



Ohio Administrative Code

Rule 3745-55-96 Response to leaks or spills and disposition of leaking or unfit for use tank systems.

Effective: September 29, 2021

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:

(A) Cessation of use; prevent flow or addition of wastes. 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.

(B) Removal of waste from tank system or secondary containment system.

(1) If the release was from the tank system, the owner or operator, within twenty-four hours after detection of the leak, or, if the owner or operator demonstrates that within twenty-four hours is not possible, at the earliest practicable time, shall 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.

(2) 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.

(C) Containment of visible releases to the environment. The owner or operator shall immediately conduct a visual inspection of the release and, based upon that inspection, both:

(1) Prevent further migration of the leak or spill to soils or surface water.

(2) Remove, and properly dispose of, any visible contamination of the soil or surface water.

(D) Notifications, reports.



(1) 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 detection of the release. If the release has been reported pursuant to 40 CFR Part 302, that report will satisfy this requirement.

(2) A leak or spill of hazardous waste is exempted from this requirement if the leak or spill is both:

(a) Less than or equal to a quantity of one pound.

(b) Immediately contained and cleaned up.

(3) 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:

(a) Likely route of migration of the release.

(b) Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate).

(c) Results of any monitoring or sampling conducted in connection with the release (if available). 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.

(d) Proximity to downgradient drinking water, surface water, and populated areas.

(e) Description of response actions taken or planned.

(E) Provision of secondary containment, repair, or closure.

(1) 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.

(2) If the cause of the release was a spill that has not damaged the integrity of the system, the owner or operator may return the system to service as soon as the released waste is removed and repairs, if



necessary, are made.

(3) 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.

(4) 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 the component may be returned to service, unless the source of the leak is an aboveground portion of a tank system that can be inspected visually. 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 tank system is in compliance with paragraph (F) of this rule. 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. 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), prior to that component's return to use, the entire component shall be provided with secondary containment in accordance with rule 3745-55-93 of the Administrative Code.

(F) Certification of major repairs. 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. This certification shall be submitted to the director within seven days after returning the tank system's return to use, placed in the operating record, and maintained until closure of the facility.

[Comment 1: On the basis of any information received that there is or has been a release of hazardous waste or hazardous constituents into the environment, the director 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.]

[Comment 2: See paragraph (C) of rule 3745-65-15 of the Administrative Code for the requirements necessary to remedy a failure. Also, 40 CFR Part 302 may require the owner or operator to notify the "National Response Center" of certain releases.]

[Comment 3: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]