within three months after receipt of the director's determination of sufficient evidence letter referenced in paragraph (C)(4) of this rule.	3746.04	state	none	no	State	no
3745-300-02	(C)(6)(b)	shall	Thereafter, progress reports shall be submitted every three months, and shall continue until submittal to the director of a complete no further action letter for the property.	3746.04	state	none	no	State	no
3745-300-02	(C)(6)(b)	shall	Thereafter, progress reports shall be submitted every three months, and shall continue until submittal to the director of a complete no further action letter for the property.	3746.04	state	none	no	State	no
3745-300-02	(C)(6)(b)	shall	At a minimum, progress reports shall include the following:	3746.04	state	none	no	State	no
3745-300-02	(C)(6)(b)(v)	shall	Indication of any anticipated change in the target or actual completion dates for each milestone of the voluntary action, including project completion, and an explanation for any deviation from any applicable schedules, which shall be subject to Ohio EPA approval.	3746.04	state	none	no	State	no

3745-300-02	(C)(8)	shall	Upon a submittal to the director of a statement that Ohio EPA has taken none of the actions provided in paragraphs (C)(7)(a) to (C)(7)(e) of this rule within a continuous one year period after issuance of an enforcement letter, the director shall determine whether or not the statement of inactivity is true and shall respond in writing to the proposed volunteer as to whether or not Ohio EPA intends to proceed with enforcement or considers the proposed volunteer a participant in the voluntary action program.	3746.04	state	none	no	State	yes, director
3745-300-02	(C)(8)	shall	Upon a submittal to the director of a statement that Ohio EPA has taken none of the actions provided in paragraphs (C)(7)(a) to (C)(7)(e) of this rule within a continuous one year period after issuance of an enforcement letter, the director shall determine whether or not the statement of inactivity is true and shall respond in writing to the proposed volunteer as to whether or not Ohio EPA intends to proceed with enforcement or considers the proposed volunteer a participant in the voluntary action program.	3746.04	state	none	no	State	yes, director
3745-300-02	(C)(10)	shall	The director shall provide written notice to a volunteer if Ohio EPA intends to proceed with an enforcement action pursuant to paragraph (C)(9) of this rule.	3746.04	state	none	no	State	yes, director
3745-300-02	(D)	shall	The demonstration shall include a written statement from the applicable state or federal agency or department which confirms that the property is no longer subject to such requirements.	3746.04	state	none	no	State	no
3745-300-03	(A)	shall	Fees shall be derived from the estimated actual costs associated with performing all of the tasks, duties, and services related to the relevant application or voluntary action program activity.	3746.04	state	none	no	State	no
3745-300-03	(A)	shall	Fees shall be primarily based upon the following:	3746.04	state	none	no	State	no
3745-300-03	(C)	shall	For initial certification, a mobile laboratory shall pay the actual costs incurred by Ohio EPA relating to reviewing the application package and performing an audit pursuant to rule 3745-300-04 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-03	(D)	shall	In addition to payment of all applicable initial certification and renewal certification fees pursuant to paragraph (B) of this rule, a certified laboratory shall pay the following:	3746.04	state	none	no	State	no
3745-300-03	(E)	shall	For all activities not addressed by paragraph (B), (C), or (D) of this rule, the actual costs incurred by Ohio EPA shall be charged to and paid by the beneficiary or subject, as applicable, of the activity.	3746.04	state	none	no	State	no
3745-300-03	(F)	shall	In addition to any applicable existing permit fees, any person requesting a consolidated standards permit shall pay the actual direct and indirect costs related to obtaining and administering the consolidated standards permit.	3746.04	state	none	no	State	no
3745-300-03	(G)	shall	Full payment of fees shall accompany any application or form, and shall be made using a form prescribed by Ohio EPA.	3746.04	state	none	no	State	no
3745-300-03	(G)	shall	Full payment of fees shall accompany any application or form, and shall be made using a form prescribed by Ohio EPA.	3746.04	state	none	no	State	no
3745-300-03	(G)	shall	Payment by check or money order shall be made payable to "Treasurer, State of Ohio" and shall indicate in the memo field the applicable fees being paid.	3746.04	state	none	no	State	no
3745-300-03	(G)	shall	Payment by check or money order shall be made payable to "Treasurer, State of Ohio" and shall indicate in the memo field the applicable fees being paid.	3746.04	state	none	no	State	no
3745-300-03	(G)	shall	Payment by use of an Ohio EPA-prescribed electronic system shall be completed in compliance with terms for system use.	3746.04	state	none	no	State	no
3745-300-03	(H)	requires	Any certification, permit, covenant, renewal, or other action by the director under this chapter or Chapter 3746. of the Revised Code which requires payment of a fee or cost shall not be made effective until full payment of all applicable fees or costs is received by Ohio EPA.	3746.04	state	none	no	State	no
3745-300-03	(H)	shall not	Any certification, permit, covenant, renewal, or other action by the director under this chapter or Chapter 3746. of the Revised Code which requires payment of a fee or cost shall not be made effective until full payment of all applicable fees or costs is received by Ohio EPA.	3746.04	state	none	no	State	no
3745-300-04	(A)(2)	shall	In order to produce certified data to support a voluntary action under this chapter and Chapter 3746. of the Revised Code, the following shall occur:	3746.04	state	none	no	State	no
3745-300-04	(A)(2)(a)	shall	The laboratory shall be certified for each analyte, parameter group, and method at the time the laboratory performs the analyses.	3746.04	state	none	no	State	no

3745-300-04	(A)(2)(b)	shall	The laboratory's analyses shall remain consistent with the laboratory's standard operating procedures (SOPs) and quality assurance program plan (QAPP).	3746.04	state	none	no	State	no
3745-300-04	(A)(2)(c)	shall	The laboratory's SOPs and QAPP used to produce certified data shall be consistent with all of the following:	3746.04	state	none	no	State	no
3745-300-04	(A)(4)	shall	For certification obtained that relies on third-party accreditation, the certified laboratory shall maintain in good standing the accreditation provided in paragraphs (B)(1)(d) and (B)(1)(e) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(A)(5)	shall	When a hazardous substance is comprised of more than one constituent, the certified laboratory shall obtain certification for each constituent, even if the constituent is not listed as a hazardous substance.	3746.04	state	none	no	State	no
3745-300-04	(A)(6)	shall not	Upon withdrawal, the laboratory shall not report data as certified data under this chapter.	3746.04	state	none	no	State	no
3745-300-04	(B)(1)(b)	shall	A laboratory shall use a published or endorsed method only in the manner for which that method is designed.	3746.04	state	none	no	State	no
3745-300-04	(B)(1)(c)	shall	A laboratory shall demonstrate the laboratory's ability to perform the method using a proficiency testing sample as provided in paragraph (C)(1) of this rule, if available, and in accordance with the application requirements in paragraph (D)(4) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(B)(1)(d)	shall	A laboratory that applies for certification for the analysis of asbestos shall have current accreditation in at least one of the following programs:	3746.04	state	none	no	State	no
3745-300-04	(B)(3)	shall	Testing for sediment toxicity shall be performed in accordance with paragraph (F)(4)(b) of rule 3745-300-09 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-04	(C)(1)(a)	shall	Unless otherwise exempt from this requirement, a laboratory that applies for certification under this rule shall do the following:	3746.04	state	none	no	State	no
3745-300-04	(C)(1)(b)	shall	The laboratory shall order proficiency testing samples from a proficiency testing provider that is approved to produce the proficiency testing samples and evaluate the proficiency testing results.	3746.04	state	none	no	State	no
3745-300-04	(C)(1)(c)	shall	For the purposes of this rule, a laboratory shall analyze a proficiency testing sample that was formulated and evaluated using the criteria established by TNI.	3746.04	state	none	no	State	no
3745-300-04	(C)(1)(c)(i)	shall	If the laboratory applies for certification for testing aqueous samples, the laboratory shall analyze a non-potable water sample or, if a nonpotable water sample is not available, a drinking water sample.	3746.04	state	none	no	State	no
3745-300-04	(C)(1)(c)(ii)	shall	If the laboratory applies for certification for testing solid matrix samples, the laboratory shall analyze a solid matrix sample or, if a solid matrix sample is not available, an aqueous sample.	3746.04	state	none	no	State	no
3745-300-04	(C)(2)	shall	To demonstrate compliance with this rule for any analyte or parameter group a laboratory shall analyze proficiency testing samples, which a proficiency testing provider prepared and evaluated using TNI criteria, except as follows:	3746.04	state	none	no	State	no
3745-300-04	(C)(2)(b)	shall	For mobile laboratories, each proficiency testing sample shall be analyzed while the laboratory is mobilized on location for a project and not at the laboratory's base of operations.	3746.04	state	none	no	State	no
3745-300-04	(C)(2)(c)	shall	In the case of a waiver, certification for the analyte or parameter group shall be limited to the use of a performance-based method as described in paragraph (B) (1)(c) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(C)(2)(d)	not required	For any analyte or parameter group for which the laboratory holds NELAP accreditation in good standing pursuant to paragraph (B)(1)(e) of this rule, analysis of proficiency testing samples is not required unless Ohio EPA determines that proficiency testing is required.	3746.04	state	none	no	State	no
3745-300-04	(C)(4)(a)	shall	The laboratory shall analyze proficiency testing samples that include the analyte or parameter group which corresponds to the scope of the laboratory's certification or application for certification.	3746.04	state	none	no	State	no
3745-300-04	(C)(4)(c)	shall	Analysis of proficiency testing samples shall be conducted in accordance with the laboratory's SOPs and QAPP identified in paragraph (D) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(C)(4)(d)	shall	To comply with this rule, a laboratory shall order a proficiency testing sample based on the technology that is representative of the certification.	3746.04	state	none	no	State	no

3745-300-04	(C)(4)(d)	shall	For example, to encompass the scope of a certification for volatile organic compounds, the laboratory shall ensure that the proficiency testing sample contains both aromatics and halocarbons.	3746.04	state	none	no	State	no
3745-300-04	(C)(5)(a)	shall	A laboratory that is certified or that applies for certification for multiple technologies for an analyte or parameter group shall analyze and report proficiency testing results for each technology, and may use the same proficiency testing sample.	3746.04	state	none	no	State	no
3745-300-04	(C)(5)(b)	shall	A laboratory that applies for any initial or additional certification under this rule shall analyze the proficiency testing sample within the six months prior to the date the laboratory submits the laboratory's application, except as provided in paragraph (C)(2)(c) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(C)(5)(c)	shall	Upon request, laboratories shall analyze proficiency testing samples and shall report the results to Ohio EPA.	3746.04	state	none	no	State	no
3745-300-04	(C)(5)(c)	shall	Upon request, laboratories shall analyze proficiency testing samples and shall report the results to Ohio EPA.	3746.04	state	none	no	State	no
3745-300-04	(C)(6)	shall	A laboratory shall submit proficiency testing reports to Ohio EPA as follows:	3746.04	state	none	no	State	no
3745-300-04	(C)(6)(a)	shall	A laboratory that applies for initial or additional certification shall submit to Ohio EPA a copy of each required proficiency testing report with the documentation listed in paragraph (D)(1) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(C)(6)(a)	required	A laboratory that applies for initial or additional certification shall submit to Ohio EPA a copy of each required proficiency testing report with the documentation listed in paragraph (D)(1) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(C)(6)(b)	shall	Each proficiency testing report submitted to Ohio EPA shall include of the following:	3746.04	state	none	no	State	no
3745-300-04	(C)(7)	shall	A laboratory that applies for initial or additional certification or renewal certification shall meet the proficiency testing requirements as follows:	3746.04	state	none	no	State	no
3745-300-04	(C)(7)(d)	may require	Ohio EPA may require a laboratory that applies for certification for a performance-based method to analyze proficiency testing samples.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-04	(C)(7)(d)	shall	These proficiency testing results shall be used to evaluate a laboratory's qualifications to apply for the performance-based method.	3746.04	state	none	no	State	no
3745-300-04	(C)(7)(d)	shall	For example, a laboratory that applies for initial or additional certification for n-Hexane by gas chromatography and mass spectrometry shall provide acceptable proficiency testing results for a non-potable water volatile proficiency testing sample analyzed using the same technology and method.	3746.04	state	none	no	State	no
3745-300-04	(D)(1)	shall	To apply for initial or additional certification, a laboratory shall submit the following, in the format prescribed by Ohio EPA:	3746.04	state	none	no	State	no
3745-300-04	(D)(1)(a)	shall	The applications shall be on the form provided by Ohio EPA.	3746.04	state	none	no	State	no
3745-300-04	(D)(1)(c)	not required	This requirement does not apply to asbestos, or when proficiency testing samples are not required as described in paragraph (C)(2) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(D)(1)(e)	shall	The method detection limit study shall include use of spiked solutions and method blanks.	3746.04	state	none	no	State	no
3745-300-04	(D)(1)(e)	shall not	The spiked solutions final spiking concentrations shall not exceed the laboratory's reporting limit.	3746.04	state	none	no	State	no
3745-300-04	(D)(1)(e)	shall	The following information shall be provided for each analyte and parameter group in spreadsheet format:	3746.04	state	none	no	State	no
3745-300-04	(D)(1)(e)(iii)	shall	The laboratory shall digest, extract, or distill all method detection limit study samples using the procedures included in the SOPs submitted under paragraph (D)(1)(d) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(D)(1)(f)	required	For a fixed-base laboratory that applies for initial certification, payment of the non-refundable certification fee required by rule 3745-300-03 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-04	(D)(1)(g)	required	For a mobile laboratory that applies for initial certification or a certified laboratory that applies for additional certification, the actual costs incurred by Ohio EPA as required by rule 3745-300-03 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-04	(D)(2)	shall	A certified laboratory shall submit to Ohio EPA a complete application, in the format prescribed by Ohio EPA, prior to the expiration date listed on the laboratory's current certificate.	3746.04	state	none	no	State	no

3745-300-04	(D)(2)	shall	A certified laboratory that requests certification changes shall comply with paragraph (Q) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(D)(2)	shall	To apply for renewal certification, a laboratory shall submit to Ohio EPA the following:	3746.04	state	none	no	State	no
3745-300-04	(D)(2)(a)	shall	The application shall be on the form provided by Ohio EPA.	3746.04	state	none	no	State	no
3745-300-04	(D)(2)(b)	required	The payment of the non-refundable annual fee required by rule 3745-300-03 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-04	(D)(2)(d)	requires	The addition of an analyte, parameter group, or method also requires completion of the application for initial or additional certification as required by paragraph (D)(1) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(D)(2)(d)	required	The addition of an analyte, parameter group, or method also requires completion of the application for initial or additional certification as required by paragraph (D)(1) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(D)(2)(e)	shall	If the laboratory intends for the laboratory's renewal certification to be based on maintaining third-party accreditation in good standing in accordance with paragraph (A)(4) of this rule, the laboratory shall provide the documentation required by paragraphs (D)(3) and (D)(5) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(D)(2)(e)	required	If the laboratory intends for the laboratory's renewal certification to be based on maintaining third-party accreditation in good standing in accordance with paragraph (A)(4) of this rule, the laboratory shall provide the documentation required by paragraphs (D)(3) and (D)(5) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(D)(3)(a)	shall	A laboratory that applies for initial or additional certification for the analysis of asbestos under paragraph (B)(1)(d) of this rule shall submit a photocopy of a current certificate or other form of documentation issued by an accreditation program listed in paragraph (B)(1)(d) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(D)(3)(a)	shall	The submittal shall include the documentation required by paragraph (D)(1) of this rule, excluding paragraphs (D)(1)(c) and (D)(1)(e) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(D)(3)(a)	required	The submittal shall include the documentation required by paragraph (D)(1) of this rule, excluding paragraphs (D)(1)(c) and (D)(1)(e) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(D)(3)(b)	shall	A certified laboratory that applies for renewal of the laboratory's asbestos certification shall submit a photocopy of a current certificate or other form of documentation issued by an asbestos accreditation program that documents that the accreditation remains in good standing.	3746.04	state	none	no	State	no
3745-300-04	(D)(4)	shall	A laboratory that applies for initial or additional certification for any performance-based method as provided in paragraph (B)(1)(c) of this rule shall submit the documents listed in paragraph (D)(1) of this rule, and shall submit the following:	3746.04	state	none	no	State	no
3745-300-04	(D)(4)	shall	A laboratory that applies for initial or additional certification for any performance-based method as provided in paragraph (B)(1)(c) of this rule shall submit the documents listed in paragraph (D)(1) of this rule, and shall submit the following:	3746.04	state	none	no	State	no
3745-300-04	(D)(5)(a)	shall	A laboratory that applies for initial or additional certification for analysis of any constituent other than asbestos that relies on maintaining accreditation in good standing from a NELAP accreditation body recognized by TNI shall submit the following:	3746.04	state	none	no	State	no
3745-300-04	(D)(5)(a)(iii)	required	Documentation required by paragraph (D)(1) of this rule, except that information required by paragraphs (D)(1)(c) and (D)(1)(e) of this rule, may be excluded, unless otherwise requested by Ohio EPA.	3746.04	state	none	no	State	no
3745-300-04	(D)(5)(a)(iii)	required	Documentation required by paragraph (D)(1) of this rule, except that information required by paragraphs (D)(1)(c) and (D)(1)(e) of this rule, may be excluded, unless otherwise requested by Ohio EPA.	3746.04	state	none	no	State	no
3745-300-04	(D)(5)(b)	shall	A laboratory that applies for renewal certification for analysis of any constituent other than asbestos that relies on maintaining accreditation in good standing from a NELAP accreditation body recognized by TNI shall submit the following:	3746.04	state	none	no	State	no
3745-300-04	(D)(5)(b)(iii)	required	Documentation required by paragraph (D)(2) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(E)(1)	required	An application that contains all of the information required by paragraph (D) of this rule is considered complete.	3746.04	state	none	no	State	no
3745-300-04	(E)(1)(b)	required	For applications that rely on third-party accreditation bodies, review of the documentation required by paragraphs (D)(3) and (D)(5) of this rule that demonstrate that the accreditation is in good standing.	3746.04	state	none	no	State	no

3745-300-04	(E)(1)(c)	required	A detailed review of the information required by paragraph (D) of this rule, such as a laboratory's SOPs, QAPP, method detection limit studies, proficiency testing results, or any other required information, as applicable.	3746.04	state	none	no	State	no
3745-300-04	(E)(1)(c)	required	A detailed review of the information required by paragraph (D) of this rule, such as a laboratory's SOPs, QAPP, method detection limit studies, proficiency testing results, or any other required information, as applicable.	3746.04	state	none	no	State	no
3745-300-04	(E)(2)	shall	The applicant shall provide the requested information in a timely manner.	3746.04	state	none	no	State	no
3745-300-04	(E)(3)	shall	To receive certification, a laboratory shall demonstrate to the director's satisfaction that the laboratory complies with this rule.	3746.04	state	none	no	State	no
3745-300-04	(E)(3)	shall	The laboratory shall possess the ability to provide reliable, defensible, and representative data that complies with the requirements for certified data under this rule.	3746.04	state	none	no	State	no
3745-300-04	(E)(4)	shall	Unless the request for certification is withdrawn by the applicant, the director shall either approve or deny certification:	3746.04	state	none	no	State	yes, director
3745-300-04	(E)(4)(b)	shall	If the director denies certification, the director shall provide to the applicant a letter that describes the deficiencies upon which the certification denial is based.	3746.04	state	none	no	State	yes, director
3745-300-04	(F)(2)	shall	As provided in paragraph (D)(2) of this rule, a certified laboratory shall submit a complete renewal application prior to the expiration date listed on the laboratory's current certificate.	3746.04	state	none	no	State	no
3745-300-04	(F)(2)	required	An application that contains all of the information required by paragraph (D) of this rule is considered complete. Ohio EPA's review includes, but is not limited to, the following:	3746.04	state	none	no	State	no
3745-300-04	(F)(2)(b)	required	For certifications that rely on third-party accreditation bodies, review of the documentation required by paragraphs (D)(3) and (D)(5) of this rule that demonstrate that the accreditation remains in good standing.	3746.04	state	none	no	State	no
3745-300-04	(F)(2)(c)	required	In accordance with paragraph (J)(5) of this rule, the information required by paragraph (F)(2)(b) of this rule shall be provided in the laboratory's renewal application.	3746.04	state	none	no	State	no
3745-300-04	(F)(2)(c)	shall	In accordance with paragraph (J)(5) of this rule, the information required by paragraph (F)(2)(b) of this rule shall be provided in the laboratory's renewal application.	3746.04	state	none	no	State	no
3745-300-04	(F)(2)(g)	shall	Ohio EPA's review of the requested additional analytes, parameter groups, or methods shall continue and can be added to the certification at a later date if approved by the director.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-04	(F)(5)	shall	Renewal of a laboratory's certification past the expiration date on the certificate shall be addressed as follows:	3746.04	state	none	no	State	no
3745-300-04	(F)(5)(c)	not required	If renewal of a laboratory's certification is delayed past the expiration date on the certificate for reasons identified in paragraph (F)(5)(a) or (F)(5)(b) of this rule, the laboratory is not required to submit an initial application to obtain certification renewal unless the director ultimately denies the request for renewal.	3746.04	state	none	no	State	no
3745-300-04	(G)	shall	Each certified laboratory shall have a written QAPP and written SOPs for every method and procedure used by the laboratory to produce certified data, and shall keep these documents at the laboratory for use by laboratory personnel.	3746.04	state	none	no	State	no
3745-300-04	(G)	shall	Each certified laboratory shall have a written QAPP and written SOPs for every method and procedure used by the laboratory to produce certified data, and shall keep these documents at the laboratory for use by laboratory personnel.	3746.04	state	none	no	State	no
3745-300-04	(G)	shall	The QAPP and SOPs shall comply with paragraph (A)(2)(c)(iii) of this rule and the methods published or endorsed by U.S. EPA, except as specified in this rule.	3746.04	state	none	no	State	no
3745-300-04	(G)(1)	shall	At a minimum, the QAPP shall include provisions that require laboratory reports issued in compliance with this chapter to contain the following:	3746.04	state	none	no	State	no
3745-300-04	(G)(1)	require	At a minimum, the QAPP shall include provisions that require laboratory reports issued in compliance with this chapter to contain the following:	3746.04	state	none	no	State	no
3745-300-04	(G)(1)(f)(i)	requires	Temperature of samples upon receipt by the laboratory, if the method requires monitoring.	3746.04	state	none	no	State	no
3745-300-04	(G)(2)	shall	To ensure quality data interpretation and quality reporting of laboratory results, the QAPP or SOPs shall include, at a minimum, the following:	3746.04	state	none	no	State	no

3745-300-04	(G)(2)(a)	shall	SOPs shall include information regarding how the qualitative and quantitative analyses are performed and interpreted by the analysts.	3746.04	state	none	no	State	no
3745-300-04	(G)(2)(b)	shall	Laboratories shall report solid samples on a dry weight basis,	3746.04	state	none	no	State	no
3745-300-04	(G)(2)(b)	shall	The moisture content also shall be reported, when applicable.	3746.04	state	none	no	State	no
3745-300-04	(G)(2)(b)	shall	SOPs shall include processes and calculations for this purpose.	3746.04	state	none	no	State	no
3745-300-04	(G)(2)(c)	shall	Prior to issuance of the laboratory reports as certified data, laboratories shall complete peer review of applicable calibration, calibration verification, quality assurance, and quality control results, as well as sample laboratory results.	3746.04	state	none	no	State	no
3745-300-04	(G)(2)(d)	shall	The SOPs shall contain the following minimum requirements:	3746.04	state	none	no	State	no
3745-300-04	(G)(2)(d)(iii)	shall	Both original and modified chromatograms, including the chromatographic peaks and baselines, shall be peer reviewed.	3746.04	state	none	no	State	no
3745-300-04	(G)(2)(d)(iv)	shall	The laboratory shall retain copies of the original and modified chromatograms.	3746.04	state	none	no	State	no
3745-300-04	(G)(2)(d)(iv)	shall	These shall be made available to Ohio EPA, or other interested parties, upon request.	3746.04	state	none	no	State	no
3745-300-04	(G)(2)(e)	shall	As appropriate, the QAPP or SOPs shall contain a provision that the laboratory shall narrate potential bias in sample results if the requirements in the SOP cannot be met, including, but not limited to, the following:	3746.04	state	none	no	State	no
3745-300-04	(G)(2)(e)	shall	As appropriate, the QAPP or SOPs shall contain a provision that the laboratory shall narrate potential bias in sample results if the requirements in the SOP cannot be met, including, but not limited to, the following:	3746.04	state	none	no	State	no
3745-300-04	(G)(2)(e)(i)	required	Failure to meet required holding times.	3746.04	state	none	no	State	no
3745-300-04	(G)(2)(f)(i)	shall	Results shall only be reported if the analyte is detected in both columns.	3746.04	state	none	no	State	no
3745-300-04	(G)(2)(f)(ii)	shall	If the laboratory does not designate a primary column, then the higher result shall be reported unless a matrix interference is causing the elevated concentration.	3746.04	state	none	no	State	no
3745-300-04	(G)(2)(f)(iii)	shall	If the laboratory designates a primary column, then the results from the primary column shall be reported unless matrix interference is present.	3746.04	state	none	no	State	no
3745-300-04	(G)(2)(f)(iv)	shall	In cases where matrix interference is present, the lower result, or both results, shall be included in the analytical report.	3746.04	state	none	no	State	no
3745-300-04	(G)(2)(g)	shall	Analytes reported as certified data shall meet all calibration, calibration verification, and quality control criteria.	3746.04	state	none	no	State	no
3745-300-04	(G)(2)(g)	shall not	If analytes do not meet criteria, then the analytes shall not be reported as certified data except as provided in paragraphs (G)(2)(e)(iii) or (G)(4)(c) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(G)(2)(h)	shall not	Laboratories shall not provide certified data for tentatively identified compounds.	3746.04	state	none	no	State	no
3745-300-04	(G)(2)(i)	shall	As appropriate, the QAPP or SOPs shall require the laboratory to report as certified data only analytes specified in the method, unless the laboratory's certification specifically allows reporting of additional analytes for the method.	3746.04	state	none	no	State	no
3745-300-04	(G)(2)(i)	require	As appropriate, the QAPP or SOPs shall require the laboratory to report as certified data only analytes specified in the method, unless the laboratory's certification specifically allows reporting of additional analytes for the method.	3746.04	state	none	no	State	no
3745-300-04	(G)(2)(i)	shall	If a laboratory report includes analytes that are not specified in the method and are not specifically allowed by the laboratory's certification, the laboratory shall identify the analytes as exceptions to the certified data attested to in the affidavit that is issued with the laboratory report.	3746.04	state	none	no	State	no
3745-300-04	(G)(2)(j)	shall not	If a laboratory's certification relies on maintaining third-party accreditation in good standing, the laboratory shall not report certified data under this rule when the relied-upon third-party accreditation is not in good standing with the issuing accreditation body.	3746.04	state	none	no	State	no
3745-300-04	(G)(2)(k)	shall	Samples for metals analysis that are filtered prior to digestion shall be reported as dissolved metals.	3746.04	state	none	no	State	no
3745-300-04	(G)(3)	shall	To ensure the quality of the data to be analyzed, the QAPP or SOPs shall comply with the approved method and shall include the following minimum instrument calibration requirements:	3746.04	state	none	no	State	no

3745-300-04	(G)(3)	shall	To ensure the quality of the data to be analyzed, the QAPP or SOPs shall comply with the approved method and shall include the following minimum instrument calibration requirements:	3746.04	state	none	no	State	no
3745-300-04	(G)(3)(a)	shall	At a minimum, SOPs shall include all of the following calibration requirements:	3746.04	state	none	no	State	no
3745-300-04	(G)(3)(a)(iii)	shall	Without exception, corrective actions the analyst shall follow for initial calibration, calibration verification, and calibration blanks when these standards do not meet the criteria required by paragraph (G)(3)(a)(ii) of this rule, as applicable.	3746.04	state	none	no	State	no
3745-300-04	(G)(3)(a)(iii)	required	Without exception, corrective actions the analyst shall follow for initial calibration, calibration verification, and calibration blanks when these standards do not meet the criteria required by paragraph (G)(3)(a)(ii) of this rule, as applicable.	3746.04	state	none	no	State	no
3745-300-04	(G)(3)(a)(vii)	shall not	Nonlinear initial calibration models shall not be used to extend the calibration range for compounds that normally exhibit a linear response.	3746.04	state	none	no	State	no
3745-300-04	(G)(3)(a)(viii)	shall	The lowest standard concentration used for initial calibration shall be at or below the laboratory's practical quantitation limit.	3746.04	state	none	no	State	no
3745-300-04	(G)(3)(b)	shall	Standard operation procedures shall specify initial calibration models as follows:	3746.04	state	none	no	State	no
3745-300-04	(G)(3)(c)	shall	Calibration solutions shall meet the following minimum requirements:	3746.04	state	none	no	State	no
3745-300-04	(G)(3)(c)(i)	shall	Unless the method allows for use of a different solution, the same solution used to prepare the initial calibration standards shall be used to prepare the continuing calibration verification standard.	3746.04	state	none	no	State	no
3745-300-04	(G)(3)(c)(ii)	shall	Unless use of the same solution is specifically allowed by the method, when an initial calibration verification standard is included in a method, a different solution other than the one used to prepare the calibration curve shall be used.	3746.04	state	none	no	State	no
3745-300-04	(G)(3)(c)(iv)	shall	The laboratory shall keep on file the documentation of such revalidation or recertification.	3746.04	state	none	no	State	no
3745-300-04	(G)(3)(c)(v)	shall	Retention time marker solutions shall be used for petroleum analysis.	3746.04	state	none	no	State	no
3745-300-04	(G)(3)(c)(v)	shall	These solutions shall be analyzed before the instrument is calibrated.	3746.04	state	none	no	State	no
3745-300-04	(G)(3)(d)	required	For all dual column analysis, the calibration criteria required by paragraphs (G)(3)(a) to (G)(3)(c) of this rule shall be met on the column used to report data as certified.	3746.04	state	none	no	State	no
3745-300-04	(G)(3)(d)	shall	For all dual column analysis, the calibration criteria required by paragraphs (G)(3)(a) to (G)(3)(c) of this rule shall be met on the column used to report data as certified.	3746.04	state	none	no	State	no
3745-300-04	(G)(4)	shall	To ensure reliable data, the QAPP or SOPs shall comply with the approved method and shall include the following:	3746.04	state	none	no	State	no
3745-300-04	(G)(4)	shall	To ensure reliable data, the QAPP or SOPs shall comply with the approved method and shall include the following:	3746.04	state	none	no	State	no
3745-300-04	(G)(4)(b)	shall	When criteria are not met for all associated quality control solutions, including but not limited to the method blank and spiked laboratory control solutions, or when surrogate recoveries or internal standard recoveries fail to meet the defined criteria in samples or quality control solutions, corrective actions shall occur, except as provided in paragraph (G)(2)(e)(iii) or (G)(4)(c) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(G)(4)(f)	shall	Calibration verification solutions shall contain all target analytes, except for the analysis of polychlorinated biphenyls.	3746.04	state	none	no	State	no
3745-300-04	(G)(4)(g)	shall	SOPs shall include information regarding quality control solutions, including all of the following:	3746.04	state	none	no	State	no
3745-300-04	(G)(4)(h)	shall	Quality control solutions shall be treated in the same manner as samples, including handling, preservation, preparation, and equipment use.	3746.04	state	none	no	State	no
3745-300-04	(G)(4)(i)	require	All detections in the method blank equal to or greater than the reporting limit require corrective actions as specified in paragraph (G)(4)(b) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(G)(4)(j)	required	All calibration verification standards required by the method and evaluated for per cent recovery, as defined by the methods, shall be reported based on the true value of the standard.	3746.04	state	none	no	State	no
3745-300-04	(G)(4)(j)	shall	All calibration verification standards required by the method and evaluated for per cent recovery, as defined by the methods, shall be reported based on the true value of the standard.	3746.04	state	none	no	State	no
3745-300-04	(G)(4)(k)	required	To report dual column analysis data as certified, criteria required by paragraph (G)(4)(b) of this rule for quality control solutions shall be met on the column used.	3746.04	state	none	no	State	no

3745-300-04	(G)(4)(k)	shall	To report dual column analysis data as certified, criteria required by paragraph (G)(4)(b) of this rule for quality control solutions shall be met on the column used.	3746.04	state	none	no	State	no
3745-300-04	(G)(5)	shall	To ensure the quality of the samples to be analyzed, the QAPP or SOPs shall comply with the approved method and shall include the following minimum requirements for preparation of samples:	3746.04	state	none	no	State	no
3745-300-04	(G)(5)	shall	To ensure the quality of the samples to be analyzed, the QAPP or SOPs shall comply with the approved method and shall include the following minimum requirements for preparation of samples:	3746.04	state	none	no	State	no
3745-300-04	(G)(5)(a)(i)	shall	If requirements from the approved method do not specify requirements for sample preservation, storage, holding times, and the proper sample collection container, the laboratory shall include such requirements in the QAPP or SOPs, as applicable.	3746.04	state	none	no	State	no
3745-300-04	(G)(5)(a)(ii)	shall not	Holding times described in the approved method shall not be increased by alternate preservation techniques or by alternate demonstrations.	3746.04	state	none	no	State	no
3745-300-04	(G)(5)(a)(iii)	shall not	Air samples from "Tedlar" bags shall not be reported as certified data.	3746.04	state	none	no	State	no
3745-300-04	(G)(5)(a)(iii)	shall	The transfer of air samples from "Tedlar" bags to a canister for air analysis shall be prohibited.	3746.04	state	none	no	State	no
3745-300-04	(G)(5)(a)(iii)	prohibited	The transfer of air samples from "Tedlar" bags to a canister for air analysis shall be prohibited.	3746.04	state	none	no	State	no
3745-300-04	(G)(5)(d)	shall	Include details to ensure that sample preparation specifications for digestion, distillation, clean-up, and extraction shall meet the final volume for analysis, either volumetrically measured or otherwise verified to meet volumetric specifications.	3746.04	state	none	no	State	no
3745-300-04	(G)(5)(e)	shall	If the preparatory batch standards (i.e., initial calibration or calibration verification standards) for digestion, distillation, or extraction are processed with the sample and the batch standards fail either quality control criteria or calibration criteria, upon re-analysis of the failed quality control solutions or calibration solutions once, the entire batch shall be prepared again.	3746.04	state	none	no	State	no
3745-300-04	(G)(5)(e)	shall	The corrective action shall occur except as provided in paragraph (G)(2)(e)(iii) or (G)(4)(c) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(G)(5)(f)	shall	Analysis of non-aqueous samples for volatile organic compounds shall utilize a closed-system purge-and-trap process consistent with "SW-846" method 5035 or method 5035A, unless the analytical method pre-dates December 1996.	3746.04	state	none	no	State	no
3745-300-04	(G)(5)(g)	shall	For organic extraction methods that include instruction for drying solid matrix samples, surrogates or any other spiking compounds shall be added with the drying agent and into the homogenous mixture of sample or quality control sample.	3746.04	state	none	no	State	no
3745-300-04	(G)(5)(g)	may not	Surrogates or any other spiking compounds may not be added via the extraction solvent to samples and the associated quality control solutions.	3746.04	state	none	no	State	no
3745-300-04	(G)(6)	shall	To ensure the quality of the samples to be analyzed, the QAPP or SOPs shall comply with the approved method and shall include the following minimum requirements:	3746.04	state	none	no	State	no
3745-300-04	(G)(6)	shall	To ensure the quality of the samples to be analyzed, the QAPP or SOPs shall comply with the approved method and shall include the following minimum requirements:	3746.04	state	none	no	State	no
3745-300-04	(G)(6)(b)	require	For organic analysis methods, samples with failing internal standard or surrogate criteria require re-analysis of the samples.	3746.04	state	none	no	State	no
3745-300-04	(G)(6)(b)	shall	Dilutions shall be made only if matrix interference is present.	3746.04	state	none	no	State	no
3745-300-04	(G)(6)(b)	shall not	Dilutions shall not be made for the sole purpose to meet, or attempt to meet, internal standard or surrogate criteria.	3746.04	state	none	no	State	no
3745-300-04	(G)(6)(d)	shall	Laboratories that report selective ion monitoring data shall include operating procedures for selective ion monitoring analysis within the associated SOP.	3746.04	state	none	no	State	no
3745-300-04	(G)(7)	shall	At a minimum, the written QAPP shall meet any necessary requirements in paragraphs (G)(1) to (G)(6) of this rule and shall include provisions that describe the following:	3746.04	state	none	no	State	no
3745-300-04	(G)(7)	shall	At a minimum, the written QAPP shall meet any necessary requirements in paragraphs (G)(1) to (G)(6) of this rule and shall include provisions that describe the following:	3746.04	state	none	no	State	no

3745-300-04	(G)(7)(a)	require	Procedures that require proper citation and use of method numbers, including the appropriate revision suffix, if applicable, shall be consistently identified and included on instrument printouts, log books, analytical reports, and any other laboratory documents.	3746.04	state	none	no	State	no
3745-300-04	(G)(7)(a)	shall	Procedures that require proper citation and use of method numbers, including the appropriate revision suffix, if applicable, shall be consistently identified and included on instrument printouts, log books, analytical reports, and any other laboratory documents.	3746.04	state	none	no	State	no
3745-300-04	(G)(7)(a)	shall	All method numbers plus the revision suffix, if applicable, shall correlate with the method number and revision suffix on the certificate issued under this rule.	3746.04	state	none	no	State	no
3745-300-04	(G)(7)(b)	shall	SOPs requirements shall be reviewed for potential updates at least once every two years.	3746.04	state	none	no	State	no
3745-300-04	(G)(7)(e)	shall	Identify how the laboratory shall establish quality control acceptance limits for the analysis of samples.	3746.04	state	none	no	State	no
3745-300-04	(G)(7)(f)	shall	Identify how the laboratory shall manage waste in accordance with all applicable federal, state, and local requirements.	3746.04	state	none	no	State	no
3745-300-04	(G)(7)(g)(i)	shall	Laboratory personnel shall review the QAPP and applicable SOPs which relate to the tasks associated with laboratory personnel's duties at the laboratory.	3746.04	state	none	no	State	no
3745-300-04	(G)(7)(g)(i)	shall	Laboratory personnel shall sign documentation that acknowledges review of the documents.	3746.04	state	none	no	State	no
3745-300-04	(G)(7)(g)(ii)	shall	The laboratory shall maintain training records and documentation that the laboratory personnel reviewed the appropriate documents.	3746.04	state	none	no	State	no
3745-300-04	(H)	shall	To maintain certification under this rule, a certified laboratory shall do the following:	3746.04	state	none	no	State	no
3745-300-04	(H)(2)	shall	After this disclosure, if the requester still requests the analysis to be performed, the laboratory shall specify in the affidavit that accompanies the analytical report the analytes, parameter groups, or methods for which the laboratory is not providing certified data.	3746.04	state	none	no	State	no
3745-300-04	(H)(7)(a)	shall	The certified laboratory shall provide certified data that detects chemicals of concern in environmental media at or below the applicable standards, unless the laboratory discloses that the laboratory is incapable of achieving an applicable standard under the laboratory's certification.	3746.04	state	none	no	State	no
3745-300-04	(H)(7)(b)	shall	Unless the certified laboratory is otherwise informed of the need for a lower applicable standard, the certified laboratory shall quantify at or below the single chemical generic numerical standards in appendices A and B of rule 3745-300-08 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-04	(H)(7)(c)	shall	If a certified laboratory that performs analyses in support of a no further action letter but is not capable of detecting the chemicals of concern in environmental media at or below the applicable standards, the certified laboratory shall notify, in writing, the person who requests the analysis that the laboratory cannot quantify at or below an applicable standard using a method for which the laboratory is currently certified.	3746.04	state	none	no	State	no
3745-300-04	(H)(12)	required	Pay all costs and fees required by rule 3745-300-03 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-04	(H)(13)	required	As required by this rule and rule 3745-300-13 of the Administrative Code, submit by affidavit all information, data, documents, and reports for use in support of a request for a no further action letter.	3746.04	state	none	no	State	no
3745-300-04	(I)(1)	shall	All applications and documentation provided to Ohio EPA in accordance with this rule shall be submitted to Ohio EPA in a format prescribed by Ohio EPA.	3746.04	state	none	no	State	no
3745-300-04	(I)(2)	shall	Payment of fees or costs incurred by Ohio EPA under this rule shall be paid in accordance with paragraph (G) of rule 3745-300-03 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-04	(J)(1)	shall	Ohio EPA shall audit laboratories to determine compliance with this rule or to evaluate a laboratory's qualifications to become certified under this rule.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-04	(J)(1)(a)	shall	During a laboratory audit, Ohio EPA shall evaluate a laboratory's qualifications to become certified to perform analyses in accordance with this rule, at either of the following occurrences:	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-04	(J)(1)(b)	shall	At any time and for any purpose, Ohio EPA shall evaluate a certified laboratory to determine a laboratory's compliance with the laboratory's obligations as a certified laboratory under this rule and the laboratory's ability to produce certified data in accordance with this rule.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-04	(J)(2)(e)	required	Review of performance testing results, as required by paragraph (C) of this rule.	3746.04	state	none	no	State	no

3745-300-04	(J)(3)	shall	Ohio EPA shall prepare an audit report that indicates any deficiencies that are identified during the audit that require corrective actions by the laboratory.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-04	(J)(3)	require	Ohio EPA shall prepare an audit report that indicates any deficiencies that are identified during the audit that require corrective actions by the laboratory.	3746.04	state	none	no	State	no
3745-300-04	(J)(4)	shall	If Ohio EPA identifies any deficiencies during a laboratory audit, the laboratory shall correct those deficiencies to Ohio EPA's satisfaction before receipt of an initial, additional, or renewal certification.	3746.04	state	none	no	State	no
3745-300-04	(J)(5)	shall	If the current certification was not previously based on third-party accreditation and the laboratory elects to provide documentation of third-party accreditation during a laboratory audit, the laboratory shall include in the laboratory's renewal application documentation that demonstrates that the accreditation remains in good standing for the purpose of the laboratory's renewal certification.	3746.04	state	none	no	State	no
3745-300-04	(J)(6)	shall	Pursuant to rule 3745-300-03 of the Administrative Code, Ohio EPA shall recover Ohio EPA's actual costs to conduct audits.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-04	(K)(1)	shall	After completion of the requirements in this rule, the director shall provide to the laboratory a certificate that identifies the analytes, parameter groups, or methods for which the laboratory may perform analyses.	3746.04	state	none	no	State	yes, director
3745-300-04	(K)(4)	shall	Entities that own or operate multiple laboratories shall apply for a separate certification for each laboratory facility.	3746.04	state	none	no	State	no
3745-300-04	(K)(5)	shall	If a laboratory changes location, the laboratory shall reapply for certification as an initial application to continue the laboratory's certification.	3746.04	state	none	no	State	no
3745-300-04	(K)(6)	shall	The effective certificate shall be displayed in a prominent location in the laboratory.	3746.04	state	none	no	State	no
3745-300-04	(L)(1)	shall	A laboratory shall maintain all documents and data prepared or acquired in connection with a voluntary action for a period of at least ten years after the date that the laboratory's analyses were submitted to a certified professional or volunteer.	3746.04	state	none	no	State	no
3745-300-04	(L)(3)	shall	If a laboratory does not intend to retain such documents and data after ten years, the laboratory shall notify Ohio EPA of such intent, and shall provide Ohio EPA the opportunity to obtain the documents and data.	3746.04	state	none	no	State	no
3745-300-04	(L)(3)	shall	If a laboratory does not intend to retain such documents and data after ten years, the laboratory shall notify Ohio EPA of such intent, and shall provide Ohio EPA the opportunity to obtain the documents and data.	3746.04	state	none	no	State	no
3745-300-04	(L)(4)	shall	The documents and data shall be retained until the notice described in paragraph (L)(3) of this rule is provided to Ohio EPA, and Ohio EPA notifies the laboratory in writing whether Ohio EPA shall obtain the documents and data.	3746.04	state	none	no	State	no
3745-300-04	(L)(4)	shall	The documents and data shall be retained until the notice described in paragraph (L)(3) of this rule is provided to Ohio EPA, and Ohio EPA notifies the laboratory in writing whether Ohio EPA shall obtain the documents and data.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-04	(L)(5)	not required	Notification of Ohio EPA pursuant to this paragraph is not required as long as a laboratory continues to retain all documents and data.	3746.04	state	none	no	State	no
3745-300-04	(O)(3)	shall	The director shall permanently revoke a laboratory's certification if the laboratory does not comply with a request for documents and data, in violation of paragraph (H)(11) of this rule.	3746.04	state	none	no	State	yes, director
3745-300-04	(O)(5)	shall	Upon revocation or suspension of certification, the laboratory shall promptly return to Ohio EPA the certificate to which the revocation or suspension applies.	3746.04	state	none	no	State	no
3745-300-04	(P)(1)(b)(ii)	required	Information consistent with requirements for a renewal certification as required by paragraph (D) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(P)(1)(b)(ii)	shall	Ohio EPA's evaluation of the information submitted shall be consistent with paragraph (F) of this rule.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-04	(P)(2)	required	Pursuant to rule 3745-300-03 of the Administrative Code, the laboratory is required to pay any costs incurred by Ohio EPA to review requests for reinstatement.	3746.04	state	none	no	State	no

3745-300-04	(P)(4)	shall	If Ohio EPA conducts a laboratory audit of the laboratory as a result of paragraph (P)(3) of this rule, the laboratory shall do one of the following:	3746.04	state	none	no	State	no
3745-300-04	(P)(4)(b)	shall	Prior to reinstatement of the laboratory's certification, shall correct any deficiencies that are identified during the audit.	3746.04	state	none	no	State	no
3745-300-04	(P)(4)(b)	shall	Laboratory audits shall be conducted consistent with paragraph (J) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(P)(5)	shall	Instead, the laboratory shall comply with this paragraph for reinstatement of the laboratory's certification.	3746.04	state	none	no	State	no
3745-300-04	(P)(6)	shall	A reinstated certification shall expire one year from the date of the conclusion of the suspension period.	3746.04	state	none	no	State	no
3745-300-04	(Q)(1)	shall	A laboratory shall request a modification to the laboratory's certificate to reflect changes in company name or address, or to update or remove methods from a certificate.	3746.04	state	none	no	State	no
3745-300-04	(Q)(1)	shall	Such a request shall be made on the laboratory's renewal application, or through use of a cover letter when making a request for a modification during a non-renewal period.	3746.04	state	none	no	State	no
3745-300-04	(Q)(2)	required	In accordance with rule 3745-300-03 of the Administrative Code, the laboratory is required to pay any costs incurred by Ohio EPA to review a request for modification of the laboratory's certification.	3746.04	state	none	no	State	no
3745-300-04	(R)(1)	shall	A laboratory that seeks recertification after a certification expires or was revoked shall comply with the requirements for initial certification provided in paragraphs (D) and (E) of this rule.	3746.04	state	none	no	State	no
3745-300-04	(R)(2)	may require	Ohio EPA may waive any portion of these requirements, and may require an alternate recertification process.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-05	(A)(1)	shall	Individuals applying for certification shall provide such information and evidence as Ohio EPA deems reasonably necessary to enable the director to determine that the individual meets the qualifications provided in this rule.	3746.04	state	none	no	State	no
3745-300-05	(A)(2)	shall	The director shall issue a certificate to an individual upon a demonstration, to the director's satisfaction, of the following:	3746.04	state	none	no	State	yes, director
3745-300-05	(A)(2)(a)	shall	The charter or accreditation of the recognized educational institution shall have been effective as of the date the individual's degree was granted.	3746.04	state	none	no	State	no
3745-300-05	(A)(2)(b)	shall	Such experience shall consist of an average minimum of twenty hours per week.	3746.04	state	none	no	State	no
3745-300-05	(A)(2)(b)	shall	Relevant professional experience that consists of less than an average minimum of twenty hours per week shall be applied toward the satisfaction of this requirement on a pro rata basis.	3746.04	state	none	no	State	no
3745-300-05	(A)(2)(c)	required	The individual possesses the professional competence and knowledge to perform the tasks required of a certified professional.	3746.04	state	none	no	State	no
3745-300-05	(A)(2)(c)	shall	This determination shall be made by a review of evidence including, but not limited to, references, Ohio EPA comments on past work submitted to Ohio EPA, the application form, and other sources the director deems appropriate.	3746.04	state	none	no	State	no
3745-300-05	(A)(2)(c)	shall	To make this determination, the director shall consider the following:	3746.04	state	none	no	State	yes, director
3745-300-05	(A)(2)(d)	shall	Each individual who applies for initial certification shall complete initial certification training by attending all sessions of the initial certification training.	3746.04	state	none	no	State	no
3745-300-05	(A)(2)(d)	shall	Initial certification training shall consist of at least eight hours of instruction pertaining to the technical implementation of Chapter 3746. of the Revised Code, and this chapter, and the standards of conduct a certified professional shall exercise when providing professional services are provided under Chapter 3746. of the Revised Code and this chapter.	3746.04	state	none	no	State	no
3745-300-05	(A)(2)(d)	shall	Initial certification training shall consist of at least eight hours of instruction pertaining to the technical implementation of Chapter 3746. of the Revised Code, and this chapter, and the standards of conduct a certified professional shall exercise when providing professional services are provided under Chapter 3746. of the Revised Code and this chapter.	3746.04	state	none	no	State	no
3745-300-05	(A)(2)(d)(i)	shall	Ohio EPA shall review, and, with or without modification, shall approve the training syllabi, and the scope and content of training and training materials used by a third party prior to use at an initial certification training.	3746.04	state	none	no	State	yes, Ohio EPA

3745-300-05	(A)(2)(d)(i)	shall	Ohio EPA shall review, and, with or without modification, shall approve the training syllabi, and the scope and content of training and training materials used by a third party prior to use at an initial certification training.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-05	(A)(2)(d)(iii)	shall	Upon the conclusion of each initial certification training, Ohio EPA or the third-party shall provide each person who completed the initial certification training a certificate of completion.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-05	(A)(2)(d)(iii)	shall	The third party shall submit to Ohio EPA the name and contact information of each person who completed the initial certification training.	3746.04	state	none	no	State	no
3745-300-05	(A)(2)(d)(iv)	shall	If the individual who applies for initial certification does not submit the application within one year after completion of the initial certification training, the individual shall re-take the training.	3746.04	state	none	no	State	no
3745-300-05	(A)(2)(e)	required	Evidence of an inability to comply with the ethical responsibilities required of a certified professional with good moral character includes, but is not limited to, acts that involve dishonesty, fraud, or deceit.	3746.04	state	none	no	State	no
3745-300-05	(A)(3)	required	An individual who has earned advanced degrees from recognized educational institutions in addition to those required to meet the minimum educational requirements may request that the director credit that additional education toward the requirements for relevant professional experience if the individual can demonstrate to the director's satisfaction that the advanced degree constitutes relevant experience.	3746.04	state	none	no	State	no
3745-300-05	(A)(4)	shall	Certification shall be denied if the director finds the following:	3746.04	state	none	no	State	yes, director
3745-300-05	(A)(6)	shall	Except as provided in paragraphs (A)(4) and (A)(5) of this rule, an individual who meets the qualifications of paragraph (A)(2) of this rule and pays the application fee shall be issued a certificate.	3746.04	state	none	no	State	no
3745-300-05	(B)(1)	shall	An individual who applies for certification shall submit to Ohio EPA a complete and current version of an initial application in a manner prescribed by Ohio EPA.	3746.04	state	none	no	State	no
3745-300-05	(B)(2)	shall	The individual shall submit full payment of the non-refundable fee, as described in paragraph (B)(1) of rule 3745-300-03 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-05	(B)(3)	shall	The individual shall submit official transcripts from the appropriate educational institutions to verify that the educational qualifications specified in paragraphs (A)(2)(a) and (A)(3) of this rule are met.	3746.04	state	none	no	State	no
3745-300-05	(B)(4)	shall	The individual shall submit a certificate of completion that demonstrates the individual's completion of the initial certification training in accordance with paragraph (A)(2)(d) of this rule.	3746.04	state	none	no	State	no
3745-300-05	(B)(5)	shall	All documents and information submitted to Ohio EPA pursuant to this paragraph shall be accompanied by an affidavit from the individual affirming that upon knowledge, information, and belief, all information submitted in support of the individual's certification application is true, accurate, and complete.	3746.04	state	none	no	State	no
3745-300-05	(B)(6)	shall	Within fourteen days after receipt, Ohio EPA shall conduct a completeness review of an individual's initial certification application, as follows:	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-05	(B)(6)(a)	shall not	Ohio EPA shall not consider an incomplete application, and shall notify the individual of any reasons the application is incomplete, and of any additional information required for further consideration of the application.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-05	(B)(6)(a)	shall	Ohio EPA shall not consider an incomplete application, and shall notify the individual of any reasons the application is incomplete, and of any additional information required for further consideration of the application.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-05	(B)(6)(a)	required	Ohio EPA shall not consider an incomplete application, and shall notify the individual of any reasons the application is incomplete, and of any additional information required for further consideration of the application.	3746.04	state	none	no	State	no
3745-300-05	(B)(6)(b)	shall not	The director shall not initiate final review of an application until Ohio EPA determines that the application is complete.	3746.04	state	none	no	State	yes, director
3745-300-05	(B)(7)	shall	Within forty-five days after Ohio EPA determines that an application is complete, the director shall either approve or deny certification.	3746.04	state	none	no	State	yes, director

3745-300-05	(B)(7)	shall	If the director denies certification, the director shall provide a letter that describes the deficiencies upon which the certification denial is based.	3746.04	state	none	no	State	yes, director
3745-300-05	(B)(8)	shall	Each individual shall demonstrate to the director's satisfaction that the individual meets the requirements for certification.	3746.04	state	none	no	State	no
3745-300-05	(B)(8)	may require	Ohio EPA may require an individual to appear for a personal interview to answer questions pertaining to an application.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-05	(B)(8)	shall	If a personal interview is scheduled, the time to approve or deny an application as provided in paragraph (B)(7) of this rule shall be extended to twenty days after the date a personal interview is conducted.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-05	(B)(8)	shall	If an individual twice fails to appear for a personal interview scheduled with Ohio EPA, the application shall be denied unless the director finds such failure to appear was due to circumstances beyond the individual's reasonable control.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-05	(C)(1)	shall	An individual who applies for certification renewal shall submit to Ohio EPA a complete and current version of a renewal application in a manner prescribed by Ohio EPA.	3746.04	state	none	no	State	no
3745-300-05	(C)(1)	shall	The complete renewal application shall be submitted before certification expires to maintain continuous certification.	3746.04	state	none	no	State	no
3745-300-05	(C)(1)	shall	Submittal of a renewal application after the expiration date shall result in a lapse in the individual's certification.	3746.04	state	none	no	State	no
3745-300-05	(C)(2)	shall	A complete renewal application shall include the following:	3746.04	state	none	no	State	no
3745-300-05	(C)(2)(e)	shall	All documents and information submitted to Ohio EPA pursuant to this paragraph shall be accompanied by an affidavit from the individual, affirming that upon knowledge, information, and belief, all information submitted in support of the renewal application is true, accurate, and complete.	3746.04	state	none	no	State	no
3745-300-05	(C)(3)	shall	To maintain certification, a certified professional either shall demonstrate to the director's satisfaction that the certified professional has completed a minimum of twelve professional development hour units in the certification period, as described in this rule, of relevant continuing education, or shall obtain an excuse or modification of those requirements in accordance with paragraph (C)(10) of this rule.	3746.04	state	none	no	State	no
3745-300-05	(C)(3)	shall	To maintain certification, a certified professional either shall demonstrate to the director's satisfaction that the certified professional has completed a minimum of twelve professional development hour units in the certification period, as described in this rule, of relevant continuing education, or shall obtain an excuse or modification of those requirements in accordance with paragraph (C)(10) of this rule.	3746.04	state	none	no	State	no
3745-300-05	(C)(5)	shall	A certified professional's initial presentation or instruction of a course, seminar, workshop, or other meeting described in paragraph (C)(3) of this rule shall be eligible to receive credit for twice the professional development hour units that would be credited for attendance of the part of the course, seminar, workshop, or other meeting presented or instructed by the certified professional.	3746.04	state	none	no	State	no
3745-300-05	(C)(6)	shall not	Professional development hour units shall not be earned for the following:	3746.04	state	none	no	State	no
3745-300-05	(C)(7)	shall	A certified professional shall earn a minimum of six of the twelve professional development hour units in the certification period by attendance of courses and seminars conducted by Ohio EPA that are approved for professional development hour units.	3746.04	state	none	no	State	no
3745-300-05	(C)(8)	shall	A certified professional who has not submitted a no further action letter to the director in request of a covenant not to sue within the past four calendar years, shall demonstrate having done either of the following:	3746.04	state	none	no	State	no
3745-300-05	(C)(8)(b)	shall	The course shall be completed within one year prior to any application for certification.	3746.04	state	none	no	State	no
3745-300-05	(C)(9)	shall	Documents used to support professional development hour units claimed shall be submitted with the renewal application and shall include the following:	3746.04	state	none	no	State	no
3745-300-05	(C)(9)	shall	Documents used to support professional development hour units claimed shall be submitted with the renewal application and shall include the following:	3746.04	state	none	no	State	no

3745-300-05	(C)(11)	shall	Within fourteen days after receipt, Ohio EPA shall conduct a completeness review of an individual's renewal certification application, as follows:	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-05	(C)(11)(a)	shall not	Ohio EPA shall not consider an incomplete application, and shall notify the individual of any reasons the application is incomplete, and of any additional information required for further consideration of the application.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-05	(C)(11)(a)	shall	Ohio EPA shall not consider an incomplete application, and shall notify the individual of any reasons the application is incomplete, and of any additional information required for further consideration of the application.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-05	(C)(11)(a)	required	Ohio EPA shall not consider an incomplete application, and shall notify the individual of any reasons the application is incomplete, and of any additional information required for further consideration of the application.	3746.04	state	none	no	State	no
3745-300-05	(C)(11)(b)	shall not	The director shall not approve or deny an application until Ohio EPA determines that the application is complete.	3746.04	state	none	no	State	yes, director
3745-300-05	(C)(11)(d)	required	If the individual provides the additional information required to complete the application after the expiration date of certification, there shall be a lapse between certification periods.	3746.04	state	none	no	State	no
3745-300-05	(C)(11)(d)	shall	If the individual provides the additional information required to complete the application after the expiration date of certification, there shall be a lapse between certification periods.	3746.04	state	none	no	State	no
3745-300-05	(C)(11)(d)	shall	Individuals shall verify that there was no lapse in certification at the time the individual issues any voluntary action opinions.	3746.04	state	none	no	State	no
3745-300-05	(C)(13)	shall	If the director denies renewal of a certification, the director shall provide a letter that describes the reasons for the denial of certification renewal.	3746.04	state	none	no	State	yes, director
3745-300-05	(C)(14)	shall not	An individual whose certification expired and was not renewed within sixty days after the expiration date of the certificate shall not apply for renewal certification pursuant to paragraph (C)(1) of this rule, but may apply for certification pursuant to paragraphs (A) and (B) of this rule.	3746.04	state	none	no	State	no
3745-300-05	(D)(1)	shall	If the qualitative habitat evaluation index, index of biotic integrity, modified index of well-being, and the invertebrate community index are used in support of a no further action letter, the certified professional or the certified professional's designated representative shall do the following:	3746.04	state	none	no	State	no
3745-300-05	(D)(2)	shall	Qualified data collector level 3 status shall be renewed every two years before qualified data collector level 3 status automatically expires.	3746.04	state	none	no	State	no
3745-300-05	(D)(2)	shall	To renew to qualified data collector level 3 status, the certified professional or the certified professional's designated representative shall meet the renewal requirements for status as a level 3 qualified data collector under paragraph (C) of rule 3745-4-03 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-05	(E)(1)(a)	shall	A certified professional shall act with care and diligence, and shall fully apply the certified professional's knowledge and skill at the time professional services are performed.	3746.04	state	none	no	State	no
3745-300-05	(E)(1)(a)	shall	A certified professional shall act with care and diligence, and shall fully apply the certified professional's knowledge and skill at the time professional services are performed.	3746.04	state	none	no	State	no
3745-300-05	(E)(1)(b)(i)	required	Managed, supervised, or actually performed the work which is required to render the voluntary action opinion.	3746.04	state	none	no	State	no
3745-300-05	(E)(1)(b)(ii)	required	Reviewed the work performed by other qualified persons which is required to render the voluntary action opinion.	3746.04	state	none	no	State	no
3745-300-05	(E)(2)(a)	shall	A certified professional shall hold paramount public health, safety, welfare, and the environment in the performance of professional services.	3746.04	state	none	no	State	no
3745-300-05	(E)(2)(b)	shall	If a certified professional identifies an imminent hazard at a property at which the certified professional is providing professional services, the certified professional shall do the following:	3746.04	state	none	no	State	no
3745-300-05	(E)(2)(c)	shall	If a certified professional discovers the occurrence of a release at or from a property that is subject section 3750.06 of the Revised Code, the certified professional shall do the following:	3746.04	state	none	no	State	no

3745-300-05	(E)(2)(d)	shall	In the event that a certified professional knows or has reason to know of an action taken by a volunteer, or any person who conducts work in connection with a voluntary action, that significantly deviates from any scope of work, plan, or report developed to comply with this chapter, or an order of the director issued under division (B)(3) of section 3746.12 of the Revised Code, the certified professional shall promptly notify the volunteer in writing of such deviation.	3746.04	state	none	no	State	no
3745-300-05	(E)(2)(e)	shall	A certified professional shall do the following:	3746.04	state	none	no	State	no
3745-300-05	(E)(2)(f)	shall	If, subsequent to the date a certified professional issued a no further action letter, the certified professional learns that relevant facts, data, or other information existed at the time the no further action letter was issued which indicates that applicable standards were not met, the certified professional shall do the following:	3746.04	state	none	no	State	no
3745-300-05	(E)(2)(f)(ii)	required	Notify Ohio EPA that applicable standards were not met if required.	3746.04	state	none	no	State	no
3745-300-05	(E)(2)(f)(ii)	required	For purposes of this rule, the certified professional is required to notify Ohio EPA if the volunteer, or the owner or operator of the property if different from the volunteer, does not submit written confirmation to the certified professional within thirty days after the certified professional learns of the relevant facts, data, or other information, that the volunteer, owner, or operator notified Ohio EPA.	3746.04	state	none	no	State	no
3745-300-05	(E)(2)(g)	shall	In the event that a volunteer prevents or attempts to prevent a certified professional from acting in accordance with paragraphs (E)(2)(e)(i) to (E)(2)(e)(iv) of this rule, the certified professional shall sever the certified professional's relationship with the volunteer.	3746.04	state	none	no	State	no
3745-300-05	(E)(2)(h)	shall not	A certified professional shall not engage in fraudulent or dishonest business practices or allow the use of the certified professional's name by, or associate in a business venture with, any person or firm which the certified professional knows or should know is engaging in fraudulent or dishonest business practices.	3746.04	state	none	no	State	no
3745-300-05	(E)(2)(i)	shall	A certified professional shall cooperate fully in the conduct of audits by the director and shall promptly furnish such information as the director deems necessary to perform all audits under this chapter and section 3746.17 of the Revised Code.	3746.04	state	none	no	State	no
3745-300-05	(E)(2)(i)	shall	A certified professional shall cooperate fully in the conduct of audits by the director and shall promptly furnish such information as the director deems necessary to perform all audits under this chapter and section 3746.17 of the Revised Code.	3746.04	state	none	no	State	no
3745-300-05	(E)(2)(j)	shall	A certified professional shall promptly and completely respond to all document requests made by the director under this chapter and Chapter 3746. of the Revised Code.	3746.04	state	none	no	State	no
3745-300-05	(E)(3)(a)	shall not	A certified professional shall not accept compensation, financial or otherwise, from more than one person for professional services regarding a property, unless the circumstances are fully disclosed in writing to, and agreed to, by all persons who contract with the certified professional for professional services with regard to that property.	3746.04	state	none	no	State	no
3745-300-05	(E)(3)(b)	shall not	A certified professional shall not render a voluntary action opinion with respect to any property owned, leased, or operated by or in which any of the following persons have an interest:	3746.04	state	none	no	State	no
3745-300-05	(E)(3)(c)	shall	In the event that a certified professional has, develops, or acquires any business association, direct or indirect financial interest, or other circumstance which could create an impression of influencing the certified professional's judgment in connection with performance of professional services, the certified professional shall fully disclose in writing, to the person who has contracted with the certified professional for professional services, the nature of the business association, financial interest, or other circumstance.	3746.04	state	none	no	State	no
3745-300-05	(E)(3)(c)(i)	shall	If the person who contracted with the certified professional for professional services objects to such business association, financial interest or circumstance, the certified professional, at the certified professional's discretion, either shall terminate the business association, financial interest, or circumstances, or shall terminate the professional services pertaining to the voluntary action.	3746.04	state	none	no	State	no

3745-300-05	(E)(3)(c)(i)	shall	If the person who contracted with the certified professional for professional services objects to such business association, financial interest or circumstance, the certified professional, at the certified professional's discretion, either shall terminate the business association, financial interest, or circumstances, or shall terminate the professional services pertaining to the voluntary action.	3746.04	state	none	no	State	no
3745-300-05	(E)(3)(c)(ii)	shall	If a certified professional believes that a business association, financial interest, or other circumstance renders the certified professional incapable of discharging professional obligations under this chapter regarding a voluntary action, the certified professional shall terminate the certified professional's involvement regarding that voluntary action and shall avoid any further involvement regarding such action.	3746.04	state	none	no	State	no
3745-300-05	(E)(3)(c)(ii)	shall	If a certified professional believes that a business association, financial interest, or other circumstance renders the certified professional incapable of discharging professional obligations under this chapter regarding a voluntary action, the certified professional shall terminate the certified professional's involvement regarding that voluntary action and shall avoid any further involvement regarding such action.	3746.04	state	none	no	State	no
3745-300-05	(E)(3)(d)	shall not	A certified professional shall not solicit or accept financial or other consideration from any person in return for specification of or endorsement of the products or services of such person in connection with a voluntary action.	3746.04	state	none	no	State	no
3745-300-05	(E)(3)(e)	shall not	A certified professional shall not provide professional services under a contingency arrangement whereby the amount of payment of any consideration to the certified professional is dependent upon or related to the attainment or non-attainment of a specified finding or result, or where the payment of any consideration to the certified professional in whole or in part is otherwise dependent upon or related to a specified finding or result of such services.	3746.04	state	none	no	State	no
3745-300-05	(E)(3)(f)	shall not	A certified professional shall not advertise or otherwise promise to any person that the certified professional will issue a no further action letter regarding a property, until the certified professional determines that all requirements of Chapter 3746. of the Revised Code and this chapter are satisfied.	3746.04	state	none	no	State	no
3745-300-05	(E)(4)	shall	Certified professionals shall submit each voluntary action opinion by affidavit pursuant to this paragraph except for no further action letters that are subject to the affidavit provisions of paragraph (Q) of rule 3745-300-13 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-05	(E)(4)	shall	The certified professional shall submit an affidavit based upon the certified professional's knowledge, information, and belief, which includes the following:	3746.04	state	none	no	State	no
3745-300-05	(F)(1)	shall	The director shall revoke the certification of a certified professional for a period of time to be determined by the director if the director finds that any information on the certified professional's application for initial certification or application for renewal certification or any information in connection with a voluntary action was falsified.	3746.04	state	none	no	State	yes, director
3745-300-05	(F)(4)	shall	If the certified professional fails to comply with the director's request, the director shall permanently revoke the certification of the certified professional.	3746.04	state	none	no	State	yes, director
3745-300-05	(F)(5)	shall	A certified professional whose certification was suspended or revoked shall immediately provide notification of the suspension or revocation, by certified mail, to all persons who contracted with the certified professional for professional services, or who had a no further action letter prepared by the certified professional.	3746.04	state	none	no	State	no
3745-300-05	(F)(5)	shall	The certified professional shall provide to the director a copy of all notifications required by this paragraph within ten days after the date of the certified mailing.	3746.04	state	none	no	State	no
3745-300-05	(F)(5)	required	The certified professional shall provide to the director a copy of all notifications required by this paragraph within ten days after the date of the certified mailing.	3746.04	state	none	no	State	no
3745-300-05	(F)(6)	shall not	Unless the director first consults with the director of the department of commerce, the director shall not revoke the certification of a certified professional who conducts voluntary actions only at properties contaminated solely with petroleum.	3746.04	state	none	no	State	yes, director

3745-300-05	(F)(7)	shall	The director shall provide at least thirty days prior notice to a certified professional of an ensuing suspension or revocation action by the director.	3746.04	state	none	no	State	yes, director
3745-300-05	(F)(7)	shall	The notice shall include a general explanation of the suspension or revocation action.	3746.04	state	none	no	State	yes, director
3745-300-05	(G)	shall	Such application shall comply with paragraphs (A) and (B) of this rule.	3746.04	state	none	no	State	no
3745-300-05	(H)	shall	If a certified professional no longer intends to retain certification, the certified professional shall return the certificate with a written notice to Ohio EPA indicating intent to withdraw from certification.	3746.04	state	none	no	State	no
3745-300-05	(I)(1)(a)	shall	A certified professional shall maintain all documents and data prepared or acquired in connection with a voluntary action for a period of at least ten years.	3746.04	state	none	no	State	no
3745-300-05	(I)(1)(b)	shall	After ten years, if a certified professional does not intend to retain such documents, the certified professional shall notify Ohio EPA by certified mail of such intent and shall provide Ohio EPA the opportunity to obtain all documents.	3746.04	state	none	no	State	no
3745-300-05	(I)(1)(b)	shall	After ten years, if a certified professional does not intend to retain such documents, the certified professional shall notify Ohio EPA by certified mail of such intent and shall provide Ohio EPA the opportunity to obtain all documents.	3746.04	state	none	no	State	no
3745-300-05	(I)(1)(c)	shall	Documents shall be retained by the certified professional until the notice described in paragraph (I)(1)(d) of this rule is provided and Ohio EPA notifies the certified professional in writing that Ohio EPA does intend to obtain the documents.	3746.04	state	none	no	State	no
3745-300-05	(I)(1)(e)	not required	Notification to Ohio EPA is not required pursuant to this rule as long as a certified professional continues to retain all documents.	3746.04	state	none	no	State	no
3745-300-05	(I)(1)(f)	shall	Upon withdrawal, the certified professional promptly shall provide Ohio EPA the opportunity to obtain all documents maintained under this chapter in the same manner as identified in paragraph (I)(1)(a) of this rule.	3746.04	state	none	no	State	no
3745-300-05	(I)(2)(a)	shall	Upon the written request of any person for documents not in the possession of Ohio EPA and described on a list included in a no further action letter submitted to the director, Ohio EPA shall send a written request to the certified professional to submit such documents to Ohio EPA within a reasonable period of time.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-05	(I)(2)(b)	shall	Upon receipt of the written request from Ohio EPA, the certified professional shall submit the original documents to Ohio EPA, within the time period specified in the director's request.	3746.04	state	none	no	State	no
3745-300-05	(I)(2)(c)	shall	Within a reasonable period of time after Ohio EPA receives the requested documents, the Ohio EPA shall provide copies of the documents to the requestor in the same manner as a public record.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-05	(I)(2)(d)	shall	Any request for reproduction of documents shall be made through Ohio EPA.	3746.04	state	none	no	State	no
3745-300-05	(J)	shall	A certified professional shall prepare a voluntary action summary report.	3746.04	state	none	no	State	no
3745-300-05	(J)	shall	This report shall do the following:	3746.04	state	none	no	State	no
3745-300-05	(L)(1)	shall	To render a voluntary action opinion, each certified professional shall procure and use a device to mark a seal.	3746.04	state	none	no	State	no
3745-300-05	(L)(1)	shall	The design, arrangement, size, and wording of the seal shall conform with the specifications prescribed by Ohio EPA.	3746.04	state	none	no	State	no
3745-300-05	(L)(2)	shall	The certified professional's seal shall apply to the certified professional's official use only in connection with voluntary action opinions for which the certified professional is responsible, and shall not transfer.	3746.04	state	none	no	State	no
3745-300-05	(L)(2)	shall not	The certified professional's seal shall apply to the certified professional's official use only in connection with voluntary action opinions for which the certified professional is responsible, and shall not transfer.	3746.04	state	none	no	State	no
3745-300-05	(L)(3)	shall	A certified professional shall use the seal to attest that, in the certified professional's professional judgment, the voluntary action opinion upon which the seal appears complies with this chapter and Chapter 3746. of the Revised Code.	3746.04	state	none	no	State	no

3745-300-05	(L)(4)	shall not	A certified professional shall not allow the official seal to be affixed to any document associated with any project which is not a voluntary action or to any voluntary action opinion not prepared by the certified professional or under the certified professional's personal supervision.	3746.04	state	none	no	State	no
3745-300-05	(L)(5)	shall not	An individual whose certification expired and was not renewed, or was revoked or suspended shall not allow the official seal to be affixed to any document associated with a voluntary action opinion unless and until such individual is recertified as a certified professional in accordance with this rule.	3746.04	state	none	no	State	no
3745-300-06	(B)	shall	If the volunteer has information that establishes any reason to believe that any releases of hazardous substances or petroleum, have or may have occurred on or from the property, including any release due to management, handling, treatment, storage, or disposal activities from on or off-property activities, upon completion of the phase I property assessment, the volunteer shall conduct a phase II property assessment that addresses each release in accordance with rule 3745-300-07 of the Administrative Code prior to obtaining a no further action letter from a certified professional, except when paragraph (E)(2) of this rule is applicable.	3746.04	state	none	no	State	no
3745-300-06	(C)	shall	At a minimum, the volunteer shall perform a review of the historic and current uses of the property, review the environmental history of the property, and review the history of the property pertaining to the treatment, storage, management, or disposal of hazardous substances or petroleum, and the existence of source areas on the property, and shall conduct a property inspection.	3746.04	state	none	no	State	no
3745-300-06	(C)	shall	At a minimum, the volunteer shall perform a review of the historic and current uses of the property, review the environmental history of the property, and review the history of the property pertaining to the treatment, storage, management, or disposal of hazardous substances or petroleum, and the existence of source areas on the property, and shall conduct a property inspection.	3746.04	state	none	no	State	no
3745-300-06	(C)	shall	Any current owner of a property upon which a voluntary action is conducted shall provide to the volunteer any information known by that owner which may be relevant to the determination of the existence of source areas on the property or whether treatment, storage, management, or disposal of hazardous substances or petroleum occurred or may have occurred at the property.	3746.04	state	none	no	State	no
3745-300-06	(C)	shall	Any information that is determined not to be reasonably available, shall be identified, and an explanation shall be provided in the phase I property assessment report as to why the information was not reasonably available.	3746.04	state	none	no	State	no
3745-300-06	(C)	shall	Any information that is determined not to be reasonably available, shall be identified, and an explanation shall be provided in the phase I property assessment report as to why the information was not reasonably available.	3746.04	state	none	no	State	no
3745-300-06	(C)(1)	shall	The volunteer shall identify the first industrial or commercial use of the property through and including the present use of the property.	3746.04	state	none	no	State	no
3745-300-06	(C)(1)	shall	To complete the property history portion of the phase I property assessment, a volunteer shall perform the following as necessary to provide a continuous history:	3746.04	state	none	no	State	no
3745-300-06	(C)(1)(b)	shall	The investigation shall include a review of documents pertinent to the determination of whether there is any reason to believe that any releases of hazardous substances or petroleum have or may have occurred on or from the property.	3746.04	state	none	no	State	no
3745-300-06	(C)(2)(a)	shall	To the extent that such information is reasonably available, or available through diligent inquiry, a volunteer shall review any previous environmental assessments or studies, property assessments, or geologic studies for the property.	3746.04	state	none	no	State	no
3745-300-06	(C)(2)(b)	shall	A volunteer shall conduct a diligent investigation of the environmental compliance history of the property and all persons who owned or operated the property.	3746.04	state	none	no	State	no

3745-300-06	(C)(2)(b)	shall	This investigation shall relate to releases of hazardous substances or petroleum and to factors which may affect the eligibility of the property to participate in the voluntary action program and, at a minimum, shall include a review of reasonably available information from U.S. EPA, Ohio EPA, the Ohio department of natural resources, and the Ohio bureau of underground storage tank regulations.	3746.04	state	none	no	State	no
3745-300-06	(C)(2)(b)	shall	This investigation shall relate to releases of hazardous substances or petroleum and to factors which may affect the eligibility of the property to participate in the voluntary action program and, at a minimum, shall include a review of reasonably available information from U.S. EPA, Ohio EPA, the Ohio department of natural resources, and the Ohio bureau of underground storage tank regulations.	3746.04	state	none	no	State	no
3745-300-06	(C)(2)(c)	shall	A volunteer shall review records for the property and surrounding properties within a minimum of one half-mile from the property boundary, except as indicated in paragraphs (C)(2)(c)(i) to (C)(2)(c)(ix) of this rule.	3746.04	state	none	no	State	no
3745-300-06	(C)(2)(c)	shall	Such review shall include the records, as the records relate to the property and all areas located within a minimum of one half-mile of the property boundary, except as indicated in paragraphs (C)(2)(c)(i) to (C)(2)(c)(ix) of this rule, to the extent necessary to determine if hazardous substances or petroleum may have been released from surrounding properties and could potentially impact the subject property.	3746.04	state	none	no	State	no
3745-300-06	(C)(2)(c)	shall	The records that shall be reviewed include the following:	3746.04	state	none	no	State	no
3745-300-06	(C)(2)(d)	shall	A volunteer shall review records for the property and adjoining properties.	3746.04	state	none	no	State	no
3745-300-06	(C)(2)(d)	shall	This shall include a review of the records, as such records relate to the property and all adjoining properties, to the extent necessary to determine if hazardous substances or petroleum may have been released onto the property or are emanating onto the property from adjoining properties.	3746.04	state	none	no	State	no
3745-300-06	(C)(2)(d)	shall	The records that shall be reviewed include the following:	3746.04	state	none	no	State	no
3745-300-06	(C)(2)(e)	shall	A volunteer shall review records for the property only.	3746.04	state	none	no	State	no
3745-300-06	(C)(2)(e)	shall	This shall include a review of the records as such records relate to the potential release of hazardous substances or petroleum on or from the property.	3746.04	state	none	no	State	no
3745-300-06	(C)(2)(e)	shall	The records that shall be reviewed include the following:	3746.04	state	none	no	State	no
3745-300-06	(C)(2)(f)	shall	A volunteer shall review records for the property and surrounding properties.	3746.04	state	none	no	State	no
3745-300-06	(C)(3)	shall	A sufficient number and quality of interviews shall be conducted so that those persons with relevant knowledge have the opportunity to provide as much meaningful and relevant information about the property or surrounding properties as is reasonably possible.	3746.04	state	none	no	State	no
3745-300-06	(C)(3)	shall	All interview information, including interview questions and relevant responses obtained during the interviews, shall be documented in the phase I property assessment report, as provided in paragraph (G) of this rule.	3746.04	state	none	no	State	no
3745-300-06	(C)(4)	shall	The volunteer shall conduct a physical inspection of all areas of the property, including an inspection of the interior and exterior of all buildings and structures on the property, and an inspection of all other areas of the property.	3746.04	state	none	no	State	no
3745-300-06	(C)(4)	shall	At a minimum, to conduct the property inspection, the volunteer shall identify and document the following:	3746.04	state	none	no	State	no
3745-300-06	(C)(4)(b)	shall	If any of the sources identified under paragraph (C)(4)(a) of this rule are identified in the property inspection, the volunteer shall determine the condition of the sources.	3746.04	state	none	no	State	no
3745-300-06	(C)(5)	shall	Based on information obtained from paragraphs (C)(1) to (C)(4) of this rule, areas where hazardous substances or petroleum were or are located on or off property shall be evaluated to determine which areas have known or suspected releases of hazardous substances or petroleum.	3746.04	state	none	no	State	no
3745-300-06	(C)(5)	shall	The volunteer shall identify for each release, to the extent known or suspected, the following:	3746.04	state	none	no	State	no
3745-300-06	(D)	shall	To the extent that a previous ASTM phase I property assessment does not comply with the requirements of this rule it shall be supplemented to meet all requirements of this rule.	3746.04	state	none	no	State	no

3745-300-06	(D)[Comment]	shall	For example, if a phase I property assessment was completed December 1, 1990 and was in compliance with this rule except the requirement to provide a property history, including the uses of the property and all adjoining properties and any surrounding areas, the 1990 phase I property assessment shall be supplemented to include a continuous property history in accordance with paragraph (C)(1) of this rule, and a new phase I property assessment in accordance with this rule shall be performed for the period between December 2, 1990 up to the date of the issuance of the no further action letter or the performance of a phase II property assessment, whichever is applicable to the particular voluntary action.	3746.04	state	none	no	State	no
3745-300-06	(D)[Comment]	shall	For example, if a phase I property assessment was completed December 1, 1990 and was in compliance with this rule except the requirement to provide a property history, including the uses of the property and all adjoining properties and any surrounding areas, the 1990 phase I property assessment shall be supplemented to include a continuous property history in accordance with paragraph (C)(1) of this rule, and a new phase I property assessment in accordance with this rule shall be performed for the period between December 2, 1990 up to the date of the issuance of the no further action letter or the performance of a phase II property assessment, whichever is applicable to the particular voluntary action.	3746.04	state	none	no	State	no
3745-300-06	(E)(1)	shall	The volunteer shall identify each area at the property where a release of hazardous substances or petroleum has or may have occurred to environmental media.	3746.04	state	none	no	State	no
3745-300-06	(E)(1)	shall	Each identified area shall be detailed in the written phase I property assessment report as required in paragraph (G) of this rule.	3746.04	state	none	no	State	no
3745-300-06	(E)(1)	required	Each identified area shall be detailed in the written phase I property assessment report as required in paragraph (G) of this rule.	3746.04	state	none	no	State	no
3745-300-06	(E)(1)(b)	shall	If the volunteer has reason to believe a release has or may have occurred, but cannot visually observe or otherwise define the portion of the property that may have been affected by hazardous substances or petroleum, the volunteer shall designate the portion of the property as an identified area that is suspected to be affected by the hazardous substances or petroleum.	3746.04	state	none	no	State	no
3745-300-06	(E)(2)(a)	shall	The logic and reasoning used to evaluate the information for the de minimis demonstration shall consider the following:	3746.04	state	none	no	State	no
3745-300-06	(E)(2)(b)(i)	shall	The regulatory program process shall address all potential constituents of the release identified under this phase I property assessment, or the additional constituents shall be considered an identified area.	3746.04	state	none	no	State	no
3745-300-06	(E)(2)(b)(i)	shall	The regulatory program process shall address all potential constituents of the release identified under this phase I property assessment, or the additional constituents shall be considered an identified area.	3746.04	state	none	no	State	no
3745-300-06	(E)(2)(b)(i)	shall	The size of the area, the environmental media, and the pathways investigated under the regulatory program shall be consistent with what would have been investigated under this chapter, or the release shall be considered an identified area.	3746.04	state	none	no	State	no
3745-300-06	(E)(2)(b)(i)	shall	The size of the area, the environmental media, and the pathways investigated under the regulatory program shall be consistent with what would have been investigated under this chapter, or the release shall be considered an identified area.	3746.04	state	none	no	State	no
3745-300-06	(F)	shall	The volunteer shall do the following:	3746.04	state	none	no	State	no
3745-300-06	(F)(3)	required	Identify any activities that remain to be completed or statements from regulatory agencies that remain necessary to confirm the eligibility of the property as required by that rule.	3746.04	state	none	no	State	no
3745-300-06	(G)	shall	The volunteer shall complete a written phase I property assessment report which, at a minimum, includes the following:	3746.04	state	none	no	State	no
3745-300-06	(G)(2)	shall	The summary shall include all identified areas at the property of known or suspected releases, and include, as applicable, the de minimis areas and the previously addressed areas determined not to be identified areas pursuant to paragraph (E) of this rule.	3746.04	state	none	no	State	no

3745-300-06	(G)(2)	shall	For each designated identified area, the report shall include the location and the approximate boundaries of the identified area and the contaminant type known or suspected to be present for evaluation during a phase II property assessment.	3746.04	state	none	no	State	no
3745-300-06	(G)(5)(e)	required	All maps required by this rule shall include the following:	3746.04	state	none	no	State	no
3745-300-06	(G)(5)(e)	shall	All maps required by this rule shall include the following:	3746.04	state	none	no	State	no
3745-300-06	(G)(5)(e)(ii)	shall	The scale shall maintain readability even if the map is reproduced without color.	3746.04	state	none	no	State	no
3745-300-06	(G)(8)	shall	This statement shall include an identification and explanation of any records which were not reviewed because either the records were determined not to be reasonably available or the records could not be obtained despite good-faith efforts.	3746.04	state	none	no	State	no
3745-300-06	(G)(9)(b)	required	A phase II property assessment is required in order to obtain a no further action letter for the property.	3746.04	state	none	no	State	no
3745-300-06	(G)(11)	shall	The volunteer shall identify the dates that the photographs of the property were taken.	3746.04	state	none	no	State	no
3745-300-06	(H)	shall	If more than one hundred eighty days has elapsed since the completion of the requirements in paragraphs (C) and (E) of this rule, the phase I property assessment shall be updated as follows:	3746.04	state	none	no	State	no
3745-300-07	(A)(1)	shall	A phase II property assessment shall be conducted in accordance with this rule if a phase I property assessment conducted in accordance with rule 3745-300-06 of the Administrative Code reveals any information that establishes any reason to believe that a release of hazardous substances or petroleum has or may have occurred on or from the property, or there is reason to believe that a release from an off-property source area is impacting the property.	3746.04	state	none	no	State	no
3745-300-07	(A)(2)	shall	The volunteer shall utilize information from phase I or phase II property assessments to determine that a property is eligible for the voluntary action program in accordance with rule 3745-300-02 of the Administrative Code at the time of the no further action letter issuance.	3746.04	state	none	no	State	no
3745-300-07	(C)	shall	The volunteer shall develop and implement data quality objectives consistent with U.S. EPA's "Guidance on Systematic Planning Using the Data Quality Objectives Process" according to the limitations and intended uses of those objectives.	3746.04	state	none	no	State	no
3745-300-07	(C)	shall	To achieve the purpose in paragraph (B) of this rule, the volunteer, at a minimum, shall complete one iteration of the following steps:	3746.04	state	none	no	State	no
3745-300-07	(C)(6)	shall	Specify how the data and information collected in the phase II property assessment shall be used in the decision-making process to assess identified areas.	3746.04	state	none	no	State	no
3745-300-07	(C)(9)	shall	The conceptual site model shall describe the exposure scenarios that identify the environmental media, COCs, current and reasonably anticipated future land use and receptor populations, and a determination of exposure pathway completeness.	3746.04	state	none	no	State	no
3745-300-07	(C)(10)	shall	The final conceptual site model, which represents conditions at the time of the no further action letter issuance, shall be included in the phase II property assessment report that is completed in accordance with paragraph (J) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(D)	shall	The volunteer shall identify the samples and analytes that the certified laboratory shall analyze, and the volunteer shall ensure the following:	3746.04	state	none	no	State	no
3745-300-07	(D)	shall	The volunteer shall identify the samples and analytes that the certified laboratory shall analyze, and the volunteer shall ensure the following:	3746.04	state	none	no	State	no
3745-300-07	(D)	shall	The volunteer shall identify the samples and analytes that the certified laboratory shall analyze, and the volunteer shall ensure the following:	3746.04	state	none	no	State	no
3745-300-07	(D)(2)	shall	At a minimum, the volunteer shall do the following:	3746.04	state	none	no	State	no
3745-300-07	(D)(2)(a)	required	Notify the certified laboratory when samples are to be used for a voluntary action and when certified laboratory data are required.	3746.04	state	none	no	State	no
3745-300-07	(D)(2)(b)	required	Ensure that the certified laboratory is certified for and capable of performing the analyses that are required for the property, including those necessary to form the basis of the no further action letter.	3746.04	state	none	no	State	no
3745-300-07	(D)(2)(c)	required	Communicate to the certified laboratory the applicable standards required for the property and ensure that the certified laboratory is capable of detecting the COCs in environmental media at or below the applicable standards for the property.	3746.04	state	none	no	State	no

3745-300-07	(D)(2)(c)	shall	Cumulative adjustments for multiple chemicals and pathways shall be evaluated to determine the applicable standards that shall be achieved to evaluate compliance with applicable standards.	3746.04	state	none	no	State	no
3745-300-07	(D)(2)(c)	shall	Cumulative adjustments for multiple chemicals and pathways shall be evaluated to determine the applicable standards that shall be achieved to evaluate compliance with applicable standards.	3746.04	state	none	no	State	no
3745-300-07	(D)(3)	shall	The field quality assurance and quality control procedures shall serve to minimize sources of error, minimize the potential for cross contamination, and maximize the representativeness of the data collected.	3746.04	state	none	no	State	no
3745-300-07	(D)(3)	shall	At a minimum, the field quality assurance and quality control procedures shall include the following:	3746.04	state	none	no	State	no
3745-300-07	(E)	shall	The sampling activities conducted under this paragraph shall be performed in accordance with the sampling procedures in paragraph (D) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(E)	required	Data collection and data evaluation may be conducted iteratively in accordance with the conceptual site model as required by paragraph (C)(9) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(E)	shall	The volunteer shall collect sufficient data to make the determinations in paragraph (F) of this rule, in accordance with the following:	3746.04	state	none	no	State	no
3745-300-07	(E)(1)(a)	shall	The person who conducts a phase II property assessment shall utilize all information from a phase I property assessment conducted in accordance with rule 3745-300-06 of the Administrative Code and any other information known to the owner, or the volunteer if different from the owner, which is relevant to the proper characterization of environmental conditions on, underlying, or emanating from the property.	3746.04	state	none	no	State	no
3745-300-07	(E)(1)(c)	shall	The volunteer shall ensure that all requirements in paragraphs (C) and (E) of rule 3745-300-06 of the Administrative Code are performed within one hundred eighty days before the phase II property assessment begins, or that no change in environmental conditions at the property occurred after the actions required by paragraphs (C) and (E) of rule 3745-300-06 of the Administrative Code were conducted.	3746.04	state	none	no	State	no
3745-300-07	(E)(1)(c)	required	The volunteer shall ensure that all requirements in paragraphs (C) and (E) of rule 3745-300-06 of the Administrative Code are performed within one hundred eighty days before the phase II property assessment begins, or that no change in environmental conditions at the property occurred after the actions required by paragraphs (C) and (E) of rule 3745-300-06 of the Administrative Code were conducted.	3746.04	state	none	no	State	no
3745-300-07	(E)(1)(c)(i)	shall	During a determination of whether to re-evaluate requirements in paragraphs (C) and (E) of rule 3745-300-06 of the Administrative Code, best professional judgment shall be used to decide which requirements in paragraphs (C) and (E) of rule 3745-300-06 of the Administrative Code shall be re-evaluated to determine whether additional phase II property assessment is required.	3746.04	state	none	no	State	no
3745-300-07	(E)(1)(c)(i)	shall	During a determination of whether to re-evaluate requirements in paragraphs (C) and (E) of rule 3745-300-06 of the Administrative Code, best professional judgment shall be used to decide which requirements in paragraphs (C) and (E) of rule 3745-300-06 of the Administrative Code shall be re-evaluated to determine whether additional phase II property assessment is required.	3746.04	state	none	no	State	no
3745-300-07	(E)(1)(c)(i)	required	During a determination of whether to re-evaluate requirements in paragraphs (C) and (E) of rule 3745-300-06 of the Administrative Code, best professional judgment shall be used to decide which requirements in paragraphs (C) and (E) of rule 3745-300-06 of the Administrative Code shall be re-evaluated to determine whether additional phase II property assessment is required.	3746.04	state	none	no	State	no
3745-300-07	(E)(1)(c)(ii)	require	If any provisions in paragraphs (C) and (E) of rule 3745-300-06 of the Administrative Code require re-evaluation, documentation of the additional information gathered to comply with this paragraph shall be included in an updated phase I property assessment report.	3746.04	state	none	no	State	no
3745-300-07	(E)(1)(c)(ii)	shall	If any provisions in paragraphs (C) and (E) of rule 3745-300-06 of the Administrative Code require re-evaluation, documentation of the additional information gathered to comply with this paragraph shall be included in an updated phase I property assessment report.	3746.04	state	none	no	State	no
3745-300-07	(E)(1)(d)(iii)	shall	The confirmatory samples shall be collected as follows:	3746.04	state	none	no	State	no

3745-300-07	(E)(1)(d)(iii)(a)	shall	For ground water, surface water, and air, provided that the samples are collected from the same sampling points that were used in the previous study, a minimum of ten per cent of the sample population of each data set in the previous study shall be confirmed.	3746.04	state	none	no	State	no
3745-300-07	(E)(1)(d)(iii)(b)	shall	For all environmental media not addressed in paragraph (E)(1)(d)(iii)(a) of this rule, or if the sampling points used in the previous study cannot be used, or are not used, the volunteer shall do the following:	3746.04	state	none	no	State	no
3745-300-07	(E)(1)(d)(iii)(b)(i)	shall	To make this demonstration, the volunteer shall utilize any method that is accepted as an academic or industry standard.	3746.04	state	none	no	State	no
3745-300-07	(E)(1)(d)(v)	shall	If the requirements of paragraphs (E)(1)(d)(i) to (E)(1)(d)(iv) of this rule cannot be met, the volunteer shall determine the concentrations of COCs in identified areas or exposure units in accordance with paragraph (F)(6) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(E)(2)	shall	The volunteer shall review reasonably available information from previous on-property investigations or other sources of information.	3746.04	state	none	no	State	no
3745-300-07	(E)(2)	shall	Property-specific data shall be collected as needed.	3746.04	state	none	no	State	no
3745-300-07	(E)(2)	shall	The collection of additional data or information shall be by methods consistent with this rule.	3746.04	state	none	no	State	no
3745-300-07	(E)(2)	shall	The evaluation of information and collection of additional data shall be consistent with the data quality objectives developed in accordance with paragraph (C) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(E)(2)	shall	The review and evaluation shall address and include the following, as necessary:	3746.04	state	none	no	State	no
3745-300-07	(E)(3)	shall	The volunteer shall identify the COCs in the identified areas by an evaluation of the following:	3746.04	state	none	no	State	no
3745-300-07	(E)(3)(d)	shall	The volunteer shall obtain certified data for each constituent or set of constituents which are representative of a hazardous substance, even if the constituents are not listed as a hazardous substance.	3746.04	state	none	no	State	no
3745-300-07	(E)(4)(a)	shall	The volunteer shall evaluate all identified areas and determine within each identified area the following:	3746.04	state	none	no	State	no
3745-300-07	(E)(4)(b)	shall	The volunteer shall consider information from a phase II property assessment to determine if the existence, location, and dimensions of each identified area designated pursuant to a phase I property assessment require adjustment.	3746.04	state	none	no	State	no
3745-300-07	(E)(4)(b)	require	The volunteer shall consider information from a phase II property assessment to determine if the existence, location, and dimensions of each identified area designated pursuant to a phase I property assessment require adjustment.	3746.04	state	none	no	State	no
3745-300-07	(E)(4)(b)	require	If the existence, location, or dimensions of the identified areas require adjustment or redesignation to reflect the phase II property assessment information, the volunteer shall make the appropriate adjustments to the identified areas and shall redesignate the identified areas in the phase II property assessment.	3746.04	state	none	no	State	no
3745-300-07	(E)(4)(b)	shall	If the existence, location, or dimensions of the identified areas require adjustment or redesignation to reflect the phase II property assessment information, the volunteer shall make the appropriate adjustments to the identified areas and shall redesignate the identified areas in the phase II property assessment.	3746.04	state	none	no	State	no
3745-300-07	(E)(4)(b)	shall	If the existence, location, or dimensions of the identified areas require adjustment or redesignation to reflect the phase II property assessment information, the volunteer shall make the appropriate adjustments to the identified areas and shall redesignate the identified areas in the phase II property assessment.	3746.04	state	none	no	State	no
3745-300-07	(E)(5)(a)	shall	The volunteer shall collect samples from environmental media affected by a release in accordance with the data quality objectives and sampling procedures developed under paragraphs (C) and (D) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(E)(5)(a)	shall	Sampling objectives shall be reliable and representative for the environmental media sampled, as necessary to make the determinations in paragraphs (F)(1) to (F)(10) of this rule.	3746.04	state	none	no	State	no

3745-300-07	(E)(5)(b)	shall	During the determination of how to conduct sampling under paragraph (E)(5)(a) of this rule, the volunteer shall ensure that the data collected are sufficient to make the determinations in paragraphs (F)(1) to (F)(10) of this rule for all points of compliance an receptors, and meet the stated data quality objectives.	3746.04	state	none	no	State	no
3745-300-07	(E)(5)(b)	shall	The volunteer shall ensure that the data are representative and shall consider the following:	3746.04	state	none	no	State	no
3745-300-07	(E)(5)(b)	shall	The volunteer shall ensure that the data are representative and shall consider the following:	3746.04	state	none	no	State	no
3745-300-07	(E)(6)	shall	The volunteer shall identify the current and reasonably anticipated uses of the property using the data quality objectives as provided in paragraph (C) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(E)(6)	shall	The volunteer shall also identify all receptor populations reasonably anticipated to be exposed to COCs on the property, and all off-property receptor populations reasonably anticipated to be exposed to COCs from the property.	3746.04	state	none	no	State	no
3745-300-07	(E)(6)	shall	Receptor populations that shall be identified for the purpose of making the determinations contained in paragraph (F)(1) of this rule include, at a minimum, the following:	3746.04	state	none	no	State	no
3745-300-07	(E)(6)(a)	shall	The volunteer shall identify the current and reasonably anticipated uses of the property using the data quality objectives provided in paragraph (C) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(E)(6)(b)	shall	The volunteer shall identify all receptor populations reasonably anticipated to be exposed to COCs on the property, and all off-property receptor populations reasonably anticipated to be exposed to COCs from the property.	3746.04	state	none	no	State	no
3745-300-07	(E)(6)(b)	shall	Receptor populations that shall be identified in order to make the determinations in paragraph (F)(1) of this rule include, at a minimum, the following:	3746.04	state	none	no	State	no
3745-300-07	(F)(1)(a)	shall	The volunteer shall evaluate the current and reasonably anticipated exposure pathways and shall identify the following.	3746.04	state	none	no	State	no
3745-300-07	(F)(1)(a)	shall	The volunteer shall evaluate the current and reasonably anticipated exposure pathways and shall identify the following.	3746.04	state	none	no	State	no
3745-300-07	(F)(1)(b)	shall	The volunteer shall determine which current and reasonably anticipated pathways are complete.	3746.04	state	none	no	State	no
3745-300-07	(F)(1)(b)	shall	Exposure pathways shall be based on property-specific data collected in accordance with the procedures described in this chapter and shall be evaluated in accordance with the procedures described in this chapter.	3746.04	state	none	no	State	no
3745-300-07	(F)(1)(b)	shall	Exposure pathways shall be based on property-specific data collected in accordance with the procedures described in this chapter and shall be evaluated in accordance with the procedures described in this chapter.	3746.04	state	none	no	State	no
3745-300-07	(F)(1)(b)	shall	All exposure pathways determined to be complete under this paragraph shall be identified in the phase II property assessment report.	3746.04	state	none	no	State	no
3745-300-07	(F)(1)(c)	shall	If the volunteer determines that any of the exposure pathways on or adjoining the property are not reasonably anticipated to be complete for the COCs, the phase II property assessment report shall include a written justification for the elimination of those exposure pathways from further consideration.	3746.04	state	none	no	State	no
3745-300-07	(F)(2)(a)	shall	The volunteer shall determine ground water zones and confining units beneath the property, as necessary, for the purposes of ground water protection or classification.	3746.04	state	none	no	State	no
3745-300-07	(F)(2)(a)	shall	The information listed in paragraph (E)(2) of this rule shall be used, as necessary, to determine the extent to which saturated zones in the subsurface should be divided or grouped into ground water zones.	3746.04	state	none	no	State	no
3745-300-07	(F)(2)(a)	shall	The volunteer shall determine whether any confining units are present, and, if present, how such confining units separate the ground water zones.	3746.04	state	none	no	State	no
3745-300-07	(F)(2)(b)	shall	If the volunteer chooses to make a demonstration that the uppermost saturated zone does not contain ground water, then the volunteer shall bias the following determinations to the area of highest expected outcome of the testing:	3746.04	state	none	no	State	no
3745-300-07	(F)(2)(b)(ii)	shall	Sampling points shall be sufficient in number to represent the hydraulic conductivity of the saturated zone underlying the property.	3746.04	state	none	no	State	no

3745-300-07	(F)(3)	required	Determination of whether the provisions for protection of ground water that meets unrestricted potable use standards apply, or whether ground water classification is required.	3746.04	state	none	no	State	no
3745-300-07	(F)(3)	shall	If a ground water zone is determined to exceed unrestricted potable use standards, the classification of the ground water zone shall be determined in accordance with paragraph (B) of rule 3745-300-10 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-07	(F)(3)	shall	For each ground water zone underlying the property, the volunteer shall demonstrate whether the ground water in the zone meets or exceeds unrestricted potable use standards by use of one of the following methods:	3746.04	state	none	no	State	no
3745-300-07	(F)(3)(a)	shall	The volunteer shall collect one or more ground water samples to determine the concentration of COCs in the ground water.	3746.04	state	none	no	State	no
3745-300-07	(F)(3)(a)(i)	shall	Ground water samples shall be collected in accordance with paragraph (F)(6)(d) of this rule from one or more ground water monitoring wells located immediately down-gradient of the source area or down-gradient and as close as possible to the source area.	3746.04	state	none	no	State	no
3745-300-07	(F)(3)(a)(i)	shall	The samples shall be analyzed by a certified laboratory for the concentrations of the COCs at the property.	3746.04	state	none	no	State	no
3745-300-07	(F)(3)(a)(i)	shall	If more than one ground water sample is collected from a well, the second sample shall be collected within forty-eight hours to ninety days after collection of the first ground water sample.	3746.04	state	none	no	State	no
3745-300-07	(F)(3)(a)(ii)	shall	To evaluate whether more than one ground water sample is warranted to determine if the ground water meets or exceeds the unrestricted potable use standards, the volunteer shall consider all temporal variations that could impact the determination of whether the provisions apply to the ground water zone.	3746.04	state	none	no	State	no
3745-300-07	(F)(3)(a)(ii)	shall	If additional ground water sampling events are warranted due to temporal variations, then a sufficient number of additional ground water samples shall be collected over an appropriate time period to adequately characterize a representative concentration of the COC in ground water.	3746.04	state	none	no	State	no
3745-300-07	(F)(3)(a)(iv)	shall	During a demonstration of whether ground water meets or exceeds unrestricted potable use standards, a cumulative adjustment for multiple chemicals shall be conducted in accordance with paragraph (A)(2)(b) of rule 3745-300-08 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-07	(F)(3)(a)(iv)	required	The cumulative adjustment for multiple chemicals is required for both generic and property-specific risk-derived unrestricted potable use standards.	3746.04	state	none	no	State	no
3745-300-07	(F)(3)(a)(iv)	shall not	However, the generic unrestricted potable use standards based on maximum contaminant levels or other regulatory established criteria under paragraph (E)(3) of rule 3745-300-08 of the Administrative Code shall not be included in the cumulative adjustment for multiple chemicals in the ground water zone.	3746.04	state	none	no	State	no
3745-300-07	(F)(3)(a)(iv)	shall not	The risk for potable use of ground water shall not be summed with the risk from exposure pathways other than potable use of ground water.	3746.04	state	none	no	State	no
3745-300-07	(F)(3)(b)	shall	As part of this justification, the volunteer shall document that it is reasonable to assume ground water does not exceed the unrestricted potable use standards based on a weight-of-evidence approach using relevant property-specific information, including the following, as necessary:	3746.04	state	none	no	State	no
3745-300-07	(F)(3)(b)(ii)(a)	requires	Subsurface soil or bedrock above the ground water zone that requires protection.	3746.04	state	none	no	State	no
3745-300-07	(F)(3)(b)(vi)	shall	The impact of off-property source areas shall be determined in accordance with paragraph (F)(9) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(F)(4)(a)	shall	When the provisions for protecting ground water apply to a ground water zone in accordance with paragraph (D) of rule 3745-300-10, the volunteer shall demonstrate that COCs shall not migrate to the ground water zone at concentrations that exceed unrestricted potable use standards.	3746.04	state	none	no	State	no
3745-300-07	(F)(4)(a)	shall not	When the provisions for protecting ground water apply to a ground water zone in accordance with paragraph (D) of rule 3745-300-10, the volunteer shall demonstrate that COCs shall not migrate to the ground water zone at concentrations that exceed unrestricted potable use standards.	3746.04	state	none	no	State	no
3745-300-07	(F)(4)(a)	shall	To demonstrate this, the volunteer shall do either of the following:	3746.04	state	none	no	State	no

3745-300-07	(F)(4)(a)(ii)	shall not	Demonstrate that the provisions to protect ground water that meets potable use standards shall not be violated, using a weight-of-evidence approach.	3746.04	state	none	no	State	no
3745-300-07	(F)(4)(a)(ii)	shall	As part of this weight-of-evidence approach, the volunteer shall document that it is reasonable to assume the ground water zone will not exceed unrestricted potable use standards in the future using relevant property-specific information, including the following, as necessary:	3746.04	state	none	no	State	no
3745-300-07	(F)(4)(a)(ii)(b)	requires	The type, concentration, and mass of COCs present in the subsurface soil or bedrock above the ground water zone that requires protection or between ground water zones.	3746.04	state	none	no	State	no
3745-300-07	(F)(4)(a)(ii)(f)	shall	Man-made structures which inhibit infiltration are considered engineering controls and shall be maintained under an operation and maintenance plan in accordance with rule 3745-300-11 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-07	(F)(4)(a)(ii)(g)	shall not	Any other lines of evidence the volunteer believes support the determination that the ground water in a zone underlying the property shall not exceed concentrations of any COCs above unrestricted potable use standards.	3746.04	state	none	no	State	no
3745-300-07	(F)(4)(b)	shall not	If it cannot be demonstrated in accordance with paragraph (F)(4) of this rule that COCs shall not leach or otherwise migrate into the ground water zone underlying the property, the volunteer shall implement a remedy in accordance with rule 3745-300-11 of the Administrative Code that prevents the ground water zone underlying the property from exceeding unrestricted potable use standards.	3746.04	state	none	no	State	no
3745-300-07	(F)(4)(b)	shall	If it cannot be demonstrated in accordance with paragraph (F)(4) of this rule that COCs shall not leach or otherwise migrate into the ground water zone underlying the property, the volunteer shall implement a remedy in accordance with rule 3745-300-11 of the Administrative Code that prevents the ground water zone underlying the property from exceeding unrestricted potable use standards.	3746.04	state	none	no	State	no
3745-300-07	(F)(5)	shall	Applicable standards shall be determined for all COCs with respect to all exposure pathways determined to be complete under paragraph (F)(1) of this rule for which the volunteer intends to demonstrate compliance with applicable standards in accordance with paragraph (I) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(F)(5)	shall	The volunteer shall determine and derive the applicable standards for each complete exposure pathway in accordance with this chapter.	3746.04	state	none	no	State	no
3745-300-07	(F)(5)(a)	shall	The volunteer shall determine the applicability of generic numerical standards at the property in accordance with paragraph (A)(1)(a) of rule 3745-300-08 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-07	(F)(5)(a)	shall	If generic direct-contact soil standards for restricted land uses are used to meet applicable standards, institutional controls shall be used to limit the property's land use as described in paragraphs (B)(2)(d) and (C)(2)(c) of rule 3745-300-08 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-07	(F)(5)(a)	shall	The institutional controls shall be implemented in accordance with rule 3745-300-11 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-07	(F)(5)(b)	shall	When a property-specific risk assessment is performed at the property, the volunteer shall determine the applicability of standards derived through a property-specific risk assessment conducted in accordance with paragraph (A) of rule 3745-300-09 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-07	(F)(5)(c)	shall	The volunteer shall determine the applicability of any other standards in this rule or in rule 3745-300-08, 3745-300-09, 3745-300-10, or 3745-300-11 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-07	(F)(5)(d)	shall	The volunteer shall consider the performance of a remedy employed at the property when the remedy's use is intended to meet or maintain applicable standards.	3746.04	state	none	no	State	no
3745-300-07	(F)(5)(d)	shall	The remedy shall be implemented in accordance with rule 3745-300-11 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-07	(F)(5)(f)(ii)	may not	The volunteer makes the determination that infrequent detections of COCs are a product of artifacts in the data and may not be related to the site operations or disposal practices.	3746.04	state	none	no	State	no
3745-300-07	(F)(5)(f)(ii)	shall	The determination shall be based on a demonstration of sufficient weight of evidence.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)	shall	The volunteer shall determine the concentrations of the COCs in accordance with paragraphs (F)(6)(a) to (F)(6)(e) of this rule as necessary to make the determinations in paragraph (F) of this rule.	3746.04	state	none	no	State	no

3745-300-07	(F)(6)	shall	Exposure unit determinations shall consider current and future land use exposure scenarios in accordance with paragraph (D)(3)(b) of rule 3745-300-09 of the Administrative Code, and sampling shall be appropriate for the exposure scenario.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)	shall	Exposure unit determinations shall consider current and future land use exposure scenarios in accordance with paragraph (D)(3)(b) of rule 3745-300-09 of the Administrative Code, and sampling shall be appropriate for the exposure scenario.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)	shall	All samples collected in accordance with this paragraph shall be analyzed by a certified laboratory, and certified data provided, in order to support the determinations.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(a)	shall	To determine the concentrations of the COCs in surface water, the volunteer shall follow a sampling and analysis plan developed in accordance with the following:	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(b)	shall	To determine the concentrations of the COCs in sediments to compare the concentrations to the applicable standards identified in paragraphs (G) and (H) of rule 3745-300-08 of the Administrative Code, the volunteer shall sample the sediments in the identified areas in accordance with the procedures in Ohio EPA's "Sediment Sampling Guide and Methodologies."	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(b)	shall	The data collected shall be analyzed by a certified laboratory to determine the representative concentration or maximum concentration in the identified area.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(b)	shall	To determine representative or maximum concentrations in identified areas, the volunteer shall derive the concentrations in accordance with paragraph (F)(6)(c) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(c)	shall	To determine the concentrations of the COCs in soil to demonstrate compliance with applicable standards, the samples collected shall be analyzed by a certified laboratory, and certified data provided, to determine the representative concentrations or maximum concentrations of the COCs in the identified area or exposure unit.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(c)	shall	To determine representative or maximum concentrations of the COCs in identified areas or exposure units, the volunteer shall do one of the following:	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(c)(i)	shall	The ninety-five per cent upper confidence limit of the arithmetic mean shall be calculated for each data set.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(c)(i)	shall	Data sets shall be comprised of a sufficient number and quality of samples as to derive a normal, log-normal, or other applicable frequency distribution.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(c)(i)	shall	In addition to compliance with paragraph (D) of this rule, the volunteer shall use techniques for sampling normal or log-normal distributions based on appropriate equations in U.S. EPA's "Calculating Upper Confidence Limits for Exposure Point Concentrations at Hazardous Waste Sites," or by other peer-reviewed statistical methodology for normal or log-normal distributions.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(c)(ii)	shall	A sufficient number of samples shall be collected in order to evaluate all source areas and exposures for each receptor determined in accordance with paragraph (F)(1) of this rule, provided that a minimum of three or more samples are collected from each identified area and are analyzed by a certified laboratory, and certified data are provided.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(d)	shall	To determine the concentrations of the COCs in ground water to demonstrate compliance with applicable standards, the volunteer shall perform sampling activities in compliance with the following criteria:	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(d)(i)	shall	The method of sample collection shall be capable of producing ground water quality appropriate to evaluate the pathway of concern.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(d)(ii)	shall	The volunteer shall collect a sufficient number of samples to adequately characterize a representative concentration of the COCs in ground water.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(d)(ii)	shall	To determine the number and timing of samples collected, the volunteer shall consider temporal variations that could result in an exceedance of applicable standards.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(d)(iii)	shall	Sample locations shall be appropriately located to evaluate all reasonably anticipated pathways to ensure applicable standards shall not be exceeded at the points of compliance or receptors based upon the following:	3746.04	state	none	no	State	no

3745-300-07	(F)(6)(d)(iii)	shall not	Sample locations shall be appropriately located to evaluate all reasonably anticipated pathways to ensure applicable standards shall not be exceeded at the points of compliance or receptors based upon the following:	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(d)(iv)	shall	One or more sampling locations shall be biased toward the location that is, or would be anticipated to be, the area of highest concentration of COCs.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(d)(iv)	shall	If sample locations cannot be reliably biased towards the area of highest concentration, the volunteer shall take samples from a number of additional sample locations sufficient to determine the area of highest concentration.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(d)(v)	shall	All samples collected in accordance with this paragraph shall be analyzed by a certified laboratory.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(d)(vi)	shall	To determine compliance with applicable standards, the volunteer shall evaluate the data from each location separately.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(d)(vii)	shall	If it is necessary to take a ground water sample directly beneath a source area, the volunteer shall use methods for monitoring well installation, construction, sampling, and maintenance that shall not cause cross-contamination between ground water zones.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(d)(vii)	shall not	If it is necessary to take a ground water sample directly beneath a source area, the volunteer shall use methods for monitoring well installation, construction, sampling, and maintenance that shall not cause cross-contamination between ground water zones.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(d)(viii)	shall	Methods and procedures shall be followed, according to the limitations and intended uses of the methods and procedures, and based on either of the following:	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(e)	shall	To determine the concentrations of the COCs in either soil gas or indoor air, for a demonstration of compliance with applicable standards, the volunteer shall conduct sampling activities in compliance with the following criteria:	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(e)(i)	shall	The method of sample collection shall be capable of producing results appropriate to evaluate the pathway of concern.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(e)(ii)	shall	The volunteer shall collect a sufficient number of samples to adequately characterize a representative concentration of the COCs in either soil gas or indoor air.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(e)(ii)	shall	To determine the number and timing of samples to collect, the volunteer shall consider temporal variations including, but not limited to, the following:	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(e)(iii)	shall	Sample locations shall be appropriate to evaluate all current and reasonably anticipated exposure pathways.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(e)(iii)	shall	The volunteer shall reasonably bias sampling activities in the identified area to the location that is, or is reasonably anticipated to be, the area of highest concentration of COCs.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(e)(iii)	shall	The selection of sample locations shall take under consideration the following:	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(e)(iv)	shall	All samples collected in accordance with this paragraph shall be analyzed by a certified laboratory.	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(e)(v)	shall	Methods and procedures shall be followed, according to the limitations and intended uses of such methods and procedures, and shall be based on either of the following:	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(e)(v)	shall	Methods and procedures shall be followed, according to the limitations and intended uses of such methods and procedures, and shall be based on either of the following:	3746.04	state	none	no	State	no
3745-300-07	(F)(6)(f)	shall not	Non-intrusive or indirect field testing may be used to assist in the selection of sampling locations, but these techniques shall not be used to demonstrate that concentrations of concern meet or exceed applicable standards.	3746.04	state	none	no	State	no
3745-300-07	(F)(7)	shall	To classify ground water zones in accordance with paragraphs (A) and (B) of rule 3745-300-10 of the Administrative Code, the volunteer shall conduct the following data collection activities:	3746.04	state	none	no	State	no
3745-300-07	(F)(7)(a)	shall	The volunteer shall determine if the ground water zone is being used.	3746.04	state	none	no	State	no
3745-300-07	(F)(7)(a)	shall	To make the determination, the volunteer shall, at a minimum, shall do the following:	3746.04	state	none	no	State	no

3745-300-07	(F)(7)(b)	shall	To determine that the yield of a ground water zone falls below the criterion for critical resource ground water, as described in paragraph (B)(1) of rule 3745-300-10 of the Administrative Code, the yield of the ground water zone shall be based on one or more of the following sources of information or methods:	3746.04	state	none	no	State	no
3745-300-07	(F)(7)(b)(ii)	shall	The well screen shall extend through at least eighty per cent of the thickness of the ground water zone, or the volunteer shall otherwise demonstrate that shorter screen lengths would not produce yield that results in a different classification of the ground water.	3746.04	state	none	no	State	no
3745-300-07	(F)(7)(b)(ii)	shall	The well screen shall extend through at least eighty per cent of the thickness of the ground water zone, or the volunteer shall otherwise demonstrate that shorter screen lengths would not produce yield that results in a different classification of the ground water.	3746.04	state	none	no	State	no
3745-300-07	(F)(7)(c)	shall	To determine that the yield of a ground water zone falls below the criteria for class A ground water in paragraph (B)(2) of rule 3745-300-10 of the Administrative Code, the yield of the ground water zone being classified shall be determined in accordance with paragraph (F)(8) of this rule and shall conform to the following:	3746.04	state	none	no	State	no
3745-300-07	(F)(7)(c)	shall	To determine that the yield of a ground water zone falls below the criteria for class A ground water in paragraph (B)(2) of rule 3745-300-10 of the Administrative Code, the yield of the ground water zone being classified shall be determined in accordance with paragraph (F)(8) of this rule and shall conform to the following:	3746.04	state	none	no	State	no
3745-300-07	(F)(7)(c)(i)	shall	When wells with dimensions of a two-inch diameter manufactured screen in a six-inch diameter borehole are used to determine yield, the yield shall be multiplied by a factor of 1.15 for purposes of this paragraph.	3746.04	state	none	no	State	no
3745-300-07	(F)(7)(c)(i)	shall	The well screen shall extend through at least eighty per cent of the thickness of the ground water zone, or the volunteer shall otherwise demonstrate that shorter intake lengths would not produce yield that results in a different classification of the ground water.	3746.04	state	none	no	State	no
3745-300-07	(F)(7)(c)(i)	shall	The well screen shall extend through at least eighty per cent of the thickness of the ground water zone, or the volunteer shall otherwise demonstrate that shorter intake lengths would not produce yield that results in a different classification of the ground water.	3746.04	state	none	no	State	no
3745-300-07	(F)(7)(c)(ii)	shall	When wells with dimensions of a two-inch diameter manufactured screen in a six-inch diameter borehole are used to determine yield, the yield shall be multiplied by a factor of 1.15 for purposes of this paragraph.	3746.04	state	none	no	State	no
3745-300-07	(F)(7)(c)(ii)	shall	The well screen shall extend through at least eighty per cent of the thickness of the saturated portion of the ground water zone, or the volunteer shall otherwise demonstrate that shorter intake lengths would not produce yield that results in a different classification of the ground water.	3746.04	state	none	no	State	no
3745-300-07	(F)(7)(c)(ii)	shall	The well screen shall extend through at least eighty per cent of the thickness of the saturated portion of the ground water zone, or the volunteer shall otherwise demonstrate that shorter intake lengths would not produce yield that results in a different classification of the ground water.	3746.04	state	none	no	State	no
3745-300-07	(F)(7)(c)(iii)	shall	When wells with a six-inch diameter borehole are used to determine yield, the yield shall be multiplied by a factor of 1.15 for purposes of this paragraph.	3746.04	state	none	no	State	no
3745-300-07	(F)(7)(c)(iii)	shall	The open hole intakes shall extend through at least eighty per cent of the thickness of the ground water zone, or the volunteer shall otherwise demonstrate that shorter intake lengths would not produce yield that results in a different classification of the ground water.	3746.04	state	none	no	State	no
3745-300-07	(F)(7)(c)(iii)	shall	The open hole intakes shall extend through at least eighty per cent of the thickness of the ground water zone, or the volunteer shall otherwise demonstrate that shorter intake lengths would not produce yield that results in a different classification of the ground water.	3746.04	state	none	no	State	no

3745-300-07	(F)(7)(d)	shall	To compare the yield of the ground water zone being classified to another ground water zone present below the property in accordance with paragraph (B)(2)(c) of rule 3745-300-10 of the Administrative Code, the yield of the other ground water zone, which is the likely source of water used for potable purposes within one mile of the property, shall be determined based on the lowest yield of any wells within one mile of the property.	3746.04	state	none	no	State	no
3745-300-07	(F)(8)	shall	When testing is conducted to determine the yield of a ground water zone underlying a property, the volunteer shall conduct sufficient testing to determine the representative yield available from the ground water zone for potable purposes.	3746.04	state	none	no	State	no
3745-300-07	(F)(8)	shall	The determination shall be made in accordance with the following criteria:	3746.04	state	none	no	State	no
3745-300-07	(F)(8)(a)	shall	The volunteer shall demonstrate either of the following:	3746.04	state	none	no	State	no
3745-300-07	(F)(8)(b)	shall	The volunteer shall bias the yield testing locations to the area of highest yield.	3746.04	state	none	no	State	no
3745-300-07	(F)(9)	shall	To determine whether ground water contamination is attributable to source areas located on the property, source areas located off the property, or a combination of the two, the volunteer shall conduct ground water sampling sufficient to determine the following:	3746.04	state	none	no	State	no
3745-300-07	(G)(1)	shall	The volunteer shall identify all models relied upon as part of the phase II property assessment activities to determine a property's compliance with applicable standards or used to evaluate remedial activities conducted in accordance with rule 3745-300-11 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-07	(G)(1)	shall	The modeling shall be conducted in accordance with this rule.	3746.04	state	none	no	State	no
3745-300-07	(G)(2)	shall	The model shall conform to the following:	3746.04	state	none	no	State	no
3745-300-07	(G)(2)(a)	shall	The model shall be either of the following:	3746.04	state	none	no	State	no
3745-300-07	(G)(2)(a)(ii)	shall	To be code-verified, the model shall be shown to produce reliable and mathematically accurate results for all functions of the model.	3746.04	state	none	no	State	no
3745-300-07	(G)(2)(b)	shall	The model shall be used with assumptions and limitations reasonably consistent with conditions throughout the modeled area.	3746.04	state	none	no	State	no
3745-300-07	(G)(2)(b)	shall	The assumptions and limitations of the computer code, mathematical solution, technology utilized and computer code structure shall be consistent with the conditions throughout the modeled area and the application of the model.	3746.04	state	none	no	State	no
3745-300-07	(G)(2)(c)	shall	The model shall be used in a manner consistent with the model's documentation and intended use.	3746.04	state	none	no	State	no
3745-300-07	(G)(2)(d)	shall	The model shall be appropriate for the environmental media and application being modeled.	3746.04	state	none	no	State	no
3745-300-07	(G)(3)(b)	may not	A model may not be used in lieu of conducting sufficient sampling of environmental media in accordance with paragraph (E)(5) of this rule to document existing environmental conditions.	3746.04	state	none	no	State	no
3745-300-07	(G)(4)	shall	The modeling shall adequately address the intended purpose of the modeling evaluation, such as to show compliance with applicable standards or to evaluate remedial activities conducted in accordance with rule 3745-300-11 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-07	(G)(4)	may require	In some cases, field verification may require monitoring and evaluation under an operation and maintenance plan.	3746.04	state	none	no	State	no
3745-300-07	(G)(5)	shall	The modeling shall be evaluated to determine the sensitivity of the model to the input parameters or other components of the model (for example, boundary conditions).	3746.04	state	none	no	State	no
3745-300-07	(G)(5)	shall	The volunteer shall consider the sensitivity of the input parameters when utilizing a model is utilized to determine whether a property meets the applicable standards, or when evaluating remedial activities conducted in accordance with rule 3745-300-11 of the Administrative Code are evaluated.	3746.04	state	none	no	State	no
3745-300-07	(G)(5)	shall	Input parameters or other components of the model determined to be sensitive to the modeling results shall be either of the following:	3746.04	state	none	no	State	no
3745-300-07	(G)(5)(a)	shall	The inputs shall be based on property-specific data, or information from peer-reviewed literature and best professional judgment.	3746.04	state	none	no	State	no
3745-300-07	(G)(5)(b)	shall	The inputs for the uncertainty analysis shall be based on the following:	3746.04	state	none	no	State	no

3745-300-07	(G)(6)	shall	The modeling evaluation and the results shall be documented within the phase II property assessment report or within a separate modeling report that addresses paragraphs (G)(1) to (G)(5) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(G)(6)	shall	If a separate modeling report is written, the separate modeling report shall be attached to the phase II property assessment report.	3746.04	state	none	no	State	no
3745-300-07	(H)	shall	The volunteer shall provide a demonstration as part of paragraph (J)(8) of this rule that COCs for which a background determination is being made comply with this paragraph.	3746.04	state	none	no	State	no
3745-300-07	(H)(1)(a)	shall	To determine background levels in soils, the samples shall be taken in soil media native to the property and may not be taken in areas identified in paragraph (H)(1)(b) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(H)(1)(a)	may not	To determine background levels in soils, the samples shall be taken in soil media native to the property and may not be taken in areas identified in paragraph (H)(1)(b) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(H)(1)(c)	shall	Background levels shall be representative of the zones or depth intervals to which the background levels may be applied.	3746.04	state	none	no	State	no
3745-300-07	(H)(1)(d)	shall	The following method shall be followed to determine a representative numerical value for background levels in soils at a property:	3746.04	state	none	no	State	no
3745-300-07	(H)(1)(d)(i)	shall	At a minimum, eight soil sampling points shall be used to calculate a background level within each zone, or soil horizon which shall be compared to samples taken to determine the concentrations of COCs in identified areas.	3746.04	state	none	no	State	no
3745-300-07	(H)(1)(d)(i)	shall	At a minimum, eight soil sampling points shall be used to calculate a background level within each zone, or soil horizon which shall be compared to samples taken to determine the concentrations of COCs in identified areas.	3746.04	state	none	no	State	no
3745-300-07	(H)(1)(d)(ii)(a)	shall	The background mean, referred to as $X_b$ shall be calculated by dividing the sum of the total background readings by the total number of background readings:	3746.04	state	none	no	State	no
3745-300-07	(H)(1)(d)(ii)(b)	shall	The background standard deviation, referred to as $S_b$ shall be calculated by taking the square root of the sum of the squares of each reading minus the mean, divided by the degrees of freedom, which is the total number of background samples minus one ( $n_b - 1$ ):	3746.04	state	none	no	State	no
3745-300-07	(H)(1)(d)(ii)(c)	shall	The coefficient of variation, referred to as $C_v$ shall be calculated by dividing the background standard deviation by the background mean:	3746.04	state	none	no	State	no
3745-300-07	(H)(1)(d)(ii)(c)	shall	If $C_v$ exceeds 1.0, the volunteer shall conduct a thorough evaluation to account for this variability.	3746.04	state	none	no	State	no
3745-300-07	(H)(1)(d)(ii)(c)	shall	If the $C_v$ exceeds 1.0 and the volunteer determines that a data point does not accurately represent background conditions or if a quality assurance and quality control problem exists which has invalidated the data point, the invalidated and inaccurate data points may be dropped, or additional samples shall be collected and analyzed to ensure a sufficient representative data population is maintained.	3746.04	state	none	no	State	no
3745-300-07	(H)(1)(d)(ii)(d)	shall	Each sample point from the background data set shall be compared to the calculated maximum allowable limit or upper limit analyzed from background data.	3746.04	state	none	no	State	no
3745-300-07	(H)(1)(d)(ii)(d)	shall	If a value from the background data set is found to be an outlier which is not representative of background conditions, this outlier shall be replaced by another sample that is not an outlier to maintain at least	3746.04	state	none	no	State	no
3745-300-07	(H)(2)	shall	To evaluate the applicability of the data collected as part of the off-property investigation, the criteria in paragraphs (H)(1) (b) and (H)(1)(c) of this rule shall be satisfied to consider the data as potentially applicable to determine background levels in soils for the purposes of this rule.	3746.04	state	none	no	State	no
3745-300-07	(H)(2)	may not	If the information is not representative of conditions at the property, the volunteer may not use this method to demonstrate background levels in soil.	3746.04	state	none	no	State	no
3745-300-07	(H)(2)	shall	At a minimum, to be reliable and representative, the investigations shall do the following:	3746.04	state	none	no	State	no
3745-300-07	(H)(2)(a)	shall	Investigations shall be conducted on soil that is representative of the soil type at the property for which the background level is being determined and are located within the state of Ohio.	3746.04	state	none	no	State	no

3745-300-07	(H)(2)(b)	shall	Investigations shall employ data demonstrated to be reliable and representative that, at a minimum, meet the following criteria:	3746.04	state	none	no	State	no
3745-300-07	(H)(3)(a)	shall	To determine background levels in ground water, samples shall be taken up-gradient at appropriate locations and depths which are unaffected by contamination from activities involving treatment, storage or disposal of hazardous substances or petroleum.	3746.04	state	none	no	State	no
3745-300-07	(H)(3)(b)	shall	The number and kind of samples collected to establish background in ground water shall meet the following criteria:	3746.04	state	none	no	State	no
3745-300-07	(H)(3)(b)(ii)	shall	As large as necessary to ensure with reasonable confidence that a contaminant release to the ground water from a property shall be detected.	3746.04	state	none	no	State	no
3745-300-07	(H)(3)(c)	shall	The method chosen shall be applied separately for each COC and shall comply with the following performance standards:	3746.04	state	none	no	State	no
3745-300-07	(H)(3)(c)	shall	The method chosen shall be applied separately for each COC and shall comply with the following performance standards:	3746.04	state	none	no	State	no
3745-300-07	(H)(3)(c)(i)	shall	The practical quantitation limit shall be below the potable ground water standard.	3746.04	state	none	no	State	no
3745-300-07	(H)(3)(c)(iii)	shall	If a statistical method is chosen, the method shall be appropriate for the distribution of chemical parameters or hazardous constituents.	3746.04	state	none	no	State	no
3745-300-07	(H)(3)(c)(iii)	shall	If the distribution is shown to be inappropriate for a normal theory test, then the data shall be transformed or a distribution-free theory test shall be used.	3746.04	state	none	no	State	no
3745-300-07	(H)(3)(c)(iii)	shall	If the distribution is shown to be inappropriate for a normal theory test, then the data shall be transformed or a distribution-free theory test shall be used.	3746.04	state	none	no	State	no
3745-300-07	(H)(4)	shall	To evaluate the applicability of the data collected as part of the off-property investigation, the criteria in paragraphs (H)(3)(b) and (H)(3)(c) of this rule shall be satisfied in order to consider the data as potentially applicable to determine background levels in ground water for the purposes of this rule.	3746.04	state	none	no	State	no
3745-300-07	(H)(4)	shall not	If the information is not representative of conditions at the property, the volunteer shall not use this method to demonstrate background levels in ground water.	3746.04	state	none	no	State	no
3745-300-07	(H)(4)	shall	At a minimum, to be reliable and representative, the investigations shall meet the following criteria:	3746.04	state	none	no	State	no
3745-300-07	(H)(5)	may not	If background levels in soil or ground water cannot be determined using paragraphs (H)(1) to (H)(4) of this rule, background levels may not be used as the applicable standards for either the soil or ground water.	3746.04	state	none	no	State	no
3745-300-07	(I)(1)	shall	The data collected in accordance with this rule shall be sufficient to determine whether applicable standards are met, or to determine that remedial activities conducted in accordance with rule 3745-300-11 of the Administrative Code result in compliance with applicable standards.	3746.04	state	none	no	State	no
3745-300-07	(I)(1)	shall	Data shall be sufficient to assess existing exposure pathways and reasonably anticipated exposure pathways determined to be complete in accordance with paragraph (F)(1) of this rule and all points of compliance for soil, ground water, and other environmental media, including the following:	3746.04	state	none	no	State	no
3745-300-07	(I)(1)(a)(i)	shall	A volunteer shall meet and maintain compliance with the direct-contact soil standards to the following minimum soil depths:	3746.04	state	none	no	State	no
3745-300-07	(I)(1)(a)(i)(a)	shall	The volunteer shall comply with applicable standards at depths below ten feet when soil may be made available for direct-contact through circumstances other than those specified in paragraph (I)(1)(a)(i)(c) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(I)(1)(a)(i)(b)	shall	The volunteer shall comply with applicable standards at depths below two feet when soil may be made available for direct-contact through circumstances other than those specified in paragraph (I)(1)(a)(i)(c) of this rule.	3746.04	state	none	no	State	no

3745-300-07	(l)(1)(a)(i)(b)	Shall	The volunteer shall comply with applicable standards at depths greater than two feet when soil may be made available for chronic, direct-contact exposure through excavation, grading, utilities maintenance, or other similar circumstances such as when soil below two feet is brought to the surface and left on the surface or otherwise incorporated into the soil that remains within the two-foot point of compliance.	3746.04	state	none	no	State	no
3745-300-07	(l)(1)(a)(i)(c)	Shall	For properties where excavation, grading, or other construction activities may occur on the property, the volunteer shall comply with applicable soil standards for such construction activities.	3746.04	state	none	no	State	no
3745-300-07	(l)(1)(a)(ii)	shall	The point of compliance for applicable soil standards based on leaching of chemicals of concern from soils to ground water, when such leaching shall be prevented in accordance with paragraph (D) of rule 3745-300-10 of the Administrative Code, is the depth from the ground surface to the top of the ground water zone that requires protection in accordance with paragraphs (F)(3) and (F)(4) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(l)(1)(a)(ii)	requires	The point of compliance for applicable soil standards based on leaching of chemicals of concern from soils to ground water, when such leaching shall be prevented in accordance with paragraph (D) of rule 3745-300-10 of the Administrative Code, is the depth from the ground surface to the top of the ground water zone that requires protection in accordance with paragraphs (F)(3) and (F)(4) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(l)(1)(a)(iii)	shall	The point of compliance for applicable soil standards developed pursuant to rule 3745-300-08 or 3745-300-09 of the Administrative Code for complete exposure pathways identified in paragraph (F)(1) of this rule, other than those identified in paragraphs (l)(1)(a)(i) and (l)(1)(a)(ii) of this rule, shall be determined so that the exposure to receptors is appropriately addressed.	3746.04	state	none	no	State	no
3745-300-07	(l)(1)(b)	shall	The points of compliance for each ground water zone on, underlying, or emanating from a property shall be determined for nonpotable exposure pathways determined in accordance with paragraph (F)(1) of this rule, and in accordance with paragraphs (D) and (E) of rule 3745-300-10 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-07	(l)(1)(c)	shall	The points of compliance for each complete exposure pathway identified in paragraph (F)(1) of this rule for each environmental medium other than those identified in paragraphs (l)(1)(a) and (l)(1)(b) of this rule, shall be determined in accordance with rule 3745-300-08 or 3745-300-09 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-07	(l)(2)	shall	The volunteer shall verify the assumptions and applicability of models, statistical methods, or any other data analysis methods used to determine compliance with applicable standards, to determine the concentration of COCs, to derive applicable standards, or to demonstrate the effectiveness of a remedial activity.	3746.04	state	none	no	State	no
3745-300-07	(l)(2)	shall	At a minimum, the following shall be demonstrated:	3746.04	state	none	no	State	no
3745-300-07	(l)(2)(d)	shall	If non-certified laboratory data or studies not conducted in accordance with this rule are used to partially comply with this rule, the data shall be confirmed in accordance with paragraphs (E)(1)(d) (iii) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(l)(2)(d)	shall	The volunteer shall demonstrate in the phase II property assessment report how the non-certified laboratory data was confirmed using certified data.	3746.04	state	none	no	State	no
3745-300-07	(l)(2)(e)	shall	If applicable standards were not determined for COCs on the property because the COCs meet the criteria of paragraph (F)(5) of this rule, the volunteer shall demonstrate in the phase II property assessment report how the criteria are met.	3746.04	state	none	no	State	no
3745-300-07	(l)(3)(a)	shall	The volunteer shall verify compliance with applicable standards for all current exposure pathways and reasonably anticipated exposure pathways determined to be complete in accordance with the procedures described in paragraph (F)(1) of this rule, or the volunteer shall implement a remedy pursuant to paragraph (l)(4)(b) of this rule.	3746.04	state	none	no	State	no

3745-300-07	(I)(3)(a)	shall	The volunteer shall verify compliance with applicable standards for all current exposure pathways and reasonably anticipated exposure pathways determined to be complete in accordance with the procedures described in paragraph (F)(1) of this rule, or the volunteer shall implement a remedy pursuant to paragraph (I)(4)(b) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(I)(3)(b)	shall	To verify compliance with applicable standards, the volunteer shall compare the concentration of each COC determined in accordance with paragraph (F)(6) of this rule to the applicable standard identified in paragraph (D)(2)(d) or (F)(5) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(I)(3)(c)	shall	If generic direct-contact soil standards for a restricted land use are used to meet applicable standards, institutional controls shall be used to limit the property's land use as described in paragraph (I) of this rule and paragraph (C)(2) (c) of rule 3745-300-08 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-07	(I)(3)(c)	shall	The institutional controls shall be implemented in accordance with rule 3745-300-11 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-07	(I)(4)(a)	shall	If concentrations of COCs exceed applicable standards for any existing exposure pathway or reasonably anticipated exposure pathway determined to be complete in accordance with paragraph (F)(1) of this rule, the volunteer shall implement a remedy in accordance with rule 3745-300-11 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-07	(I)(4)(a)	shall	If the applicable points of compliance for environmental media at the property cannot be met or maintained, the volunteer shall implement a remedy in accordance with rule 3745-300-11 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-07	(I)(4)(b)	shall	If compliance with applicable standards cannot be determined or is not determined for an existing exposure pathway or reasonably anticipated exposure pathway determined to be complete in accordance with paragraph (F)(1) of this rule, the volunteer shall implement a remedy in accordance with rule 3745-300-11 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-07	(I)(4)(b)	shall	The volunteer shall demonstrate that the remedy renders the pathway incomplete as to all potential receptors and that all points of compliance specified in paragraph (I)(1) of this rule are addressed.	3746.04	state	none	no	State	no
3745-300-07	(J)	shall	A volunteer shall complete a phase II property assessment written report that is in a format that is acceptable to Ohio EPA.	3746.04	state	none	no	State	no
3745-300-07	(J)	shall	At a minimum, the report shall include at a minimum the following information:	3746.04	state	none	no	State	no
3745-300-07	(J)(2)	required	A summary of any amendment to the phase I property assessment required by paragraph (E)(1) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(J)(6)	shall	The summary shall include a discussion that notes whether the data meet the data quality objectives required by paragraph (C) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(J)(6)	required	The summary shall include a discussion that notes whether the data meet the data quality objectives required by paragraph (C) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(J)(9)	required	A summary of any models used in accordance with paragraph (G) of this rule and inclusion of the documentation required by paragraph (G)(5)(G)(6) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(J)(11)	shall	If a property-specific risk assessment was conducted to derive applicable standards, a copy of the written risk assessment report shall be attached to or included in a section of the phase II property assessment report.	3746.04	state	none	no	State	no
3745-300-07	(J)(12)	required	A summary of any remedial activities implemented prior to the issuance of the no further action letter required by paragraph (I)(4) of this rule.	3746.04	state	none	no	State	no
3745-300-07	(J)(14)(e)	shall	The survey plat shall be completed (signed and sealed) by a professional surveyor under Ohio law.	3746.04	state	none	no	State	no
3745-300-08	(A)(1)(b)	shall	If complete exposure pathways exist on a property that are not considered in the development of a generic numerical standard listed in this rule, or if a generic numerical standard is not listed for chemicals of concern (COCs) on a property, applicable standards shall be derived in accordance with rule 3745-300-09 of the Administrative Code.	3746.04	state	none	no	State	no

3745-300-08	(A)(1)(c)	shall	If radionuclides or radioactive materials are present at a property, the volunteer shall contact the Ohio department of health's bureau of environmental health and radiation protection regarding the cleanup of the radionuclides or radioactive material.	3746.04	state	none	no	State	no
3745-300-08	(A)(1)(c)	shall	Remedy approval by the Ohio department of health shall be considered sufficient to meet applicable standards for radionuclides or radioactive materials for the voluntary action and may be considered a generic numerical standard.	3746.04	state	none	no	State	no
3745-300-08	(A)(2)(a)(i)(a)	shall not	For hazardous substances that have carcinogenic effects, the chemical-specific carcinogenic risk shall not exceed one excess cancer in a population of one hundred thousand ( $1 \times 10^{-5}$ ).	3746.04	state	none	no	State	no
3745-300-08	(A)(2)(a)(i)(b)	shall not	For hazardous substances that have non-carcinogenic effects, the chemical-specific risk shall not exceed a hazard index of one.	3746.04	state	none	no	State	no
3745-300-08	(A)(2)(a)(ii)	shall not	As determined in accordance with paragraph (F)(6) of rule 3745-300-07 of the Administrative Code, the concentration of a COC shall not exceed the single chemical generic standard for that chemical.	3746.04	state	none	no	State	no
3745-300-08	(A)(2)(b)(i)	shall	When more than one COC is present in each media within an identified area and an applicable generic standard for each of the COCs is in this rule, the standard for each COC shall be adjusted for the presence of multiple chemicals to meet the risk and hazard levels described in paragraph (A)(2)(a) of this rule.	3746.04	state	none	no	State	no
3745-300-08	(A)(2)(b)(ii)	shall	A cumulative adjustment for multiple chemicals within each media shall be made when using a combination of generic standards and applicable standards determined by a property-specific risk assessment in accordance with rule 3745-300-09 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-08	(A)(2)(b)(iii)	shall	In accordance with paragraph (A)(2)(c) of this rule, the incremental risk and hazard shall be added to the incremental risk and hazard from other complete exposure pathways to the same receptor population.	3746.04	state	none	no	State	no
3745-300-08	(A)(2)(c)(i)	shall	If more than one complete exposure pathway exists to each receptor population, the incremental cancer risk and hazard indices determined for each exposure pathway shall be summed to calculate a cumulative cancer risk and hazard index to each receptor population.	3746.04	state	none	no	State	no
3745-300-08	(A)(2)(d)	shall	If the generic numerical standards of this rule are applied to one or more identified areas of the property and applicable standards, as determined in accordance with rule 3745-300-09 of the Administrative Code, are applied to one or more exposure units or other areas of the property, then the volunteer shall ensure that the risk and hazard levels for each receptor on the property do not exceed the following:	3746.04	state	none	no	State	no
3745-300-08	(A)(2)(e)	shall	Points of compliance. In accordance with paragraph (I) of rule 3745-300-07 of the Administrative Code, the volunteer shall comply with the applicable standards at all points of compliance at the property, for each environmental media and complete exposure pathway.	3746.04	state	none	no	State	no
3745-300-08	(A)(3)	shall	A property-specific risk assessment shall be conducted in accordance with rule 3745-300-09 of the Administrative Code to determine applicable standards instead of, or in addition to, using the generic numerical standards from this rule, if any of the following apply to the property:	3746.04	state	none	no	State	no
3745-300-08	(A)(3)(c)(ii)	shall	If a combination of generic numerical standards and applicable standards determined by a property-specific risk assessment conducted in accordance with rule 3745-300-09 of the Administrative Code is used, the volunteer shall adjust the concentrations of the applicable standards to meet the human health risk and hazard levels described in paragraph (A)(2)(d) of this rule.	3746.04	state	none	no	State	no
3745-300-08	(B)(1)(a)	shall	After eligibility requirements in accordance with rule 3745-300-02 of the Administrative Code are met, applicable standards for all petroleum releases on the property shall be achieved in accordance with this chapter.	3746.04	state	none	no	State	no
3745-300-08	(B)(1)(b)	shall	If an exposure pathway is not addressed by a generic numerical standard under division (B) of section 3737.882 of the Revised Code, then the exposure pathway shall be evaluated in accordance with rule 3745-300-09 of the Administrative Code.	3746.04	state	none	no	State	no

3745-300-08	(B)(2)(a)	shall	For example, exposure pathways that are encompassed within the generic direct-contact soil standard shall use the points of compliance indicated in paragraph (I)(1)(a)(i) of rule 3745-300-07 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-08	(B)(2)(a)	shall	In accordance with paragraph (I) of rule 3745-300-07 of the Administrative Code, the volunteer shall comply with the applicable standards at all points of compliance at the property for each environmental medium and complete exposure pathway.	3746.04	state	none	no	State	no
3745-300-08	(B)(2)(b)	required	Cumulative adjustment for multiple chemicals and summation of risk across complete exposure pathways that are required for COCs on the property to comply with paragraphs (A)(2) and (F) of this rule may not necessarily apply for generic petroleum standards referenced in paragraph (B)(3) of this rule.	3746.04	state	none	no	State	no
3745-300-08	(B)(2)(b)	may not	Cumulative adjustment for multiple chemicals and summation of risk across complete exposure pathways that are required for COCs on the property to comply with paragraphs (A)(2) and (F) of this rule may not necessarily apply for generic petroleum standards referenced in paragraph (B)(3) of this rule.	3746.04	state	none	no	State	no
3745-300-08	(B)(2)(b)	required	Cumulative adjustment for multiple chemicals and summation of risk across complete exposure pathways to meet generic petroleum standards are required only when required by rules adopted under division (B) of section 3737.882 of the Revised Code.	3746.04	state	none	no	State	no
3745-300-08	(B)(2)(b)	required	Cumulative adjustment for multiple chemicals and summation of risk across complete exposure pathways to meet generic petroleum standards are required only when required by rules adopted under division (B) of section 3737.882 of the Revised Code.	3746.04	state	none	no	State	no
3745-300-08	(B)(2)(c)	shall	When ground water exceeds unrestricted potable use standards, ground water response requirements in accordance with rule 3745-300-10 of the Administrative Code shall be met.	3746.04	state	none	no	State	no
3745-300-08	(B)(2)(d)	require	Restricted residential, commercial with high frequency child exposure, commercial, and industrial land use categories [as determined in accordance with paragraph (C)(2) of this rule] require implementation of institutional controls in accordance with paragraph (C)(2) of rule 3745-300-11 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-08	(C)(1)(a)	shall	When generic direct-contact soil standards are applied, a volunteer shall select the land use or activity category which is consistent with the land use definitions in rule 3745-300-01 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-08	(C)(1)(a)	shall	The land use or activity category shall be determined based on the property use, receptor populations, and pathways identified in accordance with paragraphs (E)(6) and (F)(1) of rule 3745-300-07 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-08	(C)(1)(b)	shall	A property-specific risk assessment shall be conducted in accordance with rule 3745-300-09 of the Administrative Code, to determine applicable standards instead of, or in addition to, the generic direct-contact soil standards, if any conditions of paragraph (A)(3) of this rule apply.	3746.04	state	none	no	State	no
3745-300-08	(C)(2)	require	Standards applied to restricted residential, commercial with high frequency child exposure, commercial, and industrial land use categories require implementation of institutional controls in accordance with rule 3745-300-11 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-08	(C)(2)	shall	Land use and activity categories shall be determined as follows, as the terms are defined in rule 3745-300-01 of the Administrative Code:	3746.04	state	none	no	State	no
3745-300-08	(C)(3)(a)	shall	All applicable exposures not considered within the generic direct-contact soil standards shall be addressed in accordance with rule 3745-300-09 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-08	(D)(1)(b)	shall	A property-specific risk assessment shall be conducted in accordance with rule 3745-300-09 of the Administrative Code to determine applicable standards in place of, or in addition to, using the generic unrestricted potable use standards if any of paragraphs (A)(3)(a) to (A)(3)(c) of this rule apply to the property, and those exposures are required to be evaluated under rule 3745-300-07 of the Administrative Code.	3746.04	state	none	no	State	no

3745-300-08	(D)(1)(b)	required	A property-specific risk assessment shall be conducted in accordance with rule 3745-300-09 of the Administrative Code to determine applicable standards in place of, or in addition to, using the generic unrestricted potable use standards if any of paragraphs (A)(3)(a) to (A)(3)(c) of this rule apply to the property, and those exposures are required to be evaluated under rule 3745-300-07 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-08	(D)(2)	shall	The generic unrestricted potable use standards in tables VIII and IX of appendix A to this rule are determined using the assumption that the ground water on or from the property shall be used as a source of water for drinking, cooking, showering, and bathing.	3746.04	state	none	no	State	no
3745-300-08	(D)(3)(c)	shall	COCs in table IX of appendix A to this rule shall be included in the cumulative adjustment for multiple chemicals.	3746.04	state	none	no	State	no
3745-300-08	(E)(1)	required	When the summed ratios result in a value greater than one the carcinogenic risk levels are not met and remedial action is required.	3746.04	state	none	no	State	no
3745-300-08	(E)(2)	required	When the summed ratios result in a value greater than one the non-carcinogenic risk levels are not met and remedial action is required.	3746.04	state	none	no	State	no
3745-300-08	(E)(2)	shall	The consideration of all major toxic endpoints and mechanisms of action shall include, at a minimum, those identified with the critical effect upon which the reference dose or reference concentration for each non-carcinogenic COC is based.	3746.04	state	none	no	State	no
3745-300-08	(E)(3)	shall	For situations where a COC poses both carcinogenic and non-carcinogenic risks and a value for the COC is listed in both the "Standard for a Single Chemical Carcinogens" column and the "Standard for a Single Chemical Non- Carcinogens" column in the tables in appendix A to this rule, or an applicable single chemical carcinogen and non-carcinogen standard is determined in accordance with rule 3745-300-09 of the Administrative Code, the COC shall be included in the multiple carcinogenic chemical adjustment calculation under paragraph (F)(1) of this rule and the adjustment calculation for multiple noncarcinogenic chemicals under paragraph (F)(2) of this rule.	3746.04	state	none	no	State	no
3745-300-08	(F)(2)(a)	shall	For all releases or source areas of hazardous substances on or from the property to surface waters of the state, surface water chemical concentrations shall be compared to the chemical criteria pursuant to Chapter 3745-1 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-08	(F)(2)(a)	shall not	Single ambient samples shall not exceed the outside the mixing zone maximum or the outside the mixing zone average, if a thirty-day average is not obtained.	3746.04	state	none	no	State	no
3745-300-08	(F)(2)(a)	shall	If chemical constituents exceed the chemical criteria, then the surface water shall be further assessed in accordance with rule 3745-300-09 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-08	(F)(2)(b)	shall	All regulated point source discharges of pollutants to surface waters of the state and any other regulated discharges that occur from or on the property shall comply with all permit and other applicable requirements of the Water Pollution Control Act, Chapter 6111. of the Revised Code, and the regulations adopted thereunder.	3746.04	state	none	no	State	no
3745-300-08	(F)(2)(b)(iii)	require	A volunteer may obtain a consolidated standards permit for activities conducted in connection with a voluntary action which require permits from the director.	3746.04	state	none	no	State	no
3745-300-08	(F)(2)(c)	shall	Storm water associated with industrial activity that is discharged to surface waters of the state or is discharged through a separate municipal storm sewer system shall comply with the applicable requirements in 40 CFR 122.26.	3746.04	state	none	no	State	no
3745-300-08	(G)(1)(c)	shall	If the concentrations of COCs in sediment exceed the generic numerical standards for human exposure to sediment, the volunteer shall conduct a human health property-specific risk assessment following the methodology described in paragraph (D) of rule 3745-300-09 of the Administrative Code or shall conduct a remedy in accordance with 3745-300-11 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-08	(G)(1)(c)	shall	If the concentrations of COCs in sediment exceed the generic numerical standards for human exposure to sediment, the volunteer shall conduct a human health property-specific risk assessment following the methodology described in paragraph (D) of rule 3745-300-09 of the Administrative Code or shall conduct a remedy in accordance with 3745-300-11 of the Administrative Code.	3746.04	state	none	no	State	no

3745-300-08	(G)(2)(a)	shall	Cumulative adjustment for multiple chemicals shall be evaluated in accordance with paragraph (A)(2)(b) of this rule.	3746.04	state	none	no	State	no
3745-300-08	(G)(2)(b)	shall	If COCs in sediment are persistent, bioaccumulative, and toxic, and the surface water that contains the sediments produces or can produce a consistent supply of edible-sized fish, the volunteer shall conduct a human health property-specific risk assessment in accordance with rule 3745-300-09 of the Administrative Code to evaluate fish consumption.	3746.04	state	none	no	State	no
3745-300-08	(H)(1)	shall	The volunteer shall do either of the following:	3746.04	state	none	no	State	no
3745-300-08	(H)(2)	shall	To apply applicable standards to sediments in accordance with paragraph (H)(1)(a) of this rule, the volunteer shall compare the concentration of COCs to one of the following ecological reference values:	3746.04	state	none	no	State	no
3745-300-08	(H)(4)	shall	The volunteer shall evaluate the sediments in accordance with paragraph (F) of rule 3745-300-09 of the Administrative Code, or shall conduct a remedy in accordance with rule 3745-300-11 of the Administrative Code if any of the following criteria apply:	3746.04	state	none	no	State	no
3745-300-08	(H)(4)	shall	The volunteer shall evaluate the sediments in accordance with paragraph (F) of rule 3745-300-09 of the Administrative Code, or shall conduct a remedy in accordance with rule 3745-300-11 of the Administrative Code if any of the following criteria apply:	3746.04	state	none	no	State	no
3745-300-08	(I)(1)(b)	shall	Soil standards for leaching may be developed when one or more ground water zones are determined to exceed unrestricted potable use standards and the potential for leaching of COCs from soil to ground water is a complete exposure pathway that shall be evaluated in accordance with either of the following:	3746.04	state	none	no	State	no
3745-300-08	(I)(2)(a)	shall not	Soil standards for leaching are the soil concentrations determined to be protective of the applicable ground water zone and shall not cause unrestricted potable use standards to be exceeded in the ground water zone as demonstrated in accordance with paragraph (F)(4)(a) of rule 3745-300-07 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-08	(I)(2)(b)(ii)	shall	Soil standards for leaching are the soil concentrations determined to be protective of any other applicable standard in ground water that shall be met in accordance with a pathway completeness determination and the demonstration of compliance with applicable standards.	3746.04	state	none	no	State	no
3745-300-09	(A)(1)	shall	If radionuclides or radioactive materials are present at a property, the volunteer shall conduct the cleanup of the radionuclides or radioactive material in compliance with requirements of the Ohio department of health.	3746.04	state	none	no	State	no
3745-300-09	(A)(2)	shall	If a volunteer elects not to apply one or more of the generic numerical standards established under rule 3745-300-08 of the Administrative Code to a chemical of concern (COC), the volunteer shall use a property-specific risk assessment to develop an applicable standard for that COC.	3746.04	state	none	no	State	no
3745-300-09	(A)(3)	shall	A volunteer shall conduct a property-specific risk assessment in accordance with this rule to determine applicable standards instead of, or in addition to, use of the generic numerical standards in rule 3745-300-08 of the Administrative Code if any of the following apply to the property:	3746.04	state	none	no	State	no
3745-300-09	(A)(3)(c)(iii)	shall	When a combination of generic numerical standards and applicable standards determined by a property-specific risk assessment conducted in accordance with this rule is used, the volunteer shall adjust the concentrations of the applicable standards to meet the human health risk and hazard levels described in paragraph (B) of this rule.	3746.04	state	none	no	State	no
3745-300-09	(B)	shall	The volunteer shall determine the applicable standards for human receptors developed from a property-specific risk assessment in accordance with the following risk and hazard levels:	3746.04	state	none	no	State	no
3745-300-09	(B)(1)	shall not	For COCs which have carcinogenic effects, the cumulative human health carcinogenic risk shall not exceed the following risk levels based on the reasonably anticipated use of the property:	3746.04	state	none	no	State	no
3745-300-09	(B)(1)(a)	shall not	For all residential and commercial property land uses, the cumulative carcinogenic risk, which is attributable to the COCs, shall not exceed an excess upper bound lifetime cancer risk to an individual of one in one hundred thousand ( $1 \times 10^{-5}$ ).	3746.04	state	none	no	State	no

3745-300-09	(B)(1)(b)	shall not	For industrial property land use, the cumulative carcinogenic risk shall not exceed an excess upper bound lifetime cancer risk to an individual, which is attributable to the COCs, of one in ten thousand ( $1 \times 10^{-4}$ ) provided that a demonstration that the cumulative cancer risk to off-property receptors, which is attributable to COCs, is less than an excess upper bound lifetime cancer risk to an individual of one in one hundred thousand ( $1 \times 10^{-5}$ ):	3746.04	state	none	no	State	no
3745-300-09	(B)(2)	shall not	For COCs which have non-carcinogenic effects, the cumulative human health hazard, which is attributable to the COCs, shall not exceed a hazard index of one.	3746.04	state	none	no	State	no
3745-300-09	(B)(3)	shall not	For COCs which have both carcinogenic and non-carcinogenic effects, the concentration of the COCs shall not exceed the risk and hazard levels established in paragraphs (B)(1) and (B)(2) of this rule.	3746.04	state	none	no	State	no
3745-300-09	(B)(3)	shall	If more than one complete exposure pathway exists to each receptor population, the incremental cancer risk and hazard indices determined for each exposure pathway shall be summed to calculate a cumulative cancer risk and hazard index to each receptor population.	3746.04	state	none	no	State	no
3745-300-09	(C)(1)	required	COCs that are required to be evaluated are dependent on the petroleum fraction of the released product.	3746.04	state	none	no	State	no
3745-300-09	(C)(1)	shall	The volunteer shall evaluate additional petroleum constituents or typical impurities to ensure applicable standards are met.	3746.04	state	none	no	State	no
3745-300-09	(C)(1)	shall	The volunteer shall assess and evaluate the risk indicator compounds for each appropriate petroleum fraction including the following:	3746.04	state	none	no	State	no
3745-300-09	(C)(1)(a)	shall	For light petroleum fractions, such as natural gasoline, gasohol, or naphtha solvents, the volunteer shall analyze environmental media for benzene, toluene, ethylbenzene, methyl tert-butyl ether, total xylenes, naphthalene, and 1,2,4-trimethylbenzene.	3746.04	state	none	no	State	no
3745-300-09	(C)(1)(b)	shall	For middle petroleum fractions, such as kerosene, diesel fuel, or jet fuel, the volunteer shall analyze environmental media for benzene, toluene, ethylbenzene, total xylenes, acenaphthene, anthracene, chrysene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[k]fluoranthene, dibenzo[a,h]anthracene, fluoranthene, fluorene, indeno[1,2,3-cd]pyrene, naphthalene, and pyrene.	3746.04	state	none	no	State	no
3745-300-09	(C)(1)(c)	shall	For heavy petroleum fractions, such as hydraulic oil, lube oil, or residual fuel oils, the volunteer shall analyze environmental media for acenaphthene, anthracene, chrysene, benzo[a]pyrene, benzo[a]anthracene, benzo[b]fluoranthene, benzo[k]fluoranthene, dibenzo[a,h]anthracene, fluoranthene, fluorene, indeno[1,2,3-cd]pyrene, naphthalene, and pyrene.	3746.04	state	none	no	State	no
3745-300-09	(C)(1)(c)	shall	Where the heavy petroleum is used motor oil, used cutting oil, or hydraulic oil, the volunteer shall identify additional COCs that may be typical impurities of the used heavy petroleum fractions product, and the volunteers shall include such COCs in the analysis, as appropriate.	3746.04	state	none	no	State	no
3745-300-09	(C)(1)(c)	shall	Where the heavy petroleum is used motor oil, used cutting oil, or hydraulic oil, the volunteer shall identify additional COCs that may be typical impurities of the used heavy petroleum fractions product, and the volunteers shall include such COCs in the analysis, as appropriate.	3746.04	state	none	no	State	no
3745-300-09	(C)(1)(d)	shall	For releases of automotive gasoline formulated before January 1, 1996, racing fuel, or aviation gasoline, the volunteer shall analyze environmental media for the constituents listed in paragraph (C)(1)(a) of this rule as well as 1,2-dichloroethane and 1,2-dibromoethane (ethylene dibromide).	3746.04	state	none	no	State	no
3745-300-09	(C)(1)(e)	shall	For petroleum from an unknown source, the volunteers shall analyze environmental media for benzene, ethylbenzene, toluene, total xylenes, methyl tert-butyl ether, acenaphthene, anthracene, chrysene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[k]fluoranthene, dibenzo[a,h]anthracene, fluoranthene, fluorene, indeno[1,2,3-cd]pyrene, naphthalene, and pyrene.	3746.04	state	none	no	State	no
3745-300-09	(C)(1)(e)	shall	The volunteer shall identify additional COCs that may be typical impurities of used petroleum fractions, and the volunteer shall include such additional COCs in the analysis, as appropriate.	3746.04	state	none	no	State	no
3745-300-09	(C)(1)(e)	shall	The volunteer shall identify additional COCs that may be typical impurities of used petroleum fractions, and the volunteer shall include such additional COCs in the analysis, as appropriate.	3746.04	state	none	no	State	no

3745-300-09	(C)(2)	shall	The concentrations of COCs evaluated in accordance with paragraph (D)(3)(a) of this rule on or from the property shall meet applicable standards for the media and exposure pathways evaluated.	3746.04	state	none	no	State	no
3745-300-09	(C)(2)	shall	As appropriate, the volunteer shall evaluate applicable standards for petroleum and petroleum's constituents or impurities in the following manner:	3746.04	state	none	no	State	no
3745-300-09	(C)(2)(a)	shall	The volunteer shall conduct a human health property-specific risk assessment that includes derivation of applicable standards in accordance with paragraph (D) of this rule, or shall use generic numerical standards provided in rule 3745-300-08 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-09	(C)(2)(a)	shall	The volunteer shall conduct a human health property-specific risk assessment that includes derivation of applicable standards in accordance with paragraph (D) of this rule, or shall use generic numerical standards provided in rule 3745-300-08 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-09	(C)(2)(a)	shall	The volunteer shall evaluate other exposure pathways in accordance with paragraph (D) of this rule.	3746.04	state	none	no	State	no
3745-300-09	(C)(2)(a)	shall	The volunteer shall conduct an evaluation of cumulative risks in accordance with paragraphs (B) and (D)(3)(d) of this rule.	3746.04	state	none	no	State	no
3745-300-09	(C)(2)(b)	shall	The volunteer shall determine soil saturation concentrations of total petroleum hydrocarbons utilizing the vertical hydraulic conductivity of the unsaturated soil or otherwise demonstrate the soil type most representative of the soils impacted by petroleum.	3746.04	state	none	no	State	no
3745-300-09	(C)(2)(b)	shall	The corresponding petroleum fraction shall meet the residual saturation concentration in table I of this rule.	3746.04	state	none	no	State	no
3745-300-09	(C)(2)(c)	shall	Ground water with free product shall meet the appropriate ground water response requirements in accordance with rule 3745-300-10 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-09	(C)(2)(d)	shall	The volunteer shall evaluate sediment, surface water, and ecological exposure pathways in accordance with this rule and rule 3745-300-08 of the Administrative Code as appropriate.	3746.04	state	none	no	State	no
3745-300-09	(D)(1)	shall	For a human health property-specific risk assessment conducted in accordance with this rule the volunteer shall demonstrate that the concentrations of COCs on or from a property meet the applicable risk and hazard levels under paragraph (B) of this rule.	3746.04	state	none	no	State	no
3745-300-09	(D)(2)	shall	For the property-specific risk assessment, the volunteer shall take into account the following:	3746.04	state	none	no	State	no
3745-300-09	(D)(2)(c)	shall	Institutional controls shall meet the following criteria:	3746.04	state	none	no	State	no
3745-300-09	(D)(2)(d)	shall	Engineering controls shall meet the following criteria:	3746.04	state	none	no	State	no
3745-300-09	(D)(2)(d)(iv)	required	Be capable of being monitored and maintained as required by an operation and maintenance plan or agreement developed in accordance with rule 3745-300-11 of the Administrative Code in order to ensure that the control remains effective.	3746.04	state	none	no	State	no
3745-300-09	(D)(2)(f)(i)	shall	Physical characteristics shall include, at a minimum, topography, climate, native soils and fill material characteristics, consolidated and unconsolidated geological units, hydrogeological conditions and zones of saturation, surface water bodies, engineered structures (e.g., buildings, roads, retaining walls, constructed fills), and subsurface utilities.	3746.04	state	none	no	State	no
3745-300-09	(D)(2)(f)(ii)	shall	The physical distribution information shall include the relative concentrations of the COCs in identified areas on the property.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(a)	shall	Hazardous substances or petroleum identified on or from the property are considered COCs and the volunteer shall evaluate such COCs pursuant to all the appropriate risk assessment calculations and methods referenced in paragraph (D)(3) of this rule if such hazardous substances or petroleum fall into one of the following categories:	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)	shall	The exposure assessment shall determine the reasonably anticipated magnitude, frequency, duration, and routes of exposure.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)	shall	The exposure assessment shall include consideration of the information obtained or activities performed under paragraph (D)(2) of this rule for the known and reasonably anticipated land use.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(i)	shall	The exposure assessment shall evaluate the risk and hazard potential to all receptor populations as identified in paragraph (E)(6) of rule 3745-300-07 of the Administrative Code that are reasonably anticipated to be exposed to COCs on or from the property.	3746.04	state	none	no	State	no

3745-300-09	(D)(3)(b)(i)	shall	The exposure assessment shall evaluate populations for the magnitude and frequency of exposure for each exposure period.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(ii)(a)	shall	The property-specific exposure assessment shall evaluate all complete exposure pathways in accordance with paragraph (F)(1) of rule 3745-300-07 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(ii)(b)	shall	The exposure assessment shall include a written justification for all exposure pathways eliminated or mitigated through the use of institutional controls or engineering controls.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(ii)(b)	shall	The written justification shall include a description of the efficacy of such controls.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(ii)(b)	shall	The volunteer shall implement the described institutional controls or engineering controls in accordance with rules 3745-300-11 and 3745-300-13 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(ii)(c)	shall	The volunteer shall evaluate complete exposure pathways in accordance with the procedures in the following sources, as incorporated by reference in rule 3745-300-15 of the Administrative Code:	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(iii)	shall	The volunteer shall calculate chemical-specific intakes to quantify the exposure of each receptor population as identified in accordance with paragraph (E)(6) of rule 3745-300-07 of the Administrative Code, to COCs on or from the property as identified in accordance with paragraph (D)(3)(a) of this rule, and for each medium identified in a phase II property assessment.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(iii)(a)	shall	The volunteer shall calculate the chemical-specific intakes using formulas identified in the following sources, as incorporated by reference in rule 3745-300-15 of the Administrative Code:	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(iii)(b)	shall	The volunteer shall determine the numerical values for the exposure factor terms in formulas in accordance with paragraphs (D)(3)(b)(iii)(c) and (D)(3)(b)(iii)(d) of this rule.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(iii)(c)(i)	shall	The volunteer shall determine the exposure factor values either as point values or as the output value from a probabilistic simulation of twenty thousand or more iterations which solve for the chemical-specific intake equation.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(iii)(c)(i)	shall	A probabilistic simulation output value for the intake shall be the ninetieth per centile or greater value.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(iii)(c)(i)	shall	For risk-derived unrestricted potable use ground water, the volunteer shall obtain exposure factor values using the reasonable maximum exposure point values in Ohio EPA's "Support Document for the Development of Generic Numerical Standards and Risk Assessment Procedures," which are the basis for the development of the generic unrestricted potable use standards listed in appendix A to rule 3745-300-08 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(iii)(c)(i)	shall	Distributions developed by the volunteer shall adequately describe the parameter in question following U.S. EPA's "Risk Assessment Guidance for Superfund (RAGs), Volume I: Human Health Evaluation Manual (Part A)."	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(iii)(c)(i)	shall	For all other pathways, the volunteer shall obtain the exposure factor values using one of the following methods:	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(iii)(c)(i)	shall	For exposure factors represented by a point value, these values shall be upper bound or central tendency with an estimate of upper-bound exposures obtained in accordance with U.S. EPA's "Human Health Evaluation Manual, Supplemental Guidance: Standard Default Exposure Factors" and Ohio EPA's "Support Document for the Development of Generic Numerical Standards and Risk Assessment Procedures" for the complete exposure pathway which contributes most substantially to risk, and for any other complete exposure pathways for which upper-bound exposures are deemed likely.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(iii)(c)(i)	shall	For all other complete exposure pathways, exposure factor point values shall be the values representative of central tendency, upper bound or other appropriate exposures as defined in Ohio EPA's "Support Document for the Development of Generic Numerical Standards and Risk Assessment Procedures."	3746.04	state	none	no	State	no

3745-300-09	(D)(3)(b)(iii)(c)(i)(ii)(A)	shall	When exposure factor values are represented by probability distributions as input for a probabilistic simulation, the volunteer shall derive the probability distributions using guidance in U.S. EPA's "Risk Assessment Guidance for Superfund (RAGs), Volume III Part A: Process for Conducting a Probabilistic Risk Assessment."	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(iii)(c)(i)(ii)(B)	shall	For the complete exposure pathway which contributes most substantially to risk, and for any other complete exposure pathways for which upper-bound exposures are deemed likely, the property-specific exposure factor value shall reasonably represent the upper bound value or central tendency value from a distribution of property-specific data, as appropriate.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(iii)(c)(i)(ii)(B)	shall	Exposure factor values shall be consistent with an estimate of upper-bound exposures as described in U.S. EPA's "Risk Assessment Guidance for Superfund (RAGs), Volume I: Human Health Evaluation Manual (Part A)," and Ohio EPA's "Support Document for the Development of Generic Numerical Standards and Risk Assessment Procedures."	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(iii)(c)(i)(ii)(B)	shall	For all other complete exposure pathways, the property-specific exposure factor values shall reasonably represent either an upper-bound or central tendency value from a distribution of property-specific data for that exposure factor term.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(iii)(c)(i)(ii)(B)	shall	Property-specific exposure factor distributions and, if used, the upper bound or central tendency values derived from property-specific exposure factor distributions, shall meet the criteria for property-specific data described in paragraph (D)(3)(b)(iv) of this rule.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(iii)(d)	shall	The volunteer shall determine exposure point concentrations for each complete exposure pathway and shall represent the concentration of COCs from each of the identified areas or exposure units.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(iii)(d)	shall	The volunteer shall determine exposure point concentrations for each complete exposure pathway and shall represent the concentration of COCs from each of the identified areas or exposure units.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(iii)(d)	shall	This representation of exposure point concentration shall be consistent with concentrations of the COCs determined in accordance with paragraph (F)(6) of rule 3745-300-07 of the Administrative Code, and the exposure factor values as determined in accordance with paragraph (D)(3)(b)(iii)(c) of this rule.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(iv)	shall	Property-specific data used in the identification of receptor populations described in paragraph (D)(3)(b)(i) of this rule, the identification of exposure pathways as described in paragraph (D)(3)(b)(ii) of this rule, or the quantification of chemical-specific intake as described in paragraph (D)(3)(b)(iii) of this rule, shall meet the following criteria:	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(iv)(a)	shall	The volunteer shall collect property-specific physical data in accordance with paragraph (E) of rule 3745-300-07 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(iv)(b)	requires	Property-specific information used to define any parameter which requires the prediction of human use and activity patterns on a property, or the physical, physiological, and behavioral characteristics of the receptor populations shall be representative of the reasonably anticipated land use category and the actual property characteristics, and shall be included in an institutional control or engineering control that complies with rule 3745-300-11 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(iv)(b)	shall	Property-specific information used to define any parameter which requires the prediction of human use and activity patterns on a property, or the physical, physiological, and behavioral characteristics of the receptor populations shall be representative of the reasonably anticipated land use category and the actual property characteristics, and shall be included in an institutional control or engineering control that complies with rule 3745-300-11 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(b)(iv)(b)	shall	Property-specific information used to define any parameter which requires the prediction of human use and activity patterns on a property, or the physical, physiological, and behavioral characteristics of the receptor populations shall be representative of the reasonably anticipated land use category and the actual property characteristics, and shall be included in an institutional control or engineering control that complies with rule 3745-300-11 of the Administrative Code.	3746.04	state	none	no	State	no

3745-300-09	(D)(3)(b)(iv)(c)	shall	Literature-based data shall be consistent with property-specific conditions.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(c)(i)	shall	The volunteer shall obtain the toxicity information used in a property-specific risk assessment from the following hierarchy:	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(c)(i)(a)	shall	The volunteer shall obtain the most current toxicity information from the IRIS for COCs that are being evaluated in the property-specific risk assessment.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(c)(i)(b)	required	If the toxicity information required to be used in a property-specific risk assessment is not in the IRIS, or is not listed in Ohio EPA's "Support Document for the Development of Generic Numerical Standards and Risk Assessment Procedures," the volunteer shall consult Ohio EPA to obtain appropriate toxicity information.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(c)(i)(b)	shall	If the toxicity information required to be used in a property-specific risk assessment is not in the IRIS, or is not listed in Ohio EPA's "Support Document for the Development of Generic Numerical Standards and Risk Assessment Procedures," the volunteer shall consult Ohio EPA to obtain appropriate toxicity information.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(c)(ii)(a)	shall	The volunteer shall evaluate the toxicity values selected for use in the property-specific risk assessment as described in paragraph (D)(3)(c)(i) of this rule for each of the COCs in conjunction with the quantification of chemical-specific intake as described in paragraph (D)(3)(b)(iii) of this rule for each complete exposure pathway, in accordance with the procedures described in U.S. EPA's "Risk Assessment Guidance for Superfund (RAGs), Volume I: Human Health Evaluation Manual (Part A)," and U.S. EPA's "Risk Assessment Guidance for Superfund (RAGs), Volume I: Human Health Evaluation Manual (Part E, Supplemental Guidance for Dermal Risk Assessment)."	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(c)(ii)(b)	shall	The volunteer shall perform the risk characterization in accordance with the procedures described in paragraph (D)(3)(d) of this rule so that chemical-specific intake and toxicity values are both expressed as the absorbed dose or both expressed as the administered dose.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(c)(ii)(c)	shall	The volunteer shall obtain default and chemical-specific absorption factor and bioavailability values in accordance with U.S. EPA's "Risk Assessment Guidance for Superfund (RAGs), Volume I: Human Health Evaluation Manual (Part A)," and U.S. EPA's "Risk Assessment Guidance for Superfund (RAGs), Volume I: Human Health Evaluation Manual (Part E, Supplemental Guidance for Dermal Risk Assessment)" or from Ohio EPA's "Support Document for the Development of Generic Numerical Standards and Risk Assessment Procedures."	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(d)	shall	Risk characterization shall integrate the exposure and toxicity assessments in order to quantitatively determine the risk or hazard posed by the COCs on or from the property.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(d)	shall	The risk characterization shall evaluate carcinogenic risks and non-carcinogenic hazard separately.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(d)(i)	shall	The volunteer shall estimate cancer risks as an incremental probability of an individual member of a receptor population developing cancer over a lifetime as a result of exposure to carcinogenic COCs on or from the property; hereafter, this estimation of cancer risk is referred to as incremental cancer risk.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(d)(i)	shall	The volunteer shall calculate separately an incremental cancer risk, at a minimum, for each receptor population identified in accordance with the procedures described in paragraph (D)(3)(b)(i) of this rule.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(d)(i)	shall not	An estimate of incremental cancer risk for each receptor population shall not exceed the applicable carcinogenic risk goal in paragraph (B)(1) of this rule.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(d)(i)(a)	shall	A volunteer shall determine incremental cancer risk in accordance with the procedures described in this rule and in U.S. EPA's "Risk Assessment Guidance for Superfund (RAGs), Volume I: Human Health Evaluation Manual (Part A)" for each carcinogenic COC and for each complete exposure pathway identified in accordance with paragraphs (D)(3)(a) and (D)(3)(b)(ii) of this rule, respectively.	3746.04	state	none	no	State	no

3745-300-09	(D)(3)(d)(i)(b)	shall	If incremental cancer risk is determined for a receptor population for more than one carcinogenic COC, the volunteer shall calculate separately, as appropriate, the cumulative incremental cancer risk posed by these multiple COCs, for each complete exposure pathway in accordance with the procedures described in U.S. EPA's "Risk Assessment Guidance for Superfund (RAGs), Volume I: Human Health Evaluation Manual (Part A)."	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(d)(i)(c)	shall	If incremental cancer risk is determined for a receptor population for more than one complete exposure pathway, the volunteer shall calculate the cumulative incremental cancer risk posed by an estimate based on the complete exposure pathways in accordance with the procedures described in paragraph (D)(3)(d) of this rule and in U.S. EPA's "Risk Assessment Guidance for Superfund (RAGs), Volume I: Human Health Evaluation Manual (Part A)."	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(d)(ii)	shall	The volunteer shall calculate a hazard index value to determine the exposure which is not likely to cause noncancer adverse health effects posed by COCs to each receptor population at a property for the duration of that exposure in accordance with the applicable noncancer hazard goals described in paragraph (B)(2) of this rule.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(d)(ii)	shall	The volunteer shall calculate a separate hazard index for each receptor population over a specified exposure period (i.e., chronic or sub-chronic exposure) identified in accordance with the procedures described in paragraph (D)(3)(b) (ii) of this rule, as follows:	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(d)(ii)(a)	shall	The volunteer shall calculate a hazard quotient for each COC with noncancer effects described by a reference dose or reference concentration for each complete exposure pathway in accordance with the procedures described in this rule and in U.S. EPA's "Risk Assessment Guidance for Superfund (RAGs), Volume I: Human Health Evaluation Manual (Part A)."	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(d)(ii)(b)	shall	If the volunteer determines hazard quotient values representing noncancer hazards for one receptor population over a specified exposure period for more than one COC as described in paragraph (D)(3)(d)(ii)(a) of this rule, the volunteer shall calculate separately, as appropriate, the cumulative noncancer hazards posed by these COCs as a hazard index value for each complete exposure pathway in accordance with the procedures described in U.S. EPA's "Risk Assessment Guidance for Superfund (RAGs), Volume I: Human Health Evaluation Manual (Part A)."	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(d)(ii)(b)	shall	The volunteer may perform separate hazard index calculations based on the consideration of major non-carcinogenic toxic endpoints, which shall include, at a minimum, those toxic endpoints identified with the critical effect upon which the reference dose or reference concentration is based, for each noncarcinogenic COC.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(d)(ii)(b)	shall	The volunteer shall submit a written justification for separate hazard index calculations in the property-specific risk assessment report.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(d)(ii)(c)	shall	If the volunteer determines hazard index values representing noncancer hazard for one receptor population over a specified exposure period for more than one complete exposure pathway, the volunteer shall calculate cumulative noncancer hazard posed by one or more complete exposure pathways, as appropriate, as a hazard index value in accordance with the procedures described in this rule and in U.S. EPA's "Risk Assessment Guidance for Superfund (RAGs), Volume I: Human Health Evaluation Manual (Part A)."	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(d)(iii)	shall	The volunteer shall evaluate uncertainty associated with the property-specific risk assessment.	3746.04	state	none	no	State	no
3745-300-09	(D)(3)(d)(iii)	shall	The uncertainty analysis shall include a qualitative description or quantitative evaluation of uncertainty associated with any of the following:	3746.04	state	none	no	State	no
3745-300-09	(E)(1)	shall	For each complete exposure pathway to IERs from environmental media that contain COCs that are persistent, bioaccumulative, and toxic, the volunteer shall evaluate the environmental media using a food web model in accordance with Ohio EPA's "Ecological Risk Assessment Guidance Document," as incorporated by reference in rule 3745-300-15 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-09	(E)(2)	shall	If COCs are present for which there are no reference values in accordance with paragraph (E)(1) of this rule, then the volunteer shall determine such values in consultation with Ohio EPA.	3746.04	state	none	no	State	no

3745-300-09	(E)(2)(b)(ii)	shall	The volunteer shall conduct a quantitative property-specific ecological risk assessment in accordance with Ohio EPA's "Ecological Risk Assessment Guidance Document" if complete exposure pathways from environmental media other than surface water or sediment exist to IERs and the provisions in paragraph (E)(1) or (E)(2) of this rule do not apply.	3746.04	state	none	no	State	no
3745-300-09	(E)(3)	shall	The volunteer shall collect data to assess ecological risk for both qualitative and quantitative ecological property-specific risk assessments in accordance with rule 3745-300-07 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-09	(F)(1)	shall	For each complete human health exposure pathway from source areas on the property to sediments, the volunteer shall determine if concentrations of COCs in sediments meet applicable standards in accordance with paragraph (G) of rule 3745-300-08 of the Administrative Code, or shall conduct a human health property-specific risk assessment following the methodology provided in paragraph (D) of this rule.	3746.04	state	none	no	State	no
3745-300-09	(F)(1)	shall	For each complete human health exposure pathway from source areas on the property to sediments, the volunteer shall determine if concentrations of COCs in sediments meet applicable standards in accordance with paragraph (G) of rule 3745-300-08 of the Administrative Code, or shall conduct a human health property-specific risk assessment following the methodology provided in paragraph (D) of this rule.	3746.04	state	none	no	State	no
3745-300-09	(F)(4)	shall	For each complete exposure pathway from sediments to IERs where applicable standards determined in accordance with paragraph (H)(2) of rule 3745-300-08 of the Administrative Code are not met or sediment samples are not compared to the appropriate values in accordance with paragraph (H) of rule 3745-300-08 of the Administrative Code, the volunteer shall evaluate the sediment toxicity according to the following methodology:	3746.04	state	none	no	State	no
3745-300-09	(F)(4)(a)	shall	The biological survey shall include the following:	3746.04	state	none	no	State	no
3745-300-09	(F)(4)(a)(i)	shall	The volunteer shall use a fish and physical habitat survey to calculate the qualitative habitat evaluation index, the index of biotic integrity and, where applicable, a modified index of well-being for the surface water.	3746.04	state	none	no	State	no
3745-300-09	(F)(4)(a)(i)	shall	To accomplish this, the volunteer shall follow the procedures in "Biological Criterial for the Protection of Aquatic Life" (hereinafter in this rule referred to as the "biocriteria manual") and Ohio EPA's division of surface water "Manual of Ohio EPA Surveillance Methods and Quality Assurance Practices," as both documents are incorporated by reference in rule 3745-300-15 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-09	(F)(4)(a)(i)	shall	If possible, the sampling locations for the fish and physical habitat survey shall include the same locations where sediment samples are collected.	3746.04	state	none	no	State	no
3745-300-09	(F)(4)(a)(ii)	shall	The volunteer shall use a quantitative macroinvertebrate survey to calculate the invertebrate community index for the surface waters.	3746.04	state	none	no	State	no
3745-300-09	(F)(4)(a)(ii)	shall	To accomplish this, the volunteer shall follow the biocriteria manual unless the water body does not have sufficient depth and flow to conduct a quantitative macroinvertebrate study.	3746.04	state	none	no	State	no
3745-300-09	(F)(4)(a)(ii)	shall	If the water body does not have sufficient depth and flow to conduct a quantitative macroinvertebrate study, the volunteer shall conduct a qualitative macroinvertebrate study using the biocriteria manual and the instruction provided by the biocriteria certification and qualified data collector approval obtained in accordance with paragraph (D) of rule 3745-300-05 and paragraph (B) of rule 3745-4-03 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-09	(F)(4)(a)(ii)	shall	If possible, the sampling locations for the quantitative macroinvertebrate survey shall include the same locations established where sediment samples are collected.	3746.04	state	none	no	State	no
3745-300-09	(F)(4)(b)	shall	For all surface waters with an aquatic life use designation of limited resource water assigned under Chapter 3745-1 of the Administrative Code, or that are a lake, reservoir, wetland, or pond, the volunteer shall conduct sediment bioassays using sediment samples taken from the surface waters to evaluate sediment toxicity.	3746.04	state	none	no	State	no
3745-300-09	(F)(4)(b)	shall	The volunteer shall determine sediment bioassay sampling locations in accordance with this rule and rule 3745-300-07 of the Administrative Code.	3746.04	state	none	no	State	no

3745-300-09	(F)(4)(b)	shall	At a minimum, sediment bioassays shall include the ten-day survival and growth test for <i>Hyaella azteca</i> and <i>Chironomus tentans</i> following the procedures in U.S. EPA's "Methods for Measuring the Toxicity and Bioaccumulation of Sediment-associated Contaminants with Freshwater Invertebrates," as incorporated by reference in rule 3745-300-15 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-09	(F)(4)(c)	shall	For all surface waters with an aquatic life use designation of limited warmwater habitat or with no aquatic life use designation assigned under Chapter 3745-1 of the Administrative Code, a volunteer shall either conduct a use attainability analysis as detailed in the biocriteria manual to assign the appropriate aquatic life use designation, or shall apply biocriteria for warm-water habitat.	3746.04	state	none	no	State	no
3745-300-09	(F)(4)(c)	shall	For all surface waters with an aquatic life use designation of limited warmwater habitat or with no aquatic life use designation assigned under Chapter 3745-1 of the Administrative Code, a volunteer shall either conduct a use attainability analysis as detailed in the biocriteria manual to assign the appropriate aquatic life use designation, or shall apply biocriteria for warm-water habitat.	3746.04	state	none	no	State	no
3745-300-09	(F)(4)(c)	shall	The volunteer shall consult Ohio EPA for assistance to make a determination on an aquatic life use designation for an unlisted water body.	3746.04	state	none	no	State	no
3745-300-09	(F)(5)(a)	shall	For surface water that has an aquatic life use designation of warmwater habitat, exceptional warm-water habitat (excluding lakes and reservoirs), modified warm-water habitat, or cold-water habitat assigned under Chapter 3745-1 of the Administrative Code, the volunteer shall determine the applicable standards in accordance with the water quality standards established or developed under the Water Pollution Control Act and Chapter 6111. of the Revised Code and the regulations adopted thereunder.	3746.04	state	none	no	State	no
3745-300-09	(F)(6)	shall	The volunteer shall take the following actions when applicable standards for sediments are not met in accordance with paragraphs (F)(5)(a) and (F)(5)(b) of this rule:	3746.04	state	none	no	State	no
3745-300-09	(F)(7)	shall	If sediment bioassay or biosurvey does not demonstrate full compliance with applicable standards, the volunteer shall conduct sediment sampling according to rule 3745-300-07 of the Administrative Code in order to determine the concentrations of COCs in sediments.	3746.04	state	none	no	State	no
3745-300-09	(F)(8)	shall	Prior to the inclusion of historical data within an applicable standards demonstration, volunteers shall consider any changes in the watershed, release history, property characteristics, or knowledge of recent data collection.	3746.04	state	none	no	State	no
3745-300-09	(H)	required	If the volunteer elects or is required to apply risk derived standards determined in accordance with this rule, applicable standards from a property-specific risk assessment are one or more of the following:	3746.04	state	none	no	State	no
3745-300-09	(H)(5)	shall	The volunteer shall use the following equation, along with property-specific information, to calculate a property-specific soil saturation concentration:	3746.04	state	none	no	State	no
3745-300-09	(H)(5)(a)	shall	The volunteer shall obtain all chemical-specific values for the above equation from one of the following sources:	3746.04	state	none	no	State	no
3745-300-09	(H)(5)(b)	shall	The volunteer shall obtain physical values from one of the following sources:	3746.04	state	none	no	State	no
3745-300-09	(I)	shall	Upon completion of a property-specific risk assessment conducted in accordance with this rule, the volunteer shall present the information in a risk assessment report or in a section of the phase II property assessment.	3746.04	state	none	no	State	no
3745-300-09	(I)	shall	The volunteer shall prepare a risk assessment and shall include, at a minimum, the following information:	3746.04	state	none	no	State	no
3745-300-09	(I)	shall	The volunteer shall prepare a risk assessment and shall include, at a minimum, the following information:	3746.04	state	none	no	State	no
3745-300-09	(I)(2)	shall	Pursuant to rule 3745-300-11 of the Administrative Code, the volunteer shall demonstrate the efficacy of those controls.	3746.04	state	none	no	State	no
3745-300-09	(I)(10)	required	Surface water assessment report, if surface waters are required to be assessed, in accordance with paragraph (G) of this rule.	3746.04	state	none	no	State	no

3745-300-10	(A)	shall	Obligation to classify ground water zones identified in paragraph (F)(2) of rule 3745-300-07 of the Administrative Code. Ground water underlying a property shall be classified in accordance with this rule and paragraphs (F)(7) and (F)(8) of rule 3745-300-07 of the Administrative Code unless one of the following conditions applies:	3746.04	state	none	no	State	no
3745-300-10	(B)(2)(b)	shall	The ground water yield shall be determined in accordance with paragraphs (F)(7) and (F)(8) of rule 3745-300-07 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-10	(B)(3)(a)	shall	The ground water zone used for comparison shall be present beneath both the property and the surrounding area off-property, shall be capable of yielding three or more gallons per minute, and shall produce at least twice as much ground water as the zone to be classified.	3746.04	state	none	no	State	no
3745-300-10	(B)(3)(a)	shall	The ground water zone used for comparison shall be present beneath both the property and the surrounding area off-property, shall be capable of yielding three or more gallons per minute, and shall produce at least twice as much ground water as the zone to be classified.	3746.04	state	none	no	State	no
3745-300-10	(B)(3)(a)	shall	The ground water zone used for comparison shall be present beneath both the property and the surrounding area off-property, shall be capable of yielding three or more gallons per minute, and shall produce at least twice as much ground water as the zone to be classified.	3746.04	state	none	no	State	no
3745-300-10	(C)(1)(b)	shall	A community water system shall be present.	3746.04	state	none	no	State	no
3745-300-10	(C)(1)(b)	shall	One of the following shall be demonstrated:	3746.04	state	none	no	State	no
3745-300-10	(C)(1)(b)(i)	shall	Parcels in unincorporated areas that are wholly surrounded by the community shall be considered in the calculation of parcels connected.	3746.04	state	none	no	State	no
3745-300-10	(C)(1)(b)(ii)	shall	Parcels in unincorporated areas that are wholly surrounded by communities shall be considered in the calculation of parcels connected.	3746.04	state	none	no	State	no
3745-300-10	(C)(1)(f)(i)	shall not	Wells connected for potable water supply purposes shall not be located in or within one-half mile of the defined boundary of the property or properties for which the urban setting designation is requested.	3746.04	state	none	no	State	no
3745-300-10	(C)(1)(f)(i)	shall	The existence of potable wells shall be determined in accordance with paragraph (F)(7)(a) of rule 3745-300-07 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-10	(C)(1)(g)	shall	When the property for which urban setting designation is requested is located either over a sole source aquifer in a consolidated saturated zone, or over an unconsolidated ground water zone capable of sustaining a yield greater than one hundred gallons per minute as determined in accordance with paragraph (F)(7)(b) of rule 3745-300-07 of the Administrative Code, the certified professional shall demonstrate that there is a reasonable expectation that no wells will be installed or used for potable water supply purposes within one-half mile of the property boundary.	3746.04	state	none	no	State	no
3745-300-10	(C)(1)(g)	shall	The certified professional, at a minimum, shall consider all of the following criteria to make this demonstration:	3746.04	state	none	no	State	no
3745-300-10	(C)(1)(g)(i)	shall	The certified professional shall consult with the owner of the community water system and the appropriate legislative authority or the legislative authority's authorized representative.	3746.04	state	none	no	State	no
3745-300-10	(C)(1)(h)(i)	shall not	Sources of potable ground water use other than a well, such as springs used for potable purposes, shall not be located in or within one-half mile of the defined boundary of the property for which urban setting designation is requested.	3746.04	state	none	no	State	no
3745-300-10	(C)(2)	may not	An urban setting designation may not be used to classify ground water or to determine applicable standards under this chapter and Chapter 3746. of the Revised Code until the director approves the urban setting designation in accordance with this paragraph.	3746.04	state	none	no	State	no
3745-300-10	(C)(2)(a)	shall	A certified professional shall send a written request to the director for approval of an urban setting designation in the format prescribed by Ohio EPA.	3746.04	state	none	no	State	no
3745-300-10	(C)(2)(a)	shall	At a minimum, the request for approval shall include the following:	3746.04	state	none	no	State	no
3745-300-10	(C)(2)(a)(i)	shall	The requested urban setting designation shall be based upon a defined property boundary that consists of one or more of the following:	3746.04	state	none	no	State	no
3745-300-10	(C)(2)(a)(i)(c)	shall	Any urban setting designation boundary that divides a parcel shall be determined by a survey completed by a professional surveyor under Ohio law.	3746.04	state	none	no	State	no

3745-300-10	(C)(2)(b)	shall	Notification of a request for the director's approval of an urban setting designation shall accomplish the following:	3746.04	state	none	no	State	no
3745-300-10	(C)(2)(b)(i)	shall	The notice shall be provided to the following:	3746.04	state	none	no	State	no
3745-300-10	(C)(2)(b)(ii)	shall	The notice shall be made concurrently with a request for approval under paragraph (C)(2)(a) of this rule.	3746.04	state	none	no	State	no
3745-300-10	(C)(2)(b)(iii)	shall	At a minimum, the notice shall include the following:	3746.04	state	none	no	State	no
3745-300-10	(C)(2)(b)(iii)(c)	shall	The threshold criteria for an urban setting designation, and the fact that the director shall approve or deny the urban setting designation after consultation with the community in which the property is located.	3746.04	state	none	no	State	yes, director
3745-300-10	(C)(2)(b)(iii)(h)	shall	A statement which advises the legislative authority that the director shall consult with the legislative authority regarding the urban setting designation, and which encourages the legislative authority to provide written comments or any information relevant to the director's consideration of the urban setting designation.	3746.04	state	none	no	State	yes, director
3745-300-10	(C)(2)(d)	shall	No later than ninety days after receipt of a complete request for approval of an urban setting designation, the director shall complete consultation with the legislative authority or authorized representative of the community in which the property is located, or any other persons which the director deems appropriate, to obtain sufficient information to determine whether to approve or deny the urban setting designation request, as provided in paragraph (C)(2)(e) of this rule.	3746.04	state	none	no	State	yes, director
3745-300-10	(C)(2)(e)(iii)	shall	This shall include any drinking water source protection plans for ground water in the area.	3746.04	state	none	no	State	no
3745-300-10	(C)(2)(e)(v)	shall	For purposes of this evaluation, the director shall consider, but is not limited to consideration of, the following:	3746.04	state	none	no	State	yes, director
3745-300-10	(C)(2)(e)(v)(c)	prohibit	The existence of reliable and legally enforceable local laws which restrict or prohibit the use of the ground water proposed for the urban setting designation, such that the risk of exposure of humans to contaminated ground water as a result of the urban setting designation is not likely.	3746.04	state	none	no	State	no
3745-300-10	(C)(2)(f)	shall	Those costs shall be addressed as follows:	3746.04	state	none	no	State	no
3745-300-10	(C)(2)(f)(i)	shall	After the request for an urban setting designation is approved, denied, or withdrawn, Ohio EPA shall send to the applicant a statement of costs.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-10	(C)(2)(f)(ii)	shall	The applicant for the urban setting designation shall reimburse Ohio EPA for all of the costs on the statement of costs.	3746.04	state	none	no	State	no
3745-300-10	(C)(2)(f)(ii)	shall	This payment shall be made, in full, within sixty days after receipt of the statement of costs.	3746.04	state	none	no	State	no
3745-300-10	(C)(2)(g)	shall	The director shall approve or deny a request for an urban setting designation in one of the following time frame options:	3746.04	state	none	no	State	yes, director
3745-300-10	(C)(2)(g)(ii)	shall	If the director extends the time to consider the request for an urban setting designation, Ohio EPA shall notify the applicant and other interested persons of the extended time frame.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-10	(C)(3)	shall	The certified professional shall verify that the urban setting designation remains protective of the potable use pathway for property that is the subject of a no further action letter.	3746.04	state	none	no	State	no
3745-300-10	(C)(3)	shall	The certified professional shall make the verification at the time of and as part of issuance of the no further action letter for the property.	3746.04	state	none	no	State	no
3745-300-10	(C)(3)	not required	Verification is not required when there is reason to believe that the urban setting designation remains protective of the potable use pathway because conditions are unchanged since the urban setting designation request or most recent verification of record.	3746.04	state	none	no	State	no
3745-300-10	(C)(3)	not required	When a certified professional determines that verification is not required for a property pursuant to this rule, the certified professional shall provide written justification for the determination in the phase II property assessment report for the property.	3746.04	state	none	no	State	no
3745-300-10	(C)(3)	shall	When a certified professional determines that verification is not required for a property pursuant to this rule, the certified professional shall provide written justification for the determination in the phase II property assessment report for the property.	3746.04	state	none	no	State	no
3745-300-10	(C)(3)(a)	shall	To verify the urban setting designation, the certified professional shall consider the criteria in paragraph (C)(3)(b) of this rule and shall determine that the criteria are still protective of the potable use pathway.	3746.04	state	none	no	State	no

3745-300-10	(C)(3)(a)	shall	To verify the urban setting designation, the certified professional shall consider the criteria in paragraph (C)(3)(b) of this rule and shall determine that the criteria are still protective of the potable use pathway.	3746.04	state	none	no	State	no
3745-300-10	(C)(3)(b)	shall	To verify that an urban setting designation is protective of the potable use pathway, the certified professional shall evaluate the following:	3746.04	state	none	no	State	no
3745-300-10	(C)(3)(b)(i)	shall	To accomplish this evaluation, the certified professional shall do, at a minimum, the following:	3746.04	state	none	no	State	no
3745-300-10	(C)(3)(b)(i)(a)	shall	If wells have been installed, the certified professional shall determine whether the wells are used or are reasonably anticipated to be used for potable purposes.	3746.04	state	none	no	State	no
3745-300-10	(C)(3)(b)(ii)(v)	shall	To accomplish this evaluation, the certified professional shall do, at a minimum, the following:	3746.04	state	none	no	State	no
3745-300-10	(C)(3)(d)	must	To rely on an urban setting designation for the ground water response requirements in paragraph (E) of this rule, the entire property being considered for a no further action letter must be wholly contained within the approved urban settling designation boundary.	3746.04	state	none	no	State	no
3745-300-10	(C)(4)(a)	shall	The director shall make available to certified professionals any determinations regarding urban setting designations.	3746.04	state	none	no	State	yes, director
3745-300-10	(C)(4)(b)	shall	If the director determines that an urban setting designation is no longer valid or decreases the size of the urban setting designation, Ohio EPA shall notify certified professionals and the original applicants for the urban setting designation.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-10	(C)(4)(b)	shall	The director's determination shall be public noticed in any affected county.	3746.04	state	none	no	State	yes, director
3745-300-10	(D)(1)	shall	When any ground water zone underlying the property complies with unrestricted potable use standards, the remedial activities shall ensure that contamination shall not result in unrestricted potable use standards being exceeded anywhere within any ground water zone underlying the property that otherwise meets the standards.	3746.04	state	none	no	State	no
3745-300-10	(D)(1)	shall not	When any ground water zone underlying the property complies with unrestricted potable use standards, the remedial activities shall ensure that contamination shall not result in unrestricted potable use standards being exceeded anywhere within any ground water zone underlying the property that otherwise meets the standards.	3746.04	state	none	no	State	no
3745-300-10	(E)(1)(a)	required	Paragraphs (E)(2) to (E)(7) of this rule apply to the volunteer when COCs released to ground water originate from a source area on the voluntary action property, or when COCs released to ground water originate from an off-property source area and the volunteer is required to address the release, as specified in paragraph (E)(1)(b) of this rule.	3746.04	state	none	no	State	no
3745-300-10	(E)(1)(b)	required	The volunteer is required to address requirements of paragraph (E)(2)(d)(ii), (E)(2)(e), or (E)(3) of this rule for COCs that originate from a release from an off-property source area when any of the following apply:	3746.04	state	none	no	State	no
3745-300-10	(E)(2)(a)	shall	The volunteer shall implement institutional controls or engineering controls that reliably prevent human exposure on the property to ground water with concentrations of COCs in excess of unrestricted potable use standards, or shall restore the ground water underlying the property to unrestricted potable use standards.	3746.04	state	none	no	State	no
3745-300-10	(E)(2)(a)	shall	The volunteer shall implement institutional controls or engineering controls that reliably prevent human exposure on the property to ground water with concentrations of COCs in excess of unrestricted potable use standards, or shall restore the ground water underlying the property to unrestricted potable use standards.	3746.04	state	none	no	State	no
3745-300-10	(E)(2)(b)	shall	The volunteer shall address all non-potable use ground water exposure pathways in accordance with paragraph (F) of rule 3745-300-07 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-10	(E)(2)(c)	shall	For ground water that contains COCs that have impacted any off property potable use wells above unrestricted potable use standards, a volunteer shall do one of the following:	3746.04	state	none	no	State	no
3745-300-10	(E)(2)(d)(i)	shall	Prior to issuance of the no further action letter, the volunteer shall send a written notification by certified mail to the applicable local health department and all owners of properties in areas where ground water has or is reasonably anticipated to have concentrations of COCs in excess of unrestricted potable use standards.	3746.04	state	none	no	State	no

3745-300-10	(E)(2)(d)(ii)	required	The written notification required in paragraph (E)(2)(d)(i) of this rule shall include the following:	3746.04	state	none	no	State	no
3745-300-10	(E)(2)(d)(ii)	shall	The written notification required in paragraph (E)(2)(d)(i) of this rule shall include the following:	3746.04	state	none	no	State	no
3745-300-10	(E)(2)(f)	shall not	For critical resource ground water without an urban setting designation, ground water on or from the property shall not exceed unrestricted potable use standards at the point of compliance determined in accordance with paragraph (E)(5)(a) of this rule.	3746.04	state	none	no	State	no
3745-300-10	(E)(3)(a)(i)	shall	The volunteer shall implement institutional controls or engineering controls that reliably prevent human exposure on the property to ground water with concentrations of COCs in excess of unrestricted potable use standards, or shall restore the ground water underlying the property to unrestricted potable use standards.	3746.04	state	none	no	State	no
3745-300-10	(E)(3)(a)(i)	shall	The volunteer shall implement institutional controls or engineering controls that reliably prevent human exposure on the property to ground water with concentrations of COCs in excess of unrestricted potable use standards, or shall restore the ground water underlying the property to unrestricted potable use standards.	3746.04	state	none	no	State	no
3745-300-10	(E)(3)(a)(ii)	shall	The volunteer shall address all non-potable use ground water exposure pathways in accordance with paragraph (F) of rule 3745-300-07 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-10	(E)(3)(a)(iii)	shall not	Ground water on or from the property shall not exceed unrestricted potable use standards at the point of compliance determined in accordance with paragraph (E)(5)(a) of this rule.	3746.04	state	none	no	State	no
3745-300-10	(E)(3)(a)(iv)	shall	For ground water that contains COCs that have impacted any off property potable use wells above unrestricted potable use standards, a volunteer shall do one of the following:	3746.04	state	none	no	State	no
3745-300-10	(E)(3)(b)(i)	shall	The volunteer shall implement institutional controls or engineering controls that reliably prevent human exposure on the property to ground water with concentrations of COCs in excess of unrestricted potable use standards, or shall restore the ground water underlying the property to unrestricted potable use standards.	3746.04	state	none	no	State	no
3745-300-10	(E)(3)(b)(i)	shall	The volunteer shall implement institutional controls or engineering controls that reliably prevent human exposure on the property to ground water with concentrations of COCs in excess of unrestricted potable use standards, or shall restore the ground water underlying the property to unrestricted potable use standards.	3746.04	state	none	no	State	no
3745-300-10	(E)(3)(b)(ii)	shall	The volunteer shall address all non-potable use ground water exposure pathways in accordance with paragraph (F) of rule 3745-300-07 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-10	(E)(4)(a)	shall	The volunteer shall implement institutional controls or engineering controls that reliably prevent human exposure on the property to ground water with concentrations of COCs in excess of unrestricted potable use standards, or shall restore the ground water underlying the property to unrestricted potable use standards.	3746.04	state	none	no	State	no
3745-300-10	(E)(4)(a)	shall	The volunteer shall implement institutional controls or engineering controls that reliably prevent human exposure on the property to ground water with concentrations of COCs in excess of unrestricted potable use standards, or shall restore the ground water underlying the property to unrestricted potable use standards.	3746.04	state	none	no	State	no
3745-300-10	(E)(4)(b)	shall	The volunteer shall address all non-potable use ground water exposure pathways in accordance with paragraph (F) of rule 3745-300-07 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-10	(E)(5)(a)	shall	The point of compliance where unrestricted potable use standards shall be met is the property boundary, unless the volunteer chooses to demonstrate an alternative point of compliance under the following circumstances:	3746.04	state	none	no	State	no
3745-300-10	(E)(5)(a)(i)	shall	The applicable standards in paragraph (F) of rule 3745-300-08 of the Administrative Code or paragraph (G) of rule 3745-300-09 of the Administrative Code for the receiving surface water body shall be met instead of unrestricted potable use standards.	3746.04	state	none	no	State	no
3745-300-10	(E)(5)(b)	shall	If the contamination is due to off-property sources in whole or in part, then the volunteer shall implement remedial activities to prevent leaching of COCs from source areas on the property that are reasonably anticipated to result in unrestricted potable use standards being exceeded at the point of compliance determined from paragraph (E)(5)(a) of this rule.	3746.04	state	none	no	State	no

3745-300-10	(E)(5)(c)	shall	When ground water emanates from the property into a surface water body immediately adjoining the property boundary, the applicable standards in paragraph (F) of rule 3745-300-08 of the Administrative Code or paragraph (G) of the rule 3745-300-09 of the Administrative Code for the receiving surface water body shall be met.	3746.04	state	none	no	State	no
3745-300-10	(E)(6)	shall	The volunteer shall implement the applicable requirements of paragraphs (E)(2)(c), (E)(2)(e), and (E)(3)(a)(iv) of this rule through an operation and maintenance plan prepared under rule 3745-300-11 of the Administrative Code or through another method prescribed by rule 3745-300-11 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-10	(E)(7)	shall	All remedial activities, including institutional controls or engineering controls, shall be implemented in accordance with rule 3745-300-11 of the Administrative Code or other applicable law.	3746.04	state	none	no	State	no
3745-300-11	(A)	required	Applicability and identification of when remedial activities are required.	3746.04	state	none	no	State	no
3745-300-11	(A)(1)	shall	Remedial activities shall be conducted to meet applicable standards when a phase II property assessment conducted in accordance with rule 3745-300-07 of the Administrative Code reveals that concentrations of chemicals of concern (COCs) in any environmental media fail to comply with any of the following:	3746.04	state	none	no	State	no
3745-300-11	(A)(2)	shall	Each complete exposure pathway for environmental media determined in accordance with paragraph (F)(1) of rule 3745-300-07 of the Administrative Code shall comply with an applicable standard determined in accordance with this chapter.	3746.04	state	none	no	State	no
3745-300-11	(A)(2)	shall	When a complete exposure pathway does not comply with an applicable standard, the volunteer shall implement a remedy in accordance with this rule. Implementation of a remedy under the voluntary action may be deferred or excluded, as applicable, for any complete exposure pathway that is in compliance with paragraph (D) of this rule.	3746.04	state	none	no	State	no
3745-300-11	(A)(3)	shall	An institutional control in the form of a use restriction, or activity and use limitation, as applicable, shall be established in accordance with this rule to apply applicable standards to a restricted land use, pursuant to paragraph (F)(5) of rule 3745-300-07 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-11	(A)(4)	shall	An operation and maintenance plan shall be prepared and implemented in accordance with paragraph (F) of this rule for a property that relies on one or more of the following:	3746.04	state	none	no	State	no
3745-300-11	(A)(4)(b)	shall	Such remedial activities shall achieve applicable standards within five years after the no further action letter issuance date, inclusive of verification, or such other time frame agreed to by the director in accordance with an operation and maintenance agreement.	3746.04	state	none	no	State	no
3745-300-11	(A)(4)(b)	shall	In the case of any complete exposure pathway to indoor air due to vapor exposure from environmental media, the indoor air applicable standards shall be met prior to occupancy of the building.	3746.04	state	none	no	State	no
3745-300-11	(B)	shall	Remedial activities conducted under this chapter and Chapter 3746. of the Revised Code shall be conducted in compliance with all applicable laws, regulations, rules, resolutions, and ordinances, including but not limited to the following:	3746.04	state	none	no	State	no
3745-300-11	(C)	required	When remedial activities are required to be conducted at a property pursuant to paragraph (A) of this rule, one or more of the following remedial activities, if utilized to determine compliance with applicable standards, shall have been conducted and documented.	3746.04	state	none	no	State	no
3745-300-11	(C)	shall	When remedial activities are required to be conducted at a property pursuant to paragraph (A) of this rule, one or more of the following remedial activities, if utilized to determine compliance with applicable standards, shall have been conducted and documented.	3746.04	state	none	no	State	no
3745-300-11	(C)	shall	To support a no further action letter for a property, the remedial activity shall be conducted and documented prior to issuance of the no further action letter.	3746.04	state	none	no	State	no
3745-300-11	(C)(1)	shall	Remediation shall be capable of attaining applicable standards within the following time frame:	3746.04	state	none	no	State	no
3745-300-11	(C)(1)(a)	shall	If remediation has not achieved applicable standards prior to issuance of the no further action letter for the property, an operation and maintenance plan prepared in accordance with this rule for continued implementation of the remediation shall be included with the no further action letter.	3746.04	state	none	no	State	no

3745-300-11	(C)(1)(b)	shall	If the remediation has not achieved applicable standards upon issuance of the no further action letter, the no further action letter shall demonstrate that the remediation is capable of attaining the applicable standards, inclusive of verification, within five years after the no further action letter issuance date or other time frame agreed upon by the director in an operation and maintenance agreement, in accordance with this rule.	3746.04	state	none	no	State	no
3745-300-11	(C)(1)(b)	shall	Until there is verification that the remediation meets applicable standards, the property shall remain protective of public health and safety and the environment through use of interim measures or other remedial activities.	3746.04	state	none	no	State	no
3745-300-11	(C)(2)	shall	Institutional controls (use restrictions or activity and use limitations, as applicable), shall meet the following criteria:	3746.04	state	none	no	State	no
3745-300-11	(C)(2)(f)	required	Be recorded with the county recorder in the same manner as a deed to the property, consistent with the requirements to record documents that are required for the voluntary action program.	3746.04	state	none	no	State	no
3745-300-11	(C)(2)(h)(i)	shall	In the case of restricted residential land use at a property that relies on on-going implementation of remedial activities, the environmental covenant or environmental use limitations shall provide for a central management entity to oversee compliance with the activity and use limitations, engineering controls, and any other remedial activities that are relied upon for compliance with applicable standards.	3746.04	state	none	no	State	no
3745-300-11	(C)(3)	shall	Engineering controls shall meet the following criteria:	3746.04	state	none	no	State	no
3745-300-11	(C)(3)(a)	shall	Be effective and reliable for the climatic conditions and activities at the property to which the control shall be applied.	3746.04	state	none	no	State	no
3745-300-11	(C)(3)(e)	required	Be capable of being monitored and maintained as required by an operation and maintenance plan developed and implemented in accordance with this rule.	3746.04	state	none	no	State	no
3745-300-11	(C)(3)(g)(i)	shall	In the case of restricted residential land use that relies on ongoing implementation of remedial activities, the operation and maintenance plan and agreement shall provide for a central management entity to oversee compliance with engineering controls or other remedial activities that are relied upon for compliance with applicable standards.	3746.04	state	none	no	State	no
3745-300-11	(C)(4)	required	The evaluation, response, and other activities required to protect off-property receptors when concentrations of COCs in critical resource ground water exceed unrestricted potable use standards shall be implemented in accordance with rule 3745-300-10 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-11	(C)(4)	shall	The evaluation, response, and other activities required to protect off-property receptors when concentrations of COCs in critical resource ground water exceed unrestricted potable use standards shall be implemented in accordance with rule 3745-300-10 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-11	(C)(5)	required	The evaluation, response, and other activities required to apply any pathway deferral or exclusion shall be implemented in accordance with paragraph (D) of this rule.	3746.04	state	none	no	State	no
3745-300-11	(C)(5)	shall	The evaluation, response, and other activities required to apply any pathway deferral or exclusion shall be implemented in accordance with paragraph (D) of this rule.	3746.04	state	none	no	State	no
3745-300-11	(C)(6)	shall	Interim measures shall be in place for a property when applicable standards have not yet been achieved.	3746.04	state	none	no	State	no
3745-300-11	(C)(6)	shall	At a minimum, interim measures shall mitigate the risks associated with complete exposure pathways to human receptor populations until the property complies with applicable standards through a permanent remedy.	3746.04	state	none	no	State	no
3745-300-11	(C)(6)	shall	Institutional controls or engineering controls used as interim measures shall be consistent with the criteria in paragraphs (C)(2) and (C)(3) of this rule.	3746.04	state	none	no	State	no
3745-300-11	(C)(7)	shall	Risk mitigation measures shall effectively eliminate or reduce the current or reasonably anticipated risk to persons who would be exposed to concentrations of COCs in environmental media that exceed applicable standards or the risk is uncharacterized.	3746.04	state	none	no	State	no
3745-300-11	(C)(7)(a)	shall	Risk mitigation measures shall be utilized to protect workers and other persons who would be exposed to COCs in excess of applicable standards as a result of construction activities.	3746.04	state	none	no	State	no

3745-300-11	(C)(7)(c)	shall	If the risk mitigation measures are necessary for the property to meet applicable standards after issuance of the no further action letter for the property, the risk mitigation measures shall be implemented through a risk mitigation plan in accordance with paragraph (G) of this rule.	3746.04	state	none	no	State	no
3745-300-11	(C)(8)	shall	Restrictions on the extraction or use of ground water for any purpose, potable or otherwise, developed in accordance with paragraph (E)(2) of rule 3745-300-10 of the Administrative Code in order to achieve applicable standards for ground water, shall be applied to all ground water zones beneath the property, unless a property-specific investigation conducted in accordance with rule 3745-300-07 of the Administrative Code demonstrates the following:	3746.04	state	none	no	State	no
3745-300-11	(C)(8)(b)	shall	Selective use restrictions shall be implemented for each ground water zone, as necessary, to reliably restrict the use of each ground water zone, except the specific permissible uses that are demonstrated to ensure the following:	3746.04	state	none	no	State	no
3745-300-11	(D)(1)	shall	When the volunteer has employed diligent efforts to access an off-property area known or suspected to have a complete exposure pathway but access has been denied, an off-property pathway deferral shall be implemented by use of an operation and maintenance plan included in the no further action letter.	3746.04	state	none	no	State	no
3745-300-11	(D)(1)	shall	To justify the pathway deferral, the volunteer shall demonstrate that the following have been completed:	3746.04	state	none	no	State	no
3745-300-11	(D)(1)(b)(iii)	required	Offer to pay all costs associated with or to complete the assessment, and, as applicable, remedial activities that are required to achieve applicable standards for the complete exposure pathway related to releases from the voluntary action property, including fair and reasonable compensation for repair of aesthetic impacts to the off-property receptor area that result from the activities.	3746.04	state	none	no	State	no
3745-300-11	(D)(1)(c)	shall	The volunteer shall provide a written notice to each owner of a receptor area property.	3746.04	state	none	no	State	no
3745-300-11	(D)(1)(c)	shall	At a minimum, the written notice shall include the following:	3746.04	state	none	no	State	no
3745-300-11	(D)(1)(c)(iv)	shall	A statement that the volunteer shall contact Ohio EPA within thirty days after the notice is sent to seek assistance to access the off-property area.	3746.04	state	none	no	State	no
3745-300-11	(D)(1)(d)	required	Within thirty days after the notice required in paragraph (D)(1)(c) of this rule is sent, the volunteer shall contact Ohio EPA to seek assistance with access to an off-property area, as follows:	3746.04	state	none	no	State	no
3745-300-11	(D)(1)(d)	shall	Within thirty days after the notice required in paragraph (D)(1)(c) of this rule is sent, the volunteer shall contact Ohio EPA to seek assistance with access to an off-property area, as follows:	3746.04	state	none	no	State	no
3745-300-11	(D)(1)(d)(i)	required	After the notice required in paragraph (D)(1)(c) of this rule is sent, contact Ohio EPA to seek assistance to allow the volunteer access to an off-property area to assess or install a reasonable remedy.	3746.04	state	none	no	State	no
3745-300-11	(D)(1)(d)(ii)(c)	required	Documentation of the notice provided to each owner of a receptor area property, as required in paragraph (D)(1)(c) of this rule.	3746.04	state	none	no	State	no
3745-300-11	(D)(1)(d)(iii)	shall	If Ohio EPA gains access to an off-property area on behalf of the volunteer, the volunteer shall continue to evaluate the current or reasonably anticipated exposure pathways to the off-property receptors in accordance with paragraph (F) of rule 3745-300-07 of the Administrative Code to determine compliance with applicable standards in accordance with paragraph (I) of rule 3745-300-07 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-11	(D)(1)(d)(iv)	shall	A statement or statements of costs incurred by Ohio EPA shall be sent to the volunteer after Ohio EPA's assistance is complete.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-11	(D)(1)(d)(iv)	shall	The volunteer shall pay the costs in full within sixty days after receipt of the statement, pursuant to paragraph (E) of rule 3745-300-03 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-11	(D)(1)(e)	shall	If Ohio EPA's assistance to seek access does not result in access to an off-property area, the timing for inclusion of pathway deferral in an operation and maintenance plan and issuance of a no further action letter shall occur as follows:	3746.04	state	none	no	State	yes, Ohio EPA

3745-300-11	(D)(1)(e)(iii)	shall	If more than one hundred eighty days have passed since the volunteer or Ohio EPA last contacted the owner of a receptor area property about access to an off-property area, the volunteer shall send notice to such property owner at least thirty days prior to issuance of the no further action letter.	3746.04	state	none	no	State	no
3745-300-11	(D)(1)(e)(iii)	shall	This notice shall contain the following:	3746.04	state	none	no	State	no
3745-300-11	(D)(1)(e)(iii)(b)	required	The information required by paragraphs (D)(1)(c) to (D)(1)(c) (iv) of this rule.	3746.04	state	none	no	State	no
3745-300-11	(D)(1)(f)	shall	The certified professional shall include an operation and maintenance plan in the no further action letter prepared for the voluntary action property.	3746.04	state	none	no	State	no
3745-300-11	(D)(1)(f)	shall	The operation and maintenance plan shall include the following:	3746.04	state	none	no	State	no
3745-300-11	(D)(1)(f)(iv)(a)	shall	The operation and maintenance plan shall include a provision that the volunteer or other person responsible for compliance with applicable standards shall provide a written invitation to the owner of the off-property receptor property to reinstate discussions about the deferred pathway and access to implement the remedy needed to achieve applicable standards.	3746.04	state	none	no	State	no
3745-300-11	(D)(1)(f)(iv)(a)	shall	The operation and maintenance plan shall include a provision that the volunteer or other person responsible for compliance with applicable standards shall provide a written invitation to the owner of the off-property receptor property to reinstate discussions about the deferred pathway and access to implement the remedy needed to achieve applicable standards.	3746.04	state	none	no	State	no
3745-300-11	(D)(1)(f)(iv)(b)	shall	The notice shall include the information required by paragraphs (D)(1)(c)(i) to (D)(1)(c)(iv) of this rule.	3746.04	state	none	no	State	no
3745-300-11	(D)(1)(f)(iv)(b)	required	The notice shall include the information required by paragraphs (D)(1)(c)(i) to (D)(1)(c)(iv) of this rule.	3746.04	state	none	no	State	no
3745-300-11	(D)(2)	shall	An off-property pathway exclusion from the release of liability in the covenant not to sue shall be requested prior to issuance of a no further action letter for the property if the volunteer has employed diligent efforts to remedy the pathway.	3746.04	state	none	no	State	no
3745-300-11	(D)(2)	shall	The pathway exclusion request shall be submitted under affidavit by a certified professional on behalf of the volunteer.	3746.04	state	none	no	State	no
3745-300-11	(D)(2)	shall not	A certified professional shall not rely upon a pathway exclusion in a no further action letter unless the request was approved by the director.	3746.04	state	none	no	State	no
3745-300-11	(D)(2)(a)	shall	Prior to submittal of a pathway exclusion request, the following shall be evaluated and, unless nonapplicable, shall be documented as completed:	3746.04	state	none	no	State	no
3745-300-11	(D)(2)(a)	shall	Prior to submittal of a pathway exclusion request, the following shall be evaluated and, unless nonapplicable, shall be documented as completed:	3746.04	state	none	no	State	no
3745-300-11	(D)(2)(a)(iii)	not required	The provisions of paragraphs (D)(2)(a)(ii) and (D)(2)(b) of this rule are not required for off-property sediment pathways.	3746.04	state	none	no	State	no
3745-300-11	(D)(2)(b)	shall	If the volunteer applies diligent efforts and still cannot assess or implement a remedy to address off-property receptors, the volunteer shall provide a written notice to each owner of a receptor area property.	3746.04	state	none	no	State	no
3745-300-11	(D)(2)(b)	shall	The written notice shall be provided to such property owners prior to submittal of the pathway exclusion request to Ohio EPA.	3746.04	state	none	no	State	no
3745-300-11	(D)(2)(b)	shall	At a minimum, the written notice shall include the following:	3746.04	state	none	no	State	no
3745-300-11	(D)(2)(b)(iv)	shall	A statement that the volunteer shall submit the pathway exclusion request to Ohio EPA within thirty days after the written notice is sent in order to request the director to review and approve the pathway exclusion.	3746.04	state	none	no	State	no
3745-300-11	(D)(2)(c)	shall	The pathway exclusion request provided by the certified professional shall include the following:	3746.04	state	none	no	State	no
3745-300-11	(D)(2)(c)(v)	required	Documentation of the notice provided to each owner of a receptor area property, as required in paragraph (D)(1)(c) of this rule.	3746.04	state	none	no	State	no
3745-300-11	(D)(2)(d)	shall	The volunteer who enacts the pathway exclusion shall reimburse Ohio EPA for all costs incurred for the review of the pathway exclusion request, and in assistance with communication with the owner of the receptor property, as follows:	3746.04	state	none	no	State	no

3745-300-11	(D)(2)(d)(i)	shall	Following Ohio EPA's assistance provided in support of the request for a pathway exclusion, Ohio EPA shall send to the volunteer a statement of costs.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-11	(D)(2)(d)(ii)	shall	Within sixty days after receipt of the statement of costs from Ohio EPA, the volunteer shall pay the cost in full, pursuant to paragraph (E) of rule 3745-300-03 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-11	(D)(2)(f)(i)	shall	The director shall first consider whether all applicable measures in paragraphs (D)(2)(a) and (D)(2)(b) of this rule were met.	3746.04	state	none	no	State	yes, director
3745-300-11	(D)(2)(g)(i)	shall	The director shall approve or deny a request for approval of a pathway exclusion within ninety days after receipt of a complete pathway exclusion request, as provided in paragraph (D)(2) of this rule.	3746.04	state	none	no	State	yes, director
3745-300-11	(D)(2)(g)(ii)	shall	If the director extends the time to consider the pathway exclusion request, Ohio EPA shall notify the volunteer and other interested persons of such extension.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-11	(E)	shall	When remedial activities are completed under this chapter, the volunteer shall verify that the remedial activities were implemented in accordance with this rule and resulted in compliance with applicable standards.	3746.04	state	none	no	State	no
3745-300-11	(E)	shall	At a minimum, verification shall include the following, as applicable:	3746.04	state	none	no	State	no
3745-300-11	(E)(1)	shall	When remedies are completed to achieve compliance with applicable standards in accordance with paragraph (I) of rule 3745-300-07 of the Administrative Code, the demonstration shall include the following, when applicable:	3746.04	state	none	no	State	no
3745-300-11	(E)(1)(d)	requires	Documentation that each engineering control or remedy that requires operation or maintenance under this rule is made the subject of an operation and maintenance plan and agreement, as applicable, developed in accordance with paragraph (F) of this rule.	3746.04	state	none	no	State	no
3745-300-11	(E)(1)(f)	shall	The evaluation shall verify that the concentrations of each COC do not exceed any applicable standard as required by rule 3745-300-07 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-11	(E)(1)(f)	required	The evaluation shall verify that the concentrations of each COC do not exceed any applicable standard as required by rule 3745-300-07 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-11	(E)(1)(g)	required	When a remedial activity is completed after the issuance of a no further action letter for property that relies on the remedial activity, an affidavit from a certified professional is required.	3746.04	state	none	no	State	no
3745-300-11	(E)(1)(g)	shall	The affidavit shall certify that applicable standards are met, based on the remedial activity verification.	3746.04	state	none	no	State	no
3745-300-11	(E)(2)	shall	To document that a remedial activity is no longer necessary for compliance with applicable standards and may be terminated, the volunteer or other person responsible for remedy implementation shall demonstrate that the criteria in this rule have been met.	3746.04	state	none	no	State	no
3745-300-11	(E)(2)	shall	At a minimum, the demonstration shall include the following:	3746.04	state	none	no	State	no
3745-300-11	(F)(1)	required	When a remedy is required to have an operation and maintenance plan in accordance with this rule, the volunteer shall develop and implement an operation and maintenance plan that includes the following components as applicable, for each of the remedial activities subject to the operation and maintenance plan:	3746.04	state	none	no	State	no
3745-300-11	(F)(1)	shall	When a remedy is required to have an operation and maintenance plan in accordance with this rule, the volunteer shall develop and implement an operation and maintenance plan that includes the following components as applicable, for each of the remedial activities subject to the operation and maintenance plan:	3746.04	state	none	no	State	no
3745-300-11	(F)(1)(b)	shall	A plan to implement the remedial activities, including operation and maintenance and a description of tasks that shall be performed to implement the operation and maintenance of the remedial activities, including but not limited to, the following:	3746.04	state	none	no	State	no
3745-300-11	(F)(1)(c)	shall	A plan to evaluate the effectiveness of each remedial activity shall be included in the operation and maintenance plan.	3746.04	state	none	no	State	no
3745-300-11	(F)(1)(c)	shall	At a minimum, the plan shall include the following:	3746.04	state	none	no	State	no
3745-300-11	(F)(1)(c)(ii)	shall	Description of the activities that shall be performed to determine the effectiveness of the remedial activities in meeting or maintaining compliance with applicable standards.	3746.04	state	none	no	State	no

3745-300-11	(F)(1)(c)(iii)	shall	Description of the activities that shall be performed to evaluate or confirm assumptions and predictions of a property-specific risk assessment conducted in accordance with rule 3745-300-09 of the Administrative Code, if a property-specific risk assessment was conducted.	3746.04	state	none	no	State	no
3745-300-11	(F)(1)(c)(iv)	shall	Description of the activities that shall be conducted, to comply with the response requirements for critical resource ground water in accordance with paragraphs (E)(3) to (E)(5) of rule 3745-300-10 of the Administrative Code, as applicable.	3746.04	state	none	no	State	no
3745-300-11	(F)(1)(c)(vi)	shall	Description of the anticipated length and planned frequency of each monitoring activity that shall be performed to evaluate the effectiveness of the remedial activities.	3746.04	state	none	no	State	no
3745-300-11	(F)(1)(c)(vii)	shall	Description of the monitoring and sampling activities that shall be conducted to determine the effectiveness of the remedial activities to meet or maintain compliance with applicable standards, as appropriate.	3746.04	state	none	no	State	no
3745-300-11	(F)(1)(d)	required	A description of the type of equipment required to operate and maintain the remedial activities, including the following:	3746.04	state	none	no	State	no
3745-300-11	(F)(1)(d)(i)	shall	Description of the monitoring and remedial equipment that was installed or shall be utilized, and the criteria for installation and the utilization.	3746.04	state	none	no	State	no
3745-300-11	(F)(1)(g)	shall	A description of all records that shall be kept to document that the requirements of paragraphs (F)(1) and (F)(2) of this rule are met.	3746.04	state	none	no	State	no
3745-300-11	(F)(1)(h)(i)	shall	An identification and description of the data and information that shall be collected to support the criteria for termination of the remedial activities subject to the operation and maintenance plan to verify completion of the remedial activities in accordance with paragraph (E)(2) of this rule.	3746.04	state	none	no	State	no
3745-300-11	(F)(1)(i)	shall	If any remedial activity, including any engineering control, applies to a portion of the property, the operation and maintenance plan shall include a survey plat that depicts the boundary of the portion of the property.	3746.04	state	none	no	State	no
3745-300-11	(F)(1)(i)	shall	The operation and maintenance plan shall include a survey plat that depicts the engineering control area location relative to the property boundary.	3746.04	state	none	no	State	no
3745-300-11	(F)(1)(i)	shall	The survey plat shall be completed (signed and sealed) by a professional surveyor under Ohio law.	3746.04	state	none	no	State	no
3745-300-11	(F)(1)(k)	shall	At a minimum, the cost estimate shall account for the following:	3746.04	state	none	no	State	no
3745-300-11	(F)(1)(k)(iv)	required	Costs to implement the operation and maintenance plan activities that are reasonably anticipated to occur over the next five years, starting from the first activity required by the operation and maintenance plan.	3746.04	state	none	no	State	no
3745-300-11	(F)(2)	shall	At least once annually following issuance of a covenant not to sue pursuant to Chapter 3746. of the Revised Code, or at such other interval as agreed upon in an operation and maintenance plan or agreement regarding the property, the volunteer or other person responsible for implementation of the operation and maintenance plan and agreement, shall submit documentation to Ohio EPA.	3746.04	state	none	no	State	no
3745-300-11	(F)(2)	shall	The documentation shall be provided under affidavit of a person in responsible charge or with knowledge of the implementation of the remedial activities.	3746.04	state	none	no	State	no
3745-300-11	(F)(2)	shall	At a minimum, the documentation shall include the following:	3746.04	state	none	no	State	no
3745-300-11	(F)(3)	required	When an operation and maintenance plan is required in accordance with this rule, the operation and maintenance plan shall be prepared and implemented, as appropriate to maintain applicable standards, prior to issuance of the no further action letter.	3746.04	state	none	no	State	no
3745-300-11	(F)(3)	shall	When an operation and maintenance plan is required in accordance with this rule, the operation and maintenance plan shall be prepared and implemented, as appropriate to maintain applicable standards, prior to issuance of the no further action letter.	3746.04	state	none	no	State	no
3745-300-11	(F)(3)	shall	The no further action letter shall include the operation and maintenance plan.	3746.04	state	none	no	State	no

3745-300-11	(F)(3)	required	If an operation and maintenance plan is required for an engineering control or other remedy following the receipt of a covenant not to sue issued pursuant to Chapter 3746. of the Revised Code, the operation and maintenance plan may be included in a remedy revision notice prepared pursuant to paragraph (H) of this rule.	3746.04	state	none	no	State	no
3745-300-11	(F)(4)	requires	When requesting a covenant not to sue from the director pursuant to this chapter and Chapter 3746. of the Revised Code for a property subject to a remedial activity that requires an operation and maintenance plan pursuant to this rule, the volunteer shall enter into an operation and maintenance agreement with the director.	3746.04	state	none	no	State	no
3745-300-11	(F)(4)	shall	When requesting a covenant not to sue from the director pursuant to this chapter and Chapter 3746. of the Revised Code for a property subject to a remedial activity that requires an operation and maintenance plan pursuant to this rule, the volunteer shall enter into an operation and maintenance agreement with the director.	3746.04	state	none	no	State	no
3745-300-11	(F)(4)(a)	shall	At a minimum, the operation and maintenance agreement shall include the following:	3746.04	state	none	no	State	no
3745-300-11	(F)(4)(a)(iii)	requires	A provision that requires periodic reporting to Ohio EPA of monitoring results and evaluation of the effectiveness of the remedial activities subject to the operation and maintenance plan, in accordance with paragraph (F)(2) of this rule, to the extent the operation and maintenance plan does not provide for such periodic reporting.	3746.04	state	none	no	State	no
3745-300-11	(F)(4)(a)(iv)	requires	A provision that requires notification to Ohio EPA within a specified time of all adjustments made to the operation and maintenance activities as specified in the operation and maintenance plan, and of implementation of the contingency plan activities, if any, specified in the operation and maintenance plan.	3746.04	state	none	no	State	no
3745-300-11	(F)(4)(a)(v)	requires	A provision that requires that proposed modifications to a remedial activity, or the operation and maintenance plan, other than adjustments to operation and maintenance plan activities developed in accordance with paragraphs (F)(1)(e) to (F)(1)(f) of this rule and prescribed by the operation and maintenance plan, shall be submitted to Ohio EPA for review and approval prior to implementation of the proposed modification.	3746.04	state	none	no	State	no
3745-300-11	(F)(4)(a)(v)	shall	A provision that requires that proposed modifications to a remedial activity, or the operation and maintenance plan, other than adjustments to operation and maintenance plan activities developed in accordance with paragraphs (F)(1)(e) to (F)(1)(f) of this rule and prescribed by the operation and maintenance plan, shall be submitted to Ohio EPA for review and approval prior to implementation of the proposed modification.	3746.04	state	none	no	State	no
3745-300-11	(F)(4)(a)(v)	shall	The provision shall be written in a manner consistent with paragraph (H) of this rule, including but not limited to updates to sampling, data evaluation, demonstration, and verification activities based on the modifications.	3746.04	state	none	no	State	no
3745-300-11	(F)(4)(a)(vi)	requires	A provision that requires that prior notification, within a specified reasonable time frame, be provided to the prospective buyers or transferees of the property of the remedy subject to the operation and maintenance plan and agreement.	3746.04	state	none	no	State	no
3745-300-11	(F)(4)(a)(vii)	requires	A provision that requires notice to Ohio EPA within a specified reasonable time frame of each transfer of the property subject to the operation and maintenance plan and agreement.	3746.04	state	none	no	State	no
3745-300-11	(F)(4)(a)(viii)	requires	A provision that requires notice to Ohio EPA within a specified reasonable time frame of the transfer of the operation and maintenance plan and agreement, and of the terms and conditions of the transfer.	3746.04	state	none	no	State	no
3745-300-11	(F)(4)(a)(ix)	requires	A provision that requires the establishment and description of financial assurances that the remedy subject to the operation and maintenance plan and agreement shall remain operational and functional.	3746.04	state	none	no	State	no
3745-300-11	(F)(4)(a)(ix)	shall	A provision that requires the establishment and description of financial assurances that the remedy subject to the operation and maintenance plan and agreement shall remain operational and functional.	3746.04	state	none	no	State	no

3745-300-11	(F)(4)(a)(ix)	shall	The financial assurance mechanism or instrument established pursuant to this rule shall be based on a current cost estimate over the next five years of implementation of the operation and maintenance plan, starting from the first activity required by the operation and maintenance plan, and shall be subject to updates based on adjustments made to the cost estimate prepared and submitted with the operation and maintenance plan in accordance with paragraph (F)(1)(k) of this rule.	3746.04	state	none	no	State	no
3745-300-11	(F)(4)(a)(ix)	required	The financial assurance mechanism or instrument established pursuant to this rule shall be based on a current cost estimate over the next five years of implementation of the operation and maintenance plan, starting from the first activity required by the operation and maintenance plan, and shall be subject to updates based on adjustments made to the cost estimate prepared and submitted with the operation and maintenance plan in accordance with paragraph (F)(1)(k) of this rule.	3746.04	state	none	no	State	no
3745-300-11	(F)(4)(a)(ix)	shall	The financial assurance mechanism or instrument established pursuant to this rule shall be based on a current cost estimate over the next five years of implementation of the operation and maintenance plan, starting from the first activity required by the operation and maintenance plan, and shall be subject to updates based on adjustments made to the cost estimate prepared and submitted with the operation and maintenance plan in accordance with paragraph (F)(1)(k) of this rule.	3746.04	state	none	no	State	no
3745-300-11	(F)(4)(a)(ix)	shall	Unless otherwise approved by Ohio EPA, the financial assurance established and described for purposes of this rule shall apply the following:	3746.04	state	none	no	State	no
3745-300-11	(F)(4)(b)	shall	The operation and maintenance agreement may specify a reasonable time frame within which the property shall attain applicable standards through the remedial activities specified in the operation and maintenance plan or agreement.	3746.04	state	none	no	State	no
3745-300-11	(F)(4)(c)	not required	The volunteer may choose to but is not required to transfer any operation and maintenance agreement to another person (e.g., the subsequent property buyer).	3746.04	state	none	no	State	no
3745-300-11	(G)	shall	When risk mitigation measures are to be employed after issuance of a no further action letter, a risk mitigation plan shall be developed and implemented as follows:	3746.04	state	none	no	State	no
3745-300-11	(G)(1)	shall	At a minimum, the risk mitigation plan shall include the following components:	3746.04	state	none	no	State	no
3745-300-11	(G)(1)(f)	shall	If the entire property is not subject to the risk mitigation plan, a plat of survey completed (signed and sealed) by a professional surveyor under Ohio law that shows the portions of the property subject to the risk mitigation plan shall be attached to and referenced in the risk mitigation plan.	3746.04	state	none	no	State	no
3745-300-11	(G)(1)(g)	required	A property map or maps that show the property subject to the risk mitigation plan, including the survey plat, if required by paragraph (G)(1)(f) of this rule.	3746.04	state	none	no	State	no
3745-300-11	(G)(1)(i)	shall	A summary explanation of the precautions that each contractor shall require of and communicate to the contractor's employees and subcontractors.	3746.04	state	none	no	State	no
3745-300-11	(G)(1)(i)	require	A summary explanation of the precautions that each contractor shall require of and communicate to the contractor's employees and subcontractors.	3746.04	state	none	no	State	no
3745-300-11	(G)(1)(j)	required	For property where a covenant not to sue is requested, provisions to annually notify the director as to whether or not implementation of the risk mitigation plan occurred, and if implemented, notification of the events that required implementation of the risk mitigation plan, the exposures to hazardous substances or petroleum that may have occurred, and the risk mitigation measures undertaken in accordance with the risk mitigation plan.	3746.04	state	none	no	State	no
3745-300-11	(H)(1)	shall	A volunteer, including persons responsible for compliance with applicable standards, may revise an existing remedy or remedies relied upon to meet applicable standards. In order to ensure a covenant not to sue issued pursuant to Chapter 3746. of the Revised Code remains effective, the volunteer shall do the following:	3746.04	state	none	no	State	no
3745-300-11	(H)(1)(a)	required	Continue to comply with all existing institutional controls, engineering controls, operation and maintenance plan activities, risk mitigation measures, and other remedies required for compliance, until the existing remedies are replaced or terminated under this chapter.	3746.04	state	none	no	State	no

3745-300-11	(H)(1)(c)(i)	shall	If Ohio EPA approval is desired, the remedy shall be implemented prior to any request for approval.	3746.04	state	none	no	State	no
3745-300-11	(H)(1)(c)(ii)	required	For remedial activities that conflict with an existing requirement in an operation and maintenance plan or agreement, institutional control, or risk mitigation plan, Ohio EPA's approval of the modification is required before the remedial activities are implemented.	3746.04	state	none	no	State	no
3745-300-11	(H)(1)(c)(ii)	requires	Ohio EPA review of the remedy revision request requires at least ninety days to complete.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-11	(H)(2)	shall	If paragraph (H)(1)(c)(ii) of this rule applies, the volunteer shall provide the remedy revision documents to seek Ohio EPA approval to ensure that proposed remedial activities comply with applicable standards.	3746.04	state	none	no	State	no
3745-300-11	(H)(2)	shall	The remedy revision documents shall be in the format prescribed by Ohio EPA, and shall include the following:	3746.04	state	none	no	State	no
3745-300-11	(H)(2)	shall	The remedy revision documents shall be in the format prescribed by Ohio EPA, and shall include the following:	3746.04	state	none	no	State	no
3745-300-11	(H)(2)(e)	requires	If compliance with applicable standards requires a new or revised institutional control, each such institutional control shall be developed as an activity and use limitation in accordance with paragraphs (C) and (E) of this rule, and shall be consistent with rule 3745-300-13 of the Administrative Code, as applicable.	3746.04	state	none	no	State	no
3745-300-11	(H)(2)(e)	shall	If compliance with applicable standards requires a new or revised institutional control, each such institutional control shall be developed as an activity and use limitation in accordance with paragraphs (C) and (E) of this rule, and shall be consistent with rule 3745-300-13 of the Administrative Code, as applicable.	3746.04	state	none	no	State	no
3745-300-11	(H)(2)(e)	shall	If compliance with applicable standards requires a new or revised institutional control, each such institutional control shall be developed as an activity and use limitation in accordance with paragraphs (C) and (E) of this rule, and shall be consistent with rule 3745-300-13 of the Administrative Code, as applicable.	3746.04	state	none	no	State	no
3745-300-11	(H)(2)(f)	shall	If compliance with applicable standards relies on an engineering control, a new or revised operation and maintenance plan and agreement, as applicable, shall be developed with regard to the engineering control in accordance with paragraph (F) of this rule.	3746.04	state	none	no	State	no
3745-300-11	(H)(2)(g)	shall	If compliance with applicable standards relies on a risk mitigation measure, a new or revised risk mitigation plan, as applicable, shall be developed in accordance with paragraph (G) of this rule.	3746.04	state	none	no	State	no
3745-300-11	(H)(3)	requires	Ohio EPA review of the remedy revision request requires at least ninety days to complete.	3746.04	state	none	no	State	no
3745-300-11	(H)(3)	shall	A volunteer who submits a remedy revision notice and requests a remedy approval letter shall do the following:	3746.04	state	none	no	State	no
3745-300-11	(H)(3)(c)	shall	The applicant shall establish a direct billing schedule for receipt of such costs charged pursuant to paragraph (E) of rule 3745-300-03 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-11	(H)(3)(c)	shall	A statement of costs shall be sent to the applicant after the request is approved, denied, or withdrawn.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-11	(H)(3)(c)	shall	The applicant shall pay the costs, in full, within sixty days after receipt of the statement of costs.	3746.04	state	none	no	State	no
3745-300-11	(H)(4)	shall	A remedy revision that includes the modification or establishment of institutional controls shall apply the criteria of paragraph (F)(5) of rule 3745-300-07 of the Administrative Code for development of activity and use limitations.	3746.04	state	none	no	State	no
3745-300-11	(H)(4)	shall	The institutional control shall be developed in accordance with paragraphs (C) and (E) of this rule, and shall be consistent with rule 3745-300-13 of the Administrative Code, as applicable.	3746.04	state	none	no	State	no
3745-300-11	(H)(4)	shall	The institutional control shall be developed in accordance with paragraphs (C) and (E) of this rule, and shall be consistent with rule 3745-300-13 of the Administrative Code, as applicable.	3746.04	state	none	no	State	no
3745-300-11	(H)(5)	requires	A remedy revision that requires the establishment or modification of an operation and maintenance agreement shall have the agreement established or modified in accordance with paragraph (F)(4) of this rule.	3746.04	state	none	no	State	no

3745-300-11	(H)(5)	shall	A remedy revision that requires the establishment or modification of an operation and maintenance agreement shall have the agreement established or modified in accordance with paragraph (F)(4) of this rule.	3746.04	state	none	no	State	no
3745-300-11	(H)(5)	shall	The remedy revision shall provide financial assurance in accordance with paragraph (F)(4)(a) of this rule, based on the cost estimate calculated to implement the remedy revision.	3746.04	state	none	no	State	no
3745-300-11	(H)(6)	requires	A remedy revision that involves a land use change that cannot be supported by data gathered for the original no further action letter requires issuance of a new no further action letter in support of the land use change.	3746.04	state	none	no	State	no
3745-300-12	(A)(1)	shall	The director shall issue a variance from those applicable standards only if the volunteer makes the following demonstrations to the director's satisfaction:	3746.04	state	none	no	State	yes, director
3745-300-12	(A)(2)	shall	An application for a variance shall be prepared and submitted by a certified professional, on behalf of the volunteer, on a form provided by Ohio EPA.	3746.04	state	none	no	State	no
3745-300-12	(A)(2)	shall	The application shall include, but is not limited to, the following information:	3746.04	state	none	no	State	no
3745-300-12	(A)(3)(a)	shall	Within fourteen days after receipt of the application, the director shall determine whether a variance determination application is complete and contains all of the items required by paragraph (A)(2) of this rule, and shall notify the applicant in a letter sent by certified mail.	3746.04	state	none	no	State	yes, director
3745-300-12	(A)(3)(a)	required	Within fourteen days after receipt of the application, the director shall determine whether a variance determination application is complete and contains all of the items required by paragraph (A)(2) of this rule, and shall notify the applicant in a letter sent by certified mail.	3746.04	state	none	no	State	no
3745-300-12	(A)(3)(a)	shall	Within fourteen days after receipt of the application, the director shall determine whether a variance determination application is complete and contains all of the items required by paragraph (A)(2) of this rule, and shall notify the applicant in a letter sent by certified mail.	3746.04	state	none	no	State	yes, director
3745-300-12	(A)(3)(b)	shall	The variance applicant, through a certified professional, shall promptly respond to any requests from the director for additional information.	3746.04	state	none	no	State	no
3745-300-12	(A)(3)(c)	shall	Upon determining that a variance determination application is complete, the director shall implement the public notice and public meeting procedures in paragraph (C) of this rule.	3746.04	state	none	no	State	yes, director
3745-300-12	(A)(3)(d)	shall	The applicant for a variance, or a representative of the applicant who is knowledgeable about the affected property and the application, shall attend the public meeting for the variance application, shall present information about the application and the basis of the request for the variance, and shall respond to questions from the public about the affected property and the variance application.	3746.04	state	none	no	State	no
3745-300-12	(A)(3)(d)	shall	The applicant for a variance, or a representative of the applicant who is knowledgeable about the affected property and the application, shall attend the public meeting for the variance application, shall present information about the application and the basis of the request for the variance, and shall respond to questions from the public about the affected property and the variance application.	3746.04	state	none	no	State	no
3745-300-12	(A)(3)(d)	shall	The applicant for a variance, or a representative of the applicant who is knowledgeable about the affected property and the application, shall attend the public meeting for the variance application, shall present information about the application and the basis of the request for the variance, and shall respond to questions from the public about the affected property and the variance application.	3746.04	state	none	no	State	no
3745-300-12	(A)(4)(a)	shall	When considering whether to approve or deny the application, or whether to impose terms and conditions on the variance determination that are in addition to, or alternative to, any terms and conditions proposed by the applicant, the director shall consider the following:	3746.04	state	none	no	State	yes, director
3745-300-12	(A)(4)(b)	shall	Within ninety days after the public meeting on a variance determination application, the director shall issue a proposed action to the applicant.	3746.04	state	none	no	State	yes, director
3745-300-12	(A)(4)(b)	shall	The proposed action shall include the director's intent with regard to approval or denial of the application, and shall include the findings upon which that proposed action is based.	3746.04	state	none	no	State	yes, director
3745-300-12	(A)(4)(b)	shall	The proposed action shall include the director's intent with regard to approval or denial of the application, and shall include the findings upon which that proposed action is based.	3746.04	state	none	no	State	yes, director

3745-300-12	(A)(4)(c)	shall	The director shall issue a variance from applicable standards established in this chapter only if the variance application makes all of the demonstrations required by paragraph (A)(1) of this rule to the director's satisfaction.	3746.04	state	none	no	State	yes, director
3745-300-12	(A)(4)(c)	required	The director shall issue a variance from applicable standards established in this chapter only if the variance application makes all of the demonstrations required by paragraph (A)(1) of this rule to the director's satisfaction.	3746.04	state	none	no	State	no
3745-300-12	(A)(4)(d)	shall	A variance issued pursuant to this rule shall do the following:	3746.04	state	none	no	State	no
3745-300-12	(A)(4)(e)	shall	The director shall deny a variance application if the director finds that the application is not in compliance with paragraphs (A)(1) and (A)(2) of this rule.	3746.04	state	none	no	State	yes, director
3745-300-12	(A)(4)(e)	required	If the variance application fails to propose applicable standards which are protective of public health and safety as required in paragraph (A)(1)(b) of this rule, the director shall deny the variance application, unless the imposition of additional or alternative terms and conditions pursuant to paragraph (A)(4) of this rule are protective of public health and safety.	3746.04	state	none	no	State	no
3745-300-12	(A)(4)(e)	shall	If the variance application fails to propose applicable standards which are protective of public health and safety as required in paragraph (A)(1)(b) of this rule, the director shall deny the variance application, unless the imposition of additional or alternative terms and conditions pursuant to paragraph (A)(4) of this rule are protective of public health and safety.	3746.04	state	none	no	State	yes, director
3745-300-12	(A)(4)(f)	shall	Whether an approval or denial of the variance application, the director shall issue an order to the applicant in accordance with paragraph (A)(4) of this rule.	3746.04	state	none	no	State	yes, director
3745-300-12	(A)(4)(f)	shall	Variances shall be approved or denied in accordance with this rule and Chapter 3745. of the Revised Code.	3746.04	state	none	no	State	no
3745-300-12	(B)	shall	If the no further action letter relies on a case-by-case determination, then the case-by-case determination shall be approved by the director prior to issuance of the no further action letter for that property.	3746.04	state	none	no	State	no
3745-300-12	(B)(1)	shall	The director shall consider public comments received by Ohio EPA during the public comment period conducted pursuant to paragraph (C) of this rule.	3746.04	state	none	no	State	yes, director
3745-300-12	(B)(1)	shall	The director shall issue a case-by-case determination from those applicable standards to remediate contaminated ground water only if the volunteer demonstrates that doing so ensures the continued protection of public health and safety is and will continue to be protected.	3746.04	state	none	no	State	yes, director
3745-300-12	(B)(2)	shall	An application for a case-by-case determination shall be prepared and submitted by a certified professional, on behalf of the volunteer, on a form provided by Ohio EPA.	3746.04	state	none	no	State	no
3745-300-12	(B)(2)	shall	The application shall include, but is not limited to, the following information:	3746.04	state	none	no	State	no
3745-300-12	(B)(3)(a)	shall	Within fourteen days after receipt of the application, the director shall determine whether the case-by-case determination application is complete and contains all of the items required by paragraph (B)(2) of this rule, and shall notify the applicant in a letter sent by certified mail.	3746.04	state	none	no	State	yes, director
3745-300-12	(B)(3)(a)	required	Within fourteen days after receipt of the application, the director shall determine whether the case-by-case determination application is complete and contains all of the items required by paragraph (B)(2) of this rule, and shall notify the applicant in a letter sent by certified mail.	3746.04	state	none	no	State	no
3745-300-12	(B)(3)(a)	shall	Within fourteen days after receipt of the application, the director shall determine whether the case-by-case determination application is complete and contains all of the items required by paragraph (B)(2) of this rule, and shall notify the applicant in a letter sent by certified mail.	3746.04	state	none	no	State	yes, director
3745-300-12	(B)(3)(b)	shall	The applicant, through a certified professional, shall promptly respond to any requests from the director for additional information.	3746.04	state	none	no	State	no
3745-300-12	(B)(3)(c)	shall	Upon determining that a case-by-case determination application is complete, the director shall implement the public notice and public meeting procedures in paragraph (C) of this rule.	3746.04	state	none	no	State	yes, director
3745-300-12	(B)(3)(d)	shall	The applicant for a case-by-case determination, or a representative of the applicant who is knowledgeable about the affected property and the application, shall attend the public meeting, shall present information about the application and the basis of the request for the case-by-case determination, and shall respond to questions from the public about the affected property and the application.	3746.04	state	none	no	State	no

3745-300-12	(B)(3)(d)	shall	The applicant for a case-by-case determination, or a representative of the applicant who is knowledgeable about the affected property and the application, shall attend the public meeting, shall present information about the application and the basis of the request for the case-by-case determination, and shall respond to questions from the public about the affected property and the application.	3746.04	state	none	no	State	no
3745-300-12	(B)(3)(d)	shall	The applicant for a case-by-case determination, or a representative of the applicant who is knowledgeable about the affected property and the application, shall attend the public meeting, shall present information about the application and the basis of the request for the case-by-case determination, and shall respond to questions from the public about the affected property and the application.	3746.04	state	none	no	State	no
3745-300-12	(B)(4)(a)	shall	When considering whether to approve or deny the application, or whether to impose terms and conditions on the case-by-case determination that are in addition to, or alternative to, any terms and conditions proposed by the applicant, the director shall consider the following:	3746.04	state	none	no	State	yes, director
3745-300-12	(B)(4)(b)	shall	Within ninety days after the public meeting on a case-by-case determination application, the director shall issue a proposed action to the applicant in accordance with section 3745.07 of the Revised Code.	3746.04	state	none	no	State	yes, director
3745-300-12	(B)(4)(b)	shall	The proposed action shall include the director's intent with regard to approval or denial of the application, and shall include the findings upon which that proposed action is based.	3746.04	state	none	no	State	yes, director
3745-300-12	(B)(4)(b)	shall	The proposed action shall include the director's intent with regard to approval or denial of the application, and shall include the findings upon which that proposed action is based.	3746.04	state	none	no	State	yes, director
3745-300-12	(B)(4)(c)	shall	The director shall deny a case-by-case application if the director finds that the application fails to be protective of public health and safety, as required in paragraph (B)(1) of this rule.	3746.04	state	none	no	State	yes, director
3745-300-12	(B)(4)(c)	required	The director shall deny a case-by-case application if the director finds that the application fails to be protective of public health and safety, as required in paragraph (B)(1) of this rule.	3746.04	state	none	no	State	no
3745-300-12	(B)(4)(d)	shall	Whether an approval or denial of the case-by-case determination application, the director shall issue an order to the applicant in accordance with paragraph (B)(4) of this rule.	3746.04	state	none	no	State	yes, director
3745-300-12	(B)(4)(d)	shall	Case-by-case determinations shall be approved or denied in accordance with this rule and Chapter 3745. of the Revised Code.	3746.04	state	none	no	State	no
3745-300-12	(C)	shall	Upon determining that a variance or case-by-case determination application is complete, the director shall do the following:	3746.04	state	none	no	State	yes, director
3745-300-12	(C)(2)	shall	The public meeting shall be held between thirty and ninety days after the date of the letter specified in paragraph (A)(3)(a) or (B)(3)(a) of this rule.	3746.04	state	none	no	State	no
3745-300-12	(C)(2)	shall	The public meeting shall be held in the county where the affected property or the greatest portion of that affected property is located.	3746.04	state	none	no	State	no
3745-300-12	(C)(3)	shall	At least thirty days before the date scheduled for the public meeting on an application, the director shall publish public notice of the public meeting.	3746.04	state	none	no	State	yes, director
3745-300-12	(C)(3)	shall	The public notice shall be published in a newspaper of general circulation in the county in which the affected property is located.	3746.04	state	none	no	State	no
3745-300-12	(C)(3)	shall	If the affected property is located in close proximity, as determined by the director, to the boundary of that county with an adjacent county, the director shall publish the public notice in a newspaper of general circulation in the adjacent county.	3746.04	state	none	no	State	yes, director
3745-300-12	(C)(3)	shall	At a minimum, the public notice shall contain the following information:	3746.04	state	none	no	State	no
3745-300-12	(C)(4)	required	Concurrently with the publication of the public notice required in paragraph (C)(3) of this rule, the director shall mail notice by certified mail of the application, comment period, and public meeting to each owner of each parcel of land that is adjacent to the affected property, and to the legislative authority of the municipal corporation or township, and county, in which the property is located.	3746.04	state	none	no	State	no

3745-300-12	(C)(4)	shall	Concurrently with the publication of the public notice required in paragraph (C)(3) of this rule, the director shall mail notice by certified mail of the application, comment period, and public meeting to each owner of each parcel of land that is adjacent to the affected property, and to the legislative authority of the municipal corporation or township, and county, in which the property is located.	3746.04	state	none	no	State	yes, director
3745-300-12	(C)(4)	shall	The notices mailed to the owners of adjacent land and legislative authorities shall contain the same information as the public notice described in paragraph (C)(3) of this rule.	3746.04	state	none	no	State	no
3745-300-12	(C)(5)	shall	A representative of Ohio EPA who is familiar with the affected property and the application shall attend the public meeting to receive comments from the public and to respond to questions from the public about the affected property and the application.	3746.04	state	none	no	State	no
3745-300-12	(C)(6)	shall	A stenographic record of the proceedings at the public meeting shall be kept and shall be made a part of the administrative record about the application.	3746.04	state	none	no	State	no
3745-300-12	(C)(6)	shall	A stenographic record of the proceedings at the public meeting shall be kept and shall be made a part of the administrative record about the application.	3746.04	state	none	no	State	no
3745-300-12	(C)(6)	shall	Ohio EPA shall maintain all records produced by or for the public meeting.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-12	(D)	shall	An applicant who seeks a variance or case-by- case determination shall reimburse Ohio EPA for actual costs incurred to review the application and the application's accompanying information.	3746.04	state	none	no	State	no
3745-300-12	(D)	shall	The applicant shall establish a direct billing schedule for payments, as required by paragraph (E) of rule 3745-300-03 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-12	(D)	required	The applicant shall establish a direct billing schedule for payments, as required by paragraph (E) of rule 3745-300-03 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-12	(D)	shall	After the application is approved, denied, or withdrawn, Ohio EPA shall send to the applicant a statement of actual costs for payment.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-12	(D)	shall	The applicant shall pay the actual costs, in full, within sixty days after receipt of the statement of costs.	3746.04	state	none	no	State	no
3745-300-12	(E)	shall	A request for withdrawal shall be submitted to Ohio EPA prior to an approval or denial of the application.	3746.04	state	none	no	State	no
3745-300-12	(E)	shall	Upon the application's withdrawal, the director shall cease review of the application and shall discontinue the public notice and public meeting processes.	3746.04	state	none	no	State	yes, director
3745-300-12	(E)	shall	Upon the application's withdrawal, the director shall cease review of the application and shall discontinue the public notice and public meeting processes.	3746.04	state	none	no	State	yes, director
3745-300-13	(A)(4)(b)	shall	Those applicable standards shall be achieved in accordance with one of the following mechanisms:	3746.04	state	none	no	State	no
3745-300-13	(A)(4)(b)(i)	required	An operation and maintenance plan, if required under rule 3745-300-11 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-13	(B)	shall	In order to support a volunteer's request to a certified professional for a no further action letter to be issued by the certified professional, a volunteer, and other persons who perform work to support the issuance of the no further action letter, shall submit to a certified professional, by affidavit, all relevant investigatory and remedial information that pertains to the property.	3746.04	state	none	no	State	no
3745-300-13	(B)	shall	The information shall include, but is not limited to, the following:	3746.04	state	none	no	State	no
3745-300-13	(B)(1)	shall	Each demonstration shall be based upon the findings of a phase I property assessment in accordance with rule 3745-300-06 of the Administrative Code or a phase II property assessment in accordance with rule 3745-300-07 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-13	(B)(3)	shall	If remedial activities were conducted in connection with a voluntary action, data that demonstrates that any or all remedies meet or shall meet applicable standards in accordance with paragraph (E) of rule 3745-300-11 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-13	(B)(4)	shall	The demonstration shall consist of a deed or declaration of the institutional controls that are recorded in the office of the county recorder of the county in which the property is located, or are entered as a memorial in the appropriate register for "registered land" as defined in section 5309.01 of the Revised Code, in compliance with section 3746.14 of the Revised Code.	3746.04	state	none	no	State	no

3745-300-13	(B)(4)	shall not	This requirement shall not apply to any no further action letter submitted to Ohio EPA with a request for a covenant not to sue, as provided by paragraphs (B)(5) and (E)(8)(e) of this rule.	3746.04	state	none	no	State	no
3745-300-13	(B)(6)	require	An operation and maintenance plan and a proposed operation and maintenance agreement, for the remedies that require such documents in accordance with rule 3745-300-11 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-13	(B)(7)	required	The affidavits required by paragraphs (O) and (P) of this rule.	3746.04	state	none	no	State	no
3745-300-13	(C)	may not	A person, with the purpose to deceive a certified professional, certified laboratory, or a contractor thereof, or Ohio EPA or a contractor thereof, may not withhold, conceal, or destroy any data, information, records, or documents relating to a voluntary action.	3746.04	state	none	no	State	no
3745-300-13	(D)	required	After receipt of the information that is required to be submitted by a volunteer under paragraph (B) of this rule, a certified professional shall do the following:	3746.04	state	none	no	State	no
3745-300-13	(D)	shall	After receipt of the information that is required to be submitted by a volunteer under paragraph (B) of this rule, a certified professional shall do the following:	3746.04	state	none	no	State	no
3745-300-13	(D)(4)(a)	shall	The certified professional shall use best professional judgment to decide which requirements in paragraphs (C) and (E) of rule 3745-300-06 of the Administrative Code shall be re-evaluated to determine whether or not phase II property assessment is required.	3746.04	state	none	no	State	no
3745-300-13	(D)(4)(a)	shall	The certified professional shall use best professional judgment to decide which requirements in paragraphs (C) and (E) of rule 3745-300-06 of the Administrative Code shall be re-evaluated to determine whether or not phase II property assessment is required.	3746.04	state	none	no	State	no
3745-300-13	(D)(4)(a)	required	The certified professional shall use best professional judgment to decide which requirements in paragraphs (C) and (E) of rule 3745-300-06 of the Administrative Code shall be re-evaluated to determine whether or not phase II property assessment is required.	3746.04	state	none	no	State	no
3745-300-13	(D)(4)(b)	require	If any requirements in paragraphs (C) and (E) of rule 3745-300-06 of the Administrative Code require re-evaluation, documentation of the additional information gathered to comply with this paragraph shall be included in an updated phase I property assessment report.	3746.04	state	none	no	State	no
3745-300-13	(D)(4)(b)	shall	If any requirements in paragraphs (C) and (E) of rule 3745-300-06 of the Administrative Code require re-evaluation, documentation of the additional information gathered to comply with this paragraph shall be included in an updated phase I property assessment report.	3746.04	state	none	no	State	no
3745-300-13	(D)(5)	shall	The following activities shall be performed or completed within one hundred eighty days prior to the issuance of the no further action letter:	3746.04	state	none	no	State	no
3745-300-13	(E)	shall	After performing a review of documents and completion of other activities in accordance with paragraph (D) of this rule, if the certified professional concludes on the basis of best available knowledge, information, and belief that a property meets or shall meet applicable standards, a certified professional may prepare a no further action letter for the property.	3746.04	state	none	no	State	no
3745-300-13	(E)	shall	For any no further action letter prepared, the certified professional shall prepare the no further action letter in the format prescribed by Ohio EPA, and electronic copies of the document shall be indexed appropriately in a format prescribed by Ohio EPA.	3746.04	state	none	no	State	no
3745-300-13	(E)	shall	For any no further action letter prepared, the certified professional shall prepare the no further action letter in the format prescribed by Ohio EPA, and electronic copies of the document shall be indexed appropriately in a format prescribed by Ohio EPA.	3746.04	state	none	no	State	no
3745-300-13	(E)	shall	At a minimum, the no further action letter shall include the following information:	3746.04	state	none	no	State	no
3745-300-13	(E)(5)	required	An executive summary, to be filed with deed records, of the information required to be submitted by the volunteer to the certified professional.	3746.04	state	none	no	State	no
3745-300-13	(E)(5)	shall	The executive summary shall do the following:	3746.04	state	none	no	State	no
3745-300-13	(E)(6)	required	A detailed executive summary, not to be filed with deed records, of the information required to be submitted by the volunteer to the certified professional.	3746.04	state	none	no	State	no
3745-300-13	(E)(6)	shall	The detailed executive summary shall do the following:	3746.04	state	none	no	State	no
3745-300-13	(E)(6)(c)	required	Verify that the demonstration of compliance with the applicable standards is based on certified data that is generated by a certified laboratory pursuant to rule 3745-300-04 of the Administrative Code, if such data is required by rule 3745-300-07 of the Administrative Code.	3746.04	state	none	no	State	no

3745-300-13	(E)(6)(d)	shall	(The no further action letter also shall provide this information in a summary table format.)	3746.04	state	none	no	State	no
3745-300-13	(E)(7)	shall	The no further action letter shall include an electronic file as available which includes the map data formatted in a manner prescribed by Ohio EPA.	3746.04	state	none	no	State	no
3745-300-13	(E)(7)	shall	The property maps shall include, but are not limited to, the following:	3746.04	state	none	no	State	no
3745-300-13	(E)(7)(a)	required	Property location map, as required by paragraph (G)(5)(a) of rule 3745-300-06 of the Administrative Code, in a format that maintains readability even if reproduced without color.	3746.04	state	none	no	State	no
3745-300-13	(E)(7)(b)	shall	Such plat shall depict the following:	3746.04	state	none	no	State	no
3745-300-13	(E)(7)(b)(iii)	shall	For any portion of the property that includes less than an entire tax parcel, the plat shall indicate the affected tax parcel numbers and shall depict the included and excluded portions.	3746.04	state	none	no	State	no
3745-300-13	(E)(7)(b)(iii)	shall	For any portion of the property that includes less than an entire tax parcel, the plat shall indicate the affected tax parcel numbers and shall depict the included and excluded portions.	3746.04	state	none	no	State	no
3745-300-13	(E)(7)(b)(iii)[Comment]	requires	Instead, this rule requires a simple boundary survey that presents the specified information in a reducible and reproducible plat format.	3746.04	state	none	no	State	no
3745-300-13	(E)(7)(g)	required	The locations of all borings, monitoring wells, and other sampling locations, as required by paragraph (J)(14)(a) of rule 3745-300-07 of the Administrative Code, if applicable.	3746.04	state	none	no	State	no
3745-300-13	(E)(7)(k)	required	A survey plat or plats, completed (signed and sealed) by a professional surveyor licensed under Ohio law, that delineates the portions of the property that are subject to engineering controls or any activity and use limitations, as required by paragraph (J)(14)(e) of rule 3745-300-07 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-13	(E)(7)(k)	shall	The plat shall be scaled for printing on "8.5 x 11" inch-sized paper.	3746.04	state	none	no	State	no
3745-300-13	(E)(7)(k)	shall	The plat shall maintain readability when printed as an attachment to the plan.	3746.04	state	none	no	State	no
3745-300-13	(E)(7)(l)	required	All maps required by this rule shall include the following:	3746.04	state	none	no	State	no
3745-300-13	(E)(7)(l)	shall	All maps required by this rule shall include the following:	3746.04	state	none	no	State	no
3745-300-13	(E)(7)(l)(ii)	shall	The scale shall maintain readability even if reproduced without color.	3746.04	state	none	no	State	no
3745-300-13	(E)(8)(a)	shall	Regarding all COCs identified in environmental media on or from the property, the summary tables shall include the following:	3746.04	state	none	no	State	no
3745-300-13	(E)(9)(a)	required	When the volunteer does not intend to request a covenant not to sue from the director, and Ohio EPA is not obligated to review the no further action letter pursuant to division (C) of section 122.654 of the Revised Code, the following document is required:	3746.04	state	none	no	State	no
3745-300-13	(E)(9)(a)(ii)	shall	The institutional controls shall be consistent with rule 3745-300-11 of the Administrative Code and other applicable laws.	3746.04	state	none	no	State	no
3745-300-13	(E)(9)(b)	required	When the volunteer intends to either request a covenant not to sue from the director, or to request that the director make a determination pursuant to division (C) of section 122.654 of the Revised Code, the following document is required:	3746.04	state	none	no	State	no
3745-300-13	(E)(9)(b)(ii)	shall	If only a portion of the property is the subject to the activity and use limitations (i.e., the activity and use limitations do not apply to the entire property), the environmental covenant shall include additional legal description and survey plat of the portion of the property that is subject to the activity and use limitations.	3746.04	state	none	no	State	no
3745-300-13	(E)(9)(b)(ii)	shall	The survey plat shall be completed by a professional surveyor under Ohio law.	3746.04	state	none	no	State	no
3745-300-13	(E)(9)(b)(ii)	shall	The plat shall be scaled for printing on "8.5 x 11" inch-sized paper.	3746.04	state	none	no	State	no
3745-300-13	(E)(9)(b)(ii)	shall	The plat shall maintain readability when printed as an attachment to the environmental covenant.	3746.04	state	none	no	State	no
3745-300-13	(E)(11)	required	A copy of the operation and maintenance plan and a copy of the proposed operation and maintenance agreement prepared in accordance with rule 3745-300-11 of the Administrative Code, if the documents are required by that rule.	3746.04	state	none	no	State	no
3745-300-13	(E)(12)	required	A copy of the risk mitigation plan prepared in accordance with rule 3745-300-11 of the Administrative Code, if the plan is required by that rule.	3746.04	state	none	no	State	no
3745-300-13	(F)	shall	Upon issuance of a no further action letter, the certified professional shall send a copy of the no further action letter to the volunteer.	3746.04	state	none	no	State	no
3745-300-13	(F)	shall	The no further action letter shall be accompanied by the following:	3746.04	state	none	no	State	no

3745-300-13	(G)	shall	Promptly after receipt of the no further action letter and the request described in paragraph (F)(1) of this rule, the volunteer shall do the following:	3746.04	state	none	no	State	no
3745-300-13	(H)	shall	Promptly after receipt of the written notice pursuant to paragraph (G) of this rule, the certified professional shall do either of the following:	3746.04	state	none	no	State	no
3745-300-13	(H)(1)	shall	The no further action letter shall include the following:	3746.04	state	none	no	State	no
3745-300-13	(I)	shall	When the certified professional submits the no further action letter to Ohio EPA, in accordance with paragraph (G) of this rule, the certified professional shall submit the no further action letter in the format prescribed by Ohio EPA and described in paragraph (E) of this rule, and shall provide administrative information for Ohio EPA to process the request.	3746.04	state	none	no	State	no
3745-300-13	(I)	shall	When the certified professional submits the no further action letter to Ohio EPA, in accordance with paragraph (G) of this rule, the certified professional shall submit the no further action letter in the format prescribed by Ohio EPA and described in paragraph (E) of this rule, and shall provide administrative information for Ohio EPA to process the request.	3746.04	state	none	no	State	no
3745-300-13	(I)	shall	The administrative information shall include the following:	3746.04	state	none	no	State	no
3745-300-13	(I)(1)	shall	If any portion of the property includes less than an entire tax parcel, the no further action letter shall include a map that indicates the affected tax parcel numbers, and the included and excluded portions, as described in paragraph (E)(7) of this rule.	3746.04	state	none	no	State	no
3745-300-13	(L)	shall	If a covenant not to sue is issued by the director, the volunteer who is issued the covenant not to sue shall ensure that the certified professional's executive summary of the no further action letter, in the format described in paragraph (E) of this rule, the covenant not to sue, and the environmental covenant for the property, if any, are recorded, in the same manner as a deed to the property, in the office of the county recorder of the county in which the property is located.	3746.04	state	none	no	State	no
3745-300-13	(M)	shall	Upon receipt of the covenant not to sue by the volunteer, the certified professional shall provide, at a minimum, the following supporting documentation evaluated by the certified professional in accordance with paragraph (D) of this rule to determine that the property meets or shall meet applicable standards and that the property was eligible to participate in the voluntary action program, as applicable:	3746.04	state	none	no	State	no
3745-300-13	(M)	shall	Upon receipt of the covenant not to sue by the volunteer, the certified professional shall provide, at a minimum, the following supporting documentation evaluated by the certified professional in accordance with paragraph (D) of this rule to determine that the property meets or shall meet applicable standards and that the property was eligible to participate in the voluntary action program, as applicable:	3746.04	state	none	no	State	no
3745-300-13	(M)(7)	required	All affidavits prepared in connection with the voluntary action in accordance with paragraphs (O) to (Q) of this rule, and as required by rules 3745-300-04 and 3745-300-05 of the Administrative Code.	3746.04	state	none	no	State	no
3745-300-13	(O)	shall	When a volunteer or a person who performed work to support a request for the issuance of a no further action letter submits information, data, documents, or reports to a certified professional, a certified laboratory, or Ohio EPA, the volunteer or person shall provide the submittal under affidavit.	3746.04	state	none	no	State	no
3745-300-13	(O)	shall	The affidavit shall be based on the knowledge, information, and belief of that volunteer or person, and shall include the following:	3746.04	state	none	no	State	no
3745-300-13	(O)	shall	The affidavit shall be based on the knowledge, information, and belief of that volunteer or person, and shall include the following:	3746.04	state	none	no	State	no
3745-300-13	(P)	shall	The information, data, documents, or reports submitted by a certified laboratory to a volunteer, a certified professional, Ohio EPA, or any other person to support a request for issuance of a no further action letter shall be submitted by affidavit.	3746.04	state	none	no	State	no
3745-300-13	(P)	shall	Each time that information, data, documents, or reports are submitted by a certified laboratory in order to conduct or complete a voluntary action, an authorized representative of the certified laboratory shall submit an affidavit based upon the certified laboratory's knowledge, information, and belief, that includes the following:	3746.04	state	none	no	State	no

3745-300-13	(Q)	shall	For each no further action letter issued to a volunteer or submitted to Ohio EPA that requests a covenant not to sue from the director, the certified professional shall submit an affidavit with the no further action letter.	3746.04	state	none	no	State	no
3745-300-13	(Q)	shall	Each affidavit shall be issued based upon the certified professional's knowledge, information, and belief, and shall include the following:	3746.04	state	none	no	State	no
3745-300-13	(Q)	shall	Each affidavit shall be issued based upon the certified professional's knowledge, information, and belief, and shall include the following:	3746.04	state	none	no	State	no
3745-300-14	(A)	shall	The director shall conduct audits in connection with no further action letters issued under section 3746.11 of the Revised Code for any of the following purposes:	3746.04	state	none	no	State	yes, director
3745-300-14	(A)(2)	required	To review the qualifications of and work performed by certified professionals under this chapter and Chapter 3746. of the Revised Code to determine whether the certified professionals possess the qualifications required for certification pursuant to rule 3745-300-05 of the Administrative Code and whether the certified professionals' performance in the voluntary action program has resulted in the issuance of no further action letters that are not consistent with applicable standards.	3746.04	state	none	no	State	no
3745-300-14	(A)(3)	required	To review the qualifications of and work performed by certified laboratories to determine whether the certified laboratories possess the qualifications required for certification pursuant to rule 3745-300-04 of the Administrative Code and whether the certified laboratories' performance under this chapter and Chapter 3746. of the Revised Code has resulted in the issuance of no further action letters that are not consistent with applicable standards.	3746.04	state	none	no	State	no
3745-300-14	(B)	shall	Audits selected from the random audit pool shall be conducted in accordance with paragraph (F) of this rule.	3746.04	state	none	no	State	no
3745-300-14	(B)	shall	The director shall select no further action letters for audit from the random audit pool by any method the director deems necessary.	3746.04	state	none	no	State	yes, director
3745-300-14	(D)	shall	At a minimum, the director shall select no further action letters to be audited such that the total number of no further action letters selected for audit from both the random audit pool and discretionary audit pool result in the following:	3746.04	state	none	no	State	yes, director
3745-300-14	(F)(1)(a)	shall	Prior to commencing a tier I audit of a no further action letter, the director shall provide reasonable advance notice of the audit to the volunteer for whom the no further action letter was prepared, the certified professional who prepared the no further action letter, the current owner of the property, if different from the volunteer and, as appropriate, any certified laboratory which performed analyses which formed the basis for the no further action letter, and any other parties deemed necessary.	3746.04	state	none	no	State	yes, director
3745-300-14	(F)(1)(a)	shall	The notice shall include a request that the certified professional who prepared the no further action letter make available all documents relied upon by the certified professional and required to be itemized on the document list in the no further action letter pursuant to rule 3745-300-13 of the Administrative Code, and any other documents which the director determines are necessary to perform an audit pursuant to this rule.	3746.04	state	none	no	State	yes, director
3745-300-14	(F)(1)(a)	required	The notice shall include a request that the certified professional who prepared the no further action letter make available all documents relied upon by the certified professional and required to be itemized on the document list in the no further action letter pursuant to rule 3745-300-13 of the Administrative Code, and any other documents which the director determines are necessary to perform an audit pursuant to this rule.	3746.04	state	none	no	State	no
3745-300-14	(F)(1)(b)	shall	When a certified professional receives a notice as described in paragraph (F)(1)(a) of this rule, the certified professional shall deliver the requested documentation to Ohio EPA not more than thirty days after the certified professional's receipt of the request.	3746.04	state	none	no	State	no
3745-300-14	(F)(1)(d)	shall	All documents requested pursuant to paragraph (F)(1)(c)(i) of this rule shall be submitted to the director not later than thirty days after receipt of the request.	3746.04	state	none	no	State	no
3745-300-14	(F)(2)(c)	shall	Nothing in this rule shall diminish the director's ability to conduct criminal or other investigations under Chapter 3704., 3714., 3734., 3746., 3750., 3753., 6109., or 6111. of the Revised Code.	3746.04	state	none	no	State	yes, director

3745-300-14	(G)	shall	The director shall complete all investigatory auditing activities by December thirty-first of the year in which an audit is conducted pursuant to paragraphs (B) to (E) of this rule and division (B) of section 3746.17 of the Revised Code, and the director shall issue all audit findings by March first of the year after that in which an audit is conducted.	3746.04	state	none	no	State	yes, director
3745-300-14	(G)	shall	The director shall complete all investigatory auditing activities by December thirty-first of the year in which an audit is conducted pursuant to paragraphs (B) to (E) of this rule and division (B) of section 3746.17 of the Revised Code, and the director shall issue all audit findings by March first of the year after that in which an audit is conducted.	3746.04	state	none	no	State	yes, director
3745-300-14	(H)	shall	Ohio EPA shall be available for such meeting after the conclusion of all investigatory auditing activities and prior to the issuance of audit findings.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-14	(I)	required	The time limits required by this rule shall not prevent the director, at the director's discretion, from granting one thirty-day extension to any person subject to this rule.	3746.04	state	none	no	State	no
3745-300-14	(I)	shall not	The time limits required by this rule shall not prevent the director, at the director's discretion, from granting one thirty-day extension to any person subject to this rule.	3746.04	state	none	no	State	yes, director
3745-300-14	(J)	shall	If requested by the director, upon proper identification and stating the necessity and purpose of the inspection, the volunteer or current owner of a property shall allow the director access to the property to conduct all audit activities pursuant to this rule.	3746.04	state	none	no	State	no
3745-300-14	(J)	shall	Nothing in this rule shall limit the authority of the director provided in section 3746.21 of the Revised Code.	3746.04	state	none	no	State	yes, director
3745-300-14	(K)	shall	Ohio EPA shall provide the person responsible for maintaining compliance with applicable standards at a property with a split sample of any soil, water, or sediment sample obtained or removed from a property, if prior to sampling, a written request is made by the person responsible for maintaining compliance with applicable standards at a property.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-14	(K)	shall	With sufficient prior notice, Ohio EPA shall provide, at cost, appropriate sampling containers to the person who makes such a request.	3746.04	state	none	no	State	yes, Ohio EPA
3745-300-14	(L)	shall	The director shall issue audit findings pursuant to this rule which include a determination of whether applicable standards, and all other requirements established under this chapter or Chapter 3746. of the Revised Code have been met, and whether additional actions are required to attain compliance.	3746.04	state	none	no	State	yes, director
3745-300-14	(L)	required	The director shall issue audit findings pursuant to this rule which include a determination of whether applicable standards, and all other requirements established under this chapter or Chapter 3746. of the Revised Code have been met, and whether additional actions are required to attain compliance.	3746.04	state	none	no	State	no
3745-300-14	(L)(1)	required	If the director finds that a certified professional or certified laboratory either did not possess the required qualifications for certification or that work performed by the certified professional or certified laboratory in connection with a voluntary action resulted in the issuance of a no further action letter that is not consistent with the applicable standards, the director may either suspend or revoke the certification of the certified professional or the certified laboratory.	3746.04	state	none	no	State	no
3745-300-14	(L)(2)	shall	If the director finds that the performance of a certified professional or certified laboratory has resulted in the issuance of no further action letters that are not consistent with applicable standards, the director shall notify persons for whom the certified professional or certified laboratory has performed work in connection with a voluntary action of the audit findings.	3746.04	state	none	no	State	yes, director
3745-300-14	(L)(3)	shall	If the director finds that a property no longer complies with the applicable standards upon which issuance of a covenant was based, the director, by certified mail, return receipt requested, shall notify the person responsible for maintaining compliance with those standards of that finding, and of the requirements of division (B)(3) of section 3746.12 of the Revised Code.	3746.04	state	none	no	State	yes, director

3745-300-14	(L)(4)	shall	The recipient of a notice provided under paragraph (L)(3) of this rule and division (B)(2) of section 3746.12 of the Revised Code, within thirty days after the notice was mailed, shall notify the director of the recipient's intention to return the property to compliance with the applicable standards upon which the covenant was based, and shall enter into a compliance schedule agreement with the director.	3746.04	state	none	no	State	no
3745-300-14	(L)(4)	shall	The recipient of a notice provided under paragraph (L)(3) of this rule and division (B)(2) of section 3746.12 of the Revised Code, within thirty days after the notice was mailed, shall notify the director of the recipient's intention to return the property to compliance with the applicable standards upon which the covenant was based, and shall enter into a compliance schedule agreement with the director.	3746.04	state	none	no	State	no
3745-300-14	(L)(4)	shall	The compliance schedule agreement shall establish a reasonable period of time to return to compliance with those applicable standards.	3746.04	state	none	no	State	no
3745-300-14	(L)(4)	required	If the recipient of the notice fails to take both of these actions in the required time frame, the director, by issuance of an order as a final action under Chapter 3745. of the Revised Code, shall revoke the covenant not to sue issued for the property.	3746.04	state	none	no	State	no
3745-300-14	(L)(4)	shall	If the recipient of the notice fails to take both of these actions in the required time frame, the director, by issuance of an order as a final action under Chapter 3745. of the Revised Code, shall revoke the covenant not to sue issued for the property.	3746.04	state	none	no	State	yes, director
3745-300-14	(L)(5)	shall	If the director finds that a person with whom the director entered into a compliance schedule agreement under this rule and division (B)(3) of section 3746.12 of the Revised Code has failed to return the property to which the agreement pertains to compliance with the applicable standards within the time established in the agreement, the director, by issuance of an order as a final action under Chapter 3745. of the Revised Code, shall revoke the covenant not to sue issued for the property.	3746.04	state	none	no	State	yes, director
3745-300-14	(M)	shall	Nothing in this rule shall diminish the director's ability to conduct criminal or other investigations under Chapter 3704., 3714., 3734., 3745., 3746., 3750., 3751., 3752., 3753., 6109., or 6111. of the Revised Code.	3746.04	state	none	no	State	yes, director

OAC Rule #	Paragraph	Restriction	Description/Quotation	Statutory Authority	State or Fed Law?	If Fed, crosswalk?	Federally delegated program?	Removal would require state or federal law change?	Requirement on the agency or director?
3745-352-05	(L)	required	"Default" means the failure of the mortgagor to make any payment to the holder of the first mortgage required by the terms of the mortgage documents that is not cured by the mortgagor within any applicable cure periods, deferred with the consent of the holder of the first mortgage, or waived by the holder of the first mortgage.	3752.03	state required	none	no	No	no
3745-352-05	(EE)	required	"Reporting facility" means a facility where regulated operations occur in connection with which the owner or operator of the facility is required to submit a list of hazardous chemicals or one or more material safety data sheets under section 3750.07 of the Revised Code and is required to submit annual emergency and hazardous chemical inventory forms under section 3750.08 of the Revised Code.	3752.03	state required	none	no	No	no
3745-352-05	(EE)	required	"Reporting facility" means a facility where regulated operations occur in connection with which the owner or operator of the facility is required to submit a list of hazardous chemicals or one or more material safety data sheets under section 3750.07 of the Revised Code and is required to submit annual emergency and hazardous chemical inventory forms under section 3750.08 of the Revised Code.	3752.03	state required	none	no	No	no
3745-352-10	(A)	require	The laws require the responsible parties to secure these facilities until all regulated substances are properly removed.	3752.03	state required	none	no	No	no
3745-352-10	(C)	must	You must make this determination by using the following information:	3752.03	state required	none	no	No	no
3745-352-20	(A)	must	You must comply with the following:	3752.03	state required	none	no	Yes	no
3745-352-20	(A)(1)	must	Not later than thirty days after cessation of regulated operations, you must:	3752.03	state required	none	no	Yes	no
3745-352-20	(A)(1)(b)	must	You must maintain this security until you have performed the measures required under paragraphs (A)(2)(d) to (A)(2)(f) of this rule and the director has verified your compliance and has concurred with your certification made under paragraph (A)(2)(g) of this rule.	3752.03	state required	none	no	Yes	no
3745-352-20	(A)(1)(b)	required	You must maintain this security until you have performed the measures required under paragraphs (A)(2)(d) to (A)(2)(f) of this rule and the director has verified your compliance and has concurred with your certification made under paragraph (A)(2)(g) of this rule.	3752.03	state required	none	no	Yes	no
3745-352-20	(A)(2)	must	Not later than ninety days after cessation of regulated operations, you must:	3752.03	state required	none	no	No	no
3745-352-20	(A)(2)(a)	required	Submit to the director a copy of the most recent chemical inventory report required by section 3750.08 of the Revised Code.	3752.03	state required	none	no	No	no
3745-352-20	(A)(2)(a)	must	With the chemical inventory report, you must include a statement indicating whether any asbestos-containing materials are present at the facility;	3752.03	state required	none	no	No	no
3745-352-20	(A)(2)(b)	required	Submit to the director a copy of the current hazardous chemicals list or each of the material safety data sheets required by section 3750.07 of the Revised Code;	3752.03	state required	none	no	No	no
3745-352-20	(A)(2)(e)	must	If you will be claiming that any stationary tank, vat, electrical transformer, vessel of any type, piping, nonstationary equipment and furnishing, nonstationary container, motor vehicle, rolling stock or debris is not contaminated with a regulated substance, you must record in a log the standard industrial method used to remove the regulated substance from each of these items.	3752.03	state required	none	no	No	no
3745-352-20	(A)(2)(e)	must	You also must give the log to the director if he asks you for it;	3752.03	state required	none	no	No	no
3745-352-20	(A)(2)(f)	must	If any regulated substance that you will be removing from the facility is also a hazardous material identified or listed in regulations adopted under the "Hazardous Materials Transportation Act," 88 stat. 2156 (1975), 49 U.S.C.A. 1801, you must transport the regulated substance, or cause it to be transported, in compliance with the applicable rules adopted under division (A) of section 4919.79, division (E) of section 4921.04, division (C) of section 4923.03, or division (C) of section 4923.20 of the Revised Code;	3752.03	state required	none	no	No	no
3745-352-20	(A)(2)(h)	may not	If any regulated substance at the facility is also a hazardous waste, you may not need to comply with paragraphs (A)(2)(d), (A)(2)(e), and (A)(2)(g) of this rule for the hazardous waste.	3752.03	state required	none	no	No	no

3745-352-20	(A)(2)(h)	must	If you are subject to any of the closure and post-closure care requirements in rules 3745-55-10 to 3745-55-20 or 3745-66-10 to 3745-66-21 of the Administrative Code, you must comply with those requirements instead of complying with paragraphs (A)(2)(d), (A)(2)(e), and (A)(2)(g) of this rule;	3752.03	state required	none	no	No	no
3745-352-20	(A)(3)(a)	required	You cannot complete the actions required by paragraphs (A)(2)(d) to (A)(2)(g) of this rule within the time prescribed due to circumstances that are temporary and beyond your control; or	3752.03	state required	none	no	No	no
3745-352-20	(A)(3)(b)	required	You, exercising reasonable diligence, cannot complete the actions required by paragraphs (A)(2)(d) to (A)(2)(g) of this rule within the time prescribed due to facility size, operational complexity, or other such relevant factors.	3752.03	state required	none	no	No	no
3745-352-20	(B)	must	If the discontinuance of all regulated operations is not less than thirty days nor more than three hundred sixty-five days and you are not the owner or operator of any of the types of facilities listed in paragraph (C) of this rule, you must do the following:	3752.03	state required	none	no	No	no
3745-352-20	(B)(1)	must	With the certification, you must indicate the date all regulated operations were discontinued and state that the discontinuation will not exceed a period of three hundred sixty-five days; and	3752.03	state required	none	no	No	no
3745-352-20	(B)(2)	required	Resume all regulated operations within three hundred sixty-five days after the date on which those operations were discontinued, as indicated in the certification required by paragraph (B)(1) of this rule; or	3752.03	state required	none	no	No	no
3745-352-20	(B)(4)	required	Comply with paragraph (A) of this rule if you fail to resume regulated operations at the facility within three hundred sixty-five days after the date on which those operations were discontinued, as indicated in the certification required by paragraph (B)(1) of this rule.	3752.03	state required	none	no	No	no
3745-352-20	(B)(4)	required	The first anniversary date of the date on which operations were discontinued, as indicated in the certification required by paragraph (B)(1) of this rule, is the date of your permanent cessation of regulated operations; or	3752.03	state required	none	no	No	no
3745-352-20	(D)	must	If the facility you own or operate is not any of the types of facilities listed in paragraph (C) of this rule, you must submit a notice of change in ownership or operator status to the director using form EPA 0327 not later than fifteen days after you become the new owner or operator, and do one of the following:	3752.03	state required	none	no	No	no
3745-352-20	(D)(2)(a)	must	If the director had not issued a waiver to the previous owner, you must comply with paragraphs (A)(1)(a) to (A)(1)(c) of this rule;	3752.03	state required	none	no	No	no
3745-352-20	(D)(2)(b)	must	If the director had issued a waiver to the previous owner, you must comply with all terms and conditions of the waiver previously issued for the facility; or	3752.03	state required	none	no	No	no
3745-352-25	(A)	not required	You are not required to comply with this rule.	3752.03	state required	none	no	Yes	no
3745-352-25	(A)	must	Instead, you are an operator and must comply with rule 3745-352-20 of the Administrative Code.	3752.03	state required	none	no	Yes	no
3745-352-25	(B)(1)	must	If you are a holder of a first mortgage on real property or a receiver under division (F) of section 3752.11 of the Revised Code appointed by the court to succeed to the obligations of the holder of the first mortgage at a reporting facility that has been abandoned by the owner and at which all regulated operations have been temporarily or permanently discontinued, you must comply with table 1 of this rule to determine your responsibilities.	3752.03	state required	none	no	Yes	no
3745-352-25	(B)(2)	must	If you are a fiduciary for a reporting facility at which all regulated operations have been permanently ceased and the operator has failed to comply with rule 3745-352-30 of the Administrative Code, you must comply with table 2 of this rule to determine your responsibilities.	3752.03	state required	none	no	Yes	no
3745-352-25	(B)(3)	must	If you are an indentured trustee for debt securities or certificates of participation in any such debt securities and you have foreclosed on your interest at a reporting facility where all regulated operations have been permanently ceased and the operator has failed to comply with rule 3745-352-30 of the Administrative Code, you must comply with table 3 of this rule to determine your responsibilities.	3752.03	state required	none	no	Yes	no
3745-352-25	(B)(4)	must	If you are a receiver appointed under Chapter 2735. of the Revised Code, you must comply with table 4 of this rule to determine your responsibilities.	3752.03	state required	none	no	Yes	no

3745-352-25	(C)	required	What am I required to do if I am a holder of a first mortgage or a fiduciary and I will no longer maintain security and warnings signs?	3752.03	state required	none	no	Yes	no
3745-352-25	(C)	must	Except as provided in table 1 and table 2 of this rule, you must maintain security and warning signs as required in rule 3745-352-30 of the Administrative Code.	3752.03	state required	none	no	Yes	no
3745-352-25	(C)	required	Except as provided in table 1 and table 2 of this rule, you must maintain security and warning signs as required in rule 3745-352-30 of the Administrative Code.	3752.03	state required	none	no	Yes	no
3745-352-25	(C)	must	Within thirty days before you cease to maintain security and warning signs, you must submit a notice of your intentions to the director, the local emergency planning committee, and the local fire department using form EPA 0330.	3752.03	state required	none	no	Yes	no
3745-352-25	Table 1 @ 1., left column	must	You must:	3752.03	state required	none	no	Yes	no
3745-352-25	Table 1 @ 1.	must	You must use form EPA0330 to accomplish this.	3752.03	state required	none	no	Yes	no
3745-352-25	Table 1 @ 1.	must	The notice must include the status of your compliance with the security requirements; and	3752.03	state required	none	no	Yes	no
3745-352-25	Table 2, @ 1., left column	must	You must:	3752.03	state required	none	no	Yes	no
3745-352-25	Table 2 @ 1.	must	You must use form EPA 0330 to accomplish this.	3752.03	state required	none	no	Yes	no
3745-352-25	Table 2 @ 1.	must	The notice must include the status of your compliance with the security requirements; and	3752.03	state required	none	no	Yes	no
3745-352-25	Table 2 @ Until either:	required	You or another person has performed the measures required under paragraphs (A)(2)(d) to (A)(2)(f) of rule 3745-352-20 of the Administrative Code	3752.03	state required	none	no	Yes	no
3745-352-25	Table 3 @ 1., left column	must	You must:	3752.03	state required	none	no	Yes	no
3745-352-25	Table 3 @ 1.	must	You must use form EPA 0330 to accomplish this.	3752.03	state required	none	no	Yes	no
3745-352-25	Table 3 @ 1.	must	The notice must include the status of your compliance with the security requirements; and	3752.03	state required	none	no	Yes	no
3745-352-25	Table 3 @ Until either:	required	You or another person has performed the measures required under paragraphs (A)(2)(d) to (A)(2)(f) of rule 3745-352-20 of The Administrative Code	3752.03	state required	none	no	Yes	no
3745-352-25	Table 4 @ 1., left column	must	You must:	3752.03	state required	none	no	Yes	no
3745-352-25	Table 4 @ 1.	must	You must use form EPA 0330 to accomplish this; and	3752.03	state required	none	no	Yes	no
3745-352-30	intro	must	You must secure against unauthorized entry into each outdoor location of operation and each building or structure at the facility where regulated operations were conducted that contains or is contaminated with regulated substances by providing entry barriers, posting warning signs, and maintaining security measures as provided in this rule.	3752.03	state required	none	no	Yes	no
3745-352-30	(A)	must	You must use one or more of the following methods:	3752.03	state required	none	no	Yes	no
3745-352-30	(B)	must	You must post warning signs in publicly visible locations about each building or structure and each outdoor location of operation.	3752.03	state required	none	no	Yes	no
3745-352-30	(B)	must	Minimally, you must post warning signs at all facility access locations.	3752.03	state required	none	no	Yes	no
3745-352-30	(B)	must	You must have enough warning signs to alert persons that the building, structure, or outdoor location contains or is contaminated with regulated substances.	3752.03	state required	none	no	Yes	no
3745-352-30	(B)	must	These warning signs must prohibit trespassing and state: "The building, structure, or outdoor location of operation contains or is contaminated with regulated substances that may endanger public health or safety if released into the environment."	3752.03	state required	none	no	Yes	no
3745-352-30	(B)	prohibit	These warning signs must prohibit trespassing and state: "The building, structure, or outdoor location of operation contains or is contaminated with regulated substances that may endanger public health or safety if released into the environment."	3752.03	state required	none	no	Yes	no
3745-352-30	(B)	must	Additionally, each warning sign must comply with the following requirements:	3752.03	state required	none	no	Yes	no
3745-352-30	(B)(1)	must	It must be posted on or near the building, structure, or outdoor location that contains or is contaminated with a regulated substance;	3752.03	state required	none	no	Yes	no
3745-352-30	(B)(2)	must	It must include the words "No Smoking" if the warning sign is posted on or near a building, structure, or outdoor location that contains ignitable regulated substances;	3752.03	state required	none	no	Yes	no
3745-352-30	(B)(3)	must	All writing on each warning sign must be legible from a distance of at least twenty-five feet; and	3752.03	state required	none	no	Yes	no

3745-352-30	(B)(4)	must	It must be constructed to withstand weathering, and be firmly affixed to secure against removal.	3752.03	state required	none	no	Yes	no
3745-352-30	(C)	must	How must I maintain security measures?	3752.03	state required	none	no	Yes	no
3745-352-30	(C)	must	You must maintain entry barriers and warning signs required in paragraphs (A) and (B) of this rule by doing the following:	3752.03	state required	none	no	Yes	no
3745-352-30	(C)	required	You must maintain entry barriers and warning signs required in paragraphs (A) and (B) of this rule by doing the following:	3752.03	state required	none	no	Yes	no
3745-352-30	(C)(1)	must	You must inspect entry barriers and warning signs at least every seven days, or as agreed upon in writing by the director, the county sheriff's department, or the local police department;	3752.03	state required	none	no	Yes	no
3745-352-30	(C)(2)	must	You must record the condition of each entry barrier, security measure, and warning sign in an inspection log.	3752.03	state required	none	no	Yes	no
3745-352-30	(C)(2)	must	You must show the log to the director if he requests it; and	3752.03	state required	none	no	Yes	no
3745-352-30	(C)(3)	must	You must repair or replace any damaged, lost, or removed entry barrier, warning sign, or other security measure promptly after you discover it is damaged or missing.	3752.03	state required	none	no	Yes	no
3745-352-35	Intro	must	You must designate a contact person in the manner described in this rule.	3752.03	state required	none	no	No	no
3745-352-35	(A)	must	When must I designate a contact person?	3752.03	state required	none	no	No	no
3745-352-35	(A)	must	You must designate a contact person when you submit form EPA 0327, as required by rule 3745-352-20 of the Administrative Code.	3752.03	state required	none	no	No	no
3745-352-35	(A)	required	You must designate a contact person when you submit form EPA 0327, as required by rule 3745-352-20 of the Administrative Code.	3752.03	state required	none	no	No	no
3745-352-35	(B)	required	What information am I required to submit when I designate a contact person?	3752.03	state required	none	no	No	no
3745-352-35	(B)	required	You are required to submit the following:	3752.03	state required	none	no	No	no
3745-352-35	(C)	must	How long must I maintain a contact person?	3752.03	state required	none	no	No	no
3745-352-35	(C)	must	You must maintain a contact person until you have performed the measures required under paragraphs (A)(2)(d) to (A)(2)(f) of rule 3745-352-20 of the Administrative Code and the director has verified your compliance and has concurred with your certification made under paragraph (A)(2)(g) of rule 3745-352-20 of the Administrative Code.	3752.03	state required	none	no	No	no
3745-352-35	(C)	required	You must maintain a contact person until you have performed the measures required under paragraphs (A)(2)(d) to (A)(2)(f) of rule 3745-352-20 of the Administrative Code and the director has verified your compliance and has concurred with your certification made under paragraph (A)(2)(g) of rule 3745-352-20 of the Administrative Code.	3752.03	state required	none	no	No	no
3745-352-35	(D)	must	What must I do if the contact person or information about the contact person changes?	3752.03	state required	none	no	No	no
3745-352-35	(D)	must	Within fourteen days after the change, you or the designated contact person must submit to the director, using form EPA 0327, the information required in paragraph (B) of this rule.	3752.03	state required	none	no	No	no
3745-352-35	(D)	required	Within fourteen days after the change, you or the designated contact person must submit to the director, using form EPA 0327, the information required in paragraph (B) of this rule.	3752.03	state required	none	no	No	no
3745-352-40	intro	must	You must comply with the provisions in this rule.	3752.03	state required	none	no	Yes	no
3745-352-40	(A)	must	To request a waiver, you must submit your request within forty-five days after the discontinuation of all regulated operations, using form EPA 0327.	3752.03	state required	none	no	Yes	no
3745-352-40	(A)	must	The request must include the following:	3752.03	state required	none	no	Yes	no
3745-352-40	(A)(1)(e)	must	A statement indicating that an evacuation plan, which describes, at a minimum, the evacuation signals, primary evacuation routes, and alternate evacuation routes to be utilized in situations when the primary exits are blocked, must be kept on file at the facility if more than ten people are to be on the facility in any twenty-four hour period;	3752.03	state required	none	no	Yes	no
3745-352-40	(A)(2)	must	The certification statement must be signed and dated by a corporate officer or the owner of the facility.	3752.03	state required	none	no	Yes	no
3745-352-40	(B)	required	The director will review the request to determine whether you have made the demonstrations required by paragraph (A) of this rule.	3752.03	state required	none	no	Yes	no
3745-352-40	(C)	must	If you cannot resume regulated operations on or before the date by which regulated operations should resume, as specified in the director's order approving the waiver, you must do one of the following:	3752.03	state required	none	no	Yes	no

3745-352-40	(D)	must	What must I do if I want a waiver because I purchased a facility which has temporarily discontinued all regulated operations?	3752.03	state required	none	no	Yes	no
3745-352-40	(D)	required	If you expect regulated operations at the facility to be discontinued for greater than three hundred sixty-five days after the date indicated in the certification required by paragraph (B)(1) of rule 3745-352-20 of the Administrative Code, then no later than forty-five days after the date you purchased the facility, you must submit to the director a request for a waiver in accordance with paragraphs (A)(1) and (A)(2) of this rule.	3752.03	state required	none	no	Yes	no
3745-352-40		must	If you expect regulated operations at the facility to be discontinued for greater than three hundred sixty-five days after the date indicated in the certification required by paragraph (B)(1) of rule 3745-352-20 of the Administrative Code, then no later than forty-five days after the date you purchased the facility, you must submit to the director a request for a waiver in accordance with paragraphs (A)(1) and (A)(2) of this rule.	3752.03	state required	none	no	Yes	no