

**ARCHIVE:** Archived due to the 2009 rule revision. Refer to VA30002.09.006 for the updated document.

**TITLE:** Hazardous Waste Management Units Subject to Closure

**DATE EFFECTIVE:** 1998

**KEYWORDS:** Hazardous waste management, hazardous waste closure, hazardous waste management unit, hazardous waste constituents, waste management unit, hazardous waste discharge, storage, treatment, hazardous generator, Large Quantity Generators, generator closure, accumulation units, regulated hazardous waste.

**RULES:** OAC 3745-300-02; OAC Chapter 3745-66.

**QUESTION:** Does the Voluntary Action Program (VAP) provide exemptions to closure requirements for hazardous waste and solid waste management units at voluntary properties?

**ANSWER:** The criteria for eligibility for participation in the VAP are listed in OAC 3745-300-02. Paragraph (C) of that rule, "Exceptions to Eligibility," establishes that hazardous waste facilities, hazardous waste generators, hazardous waste management units, and solid waste facilities must demonstrate that closure under the appropriate state and federal regulations has been accomplished in order to participate in the VAP.

Certified professionals (CPs) and volunteers are still required to identify hazardous waste management units from past and present activities at industrial properties. The purpose of such identification is so that proper remediation of hazardous waste management units can be accomplished under applicable Ohio hazardous waste closure rules (OAC Chapter 3745-66) and the hazardous waste closure performance standards. Participation within the VAP is only permissible when the volunteer is in compliance with the Ohio hazardous waste law and regulations governing such matters. VAP participation should not be interpreted independently from such law and rules. **Participation within the VAP does not grant any exemption from the closure requirements of OAC Chapter 3745-66.**

**BACKGROUND:** Hazardous waste management units and waste management units are defined under Ohio's hazardous waste regulations; OAC rule 3745-50-10(A)(49) and (137) respectively as follows:

Hazardous Waste Management Unit: means a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area (examples include a surface impoundment, a waste pile, and land treatment area, and landfill cell, an incinerator, a tank and its associated piping and underlying containment system and a container storage area (includes the container and the land or pad upon which they are placed).

Waste Management Unit: means any discernible unit at which waste has been placed at any time, irrespective of whether the unit was intended for the management of waste or hazardous waste. Such units include any that are "at the facility" at which waste have been routinely and systematically released.

Other definitions in OAC rule 3745-50-10 which may be pertinent to assist CPs and volunteers with identification of past and present activities subject to hazardous waste regulations include:

Hazardous Waste Discharge: means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water or air.

Disposal: means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water or air so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharge into any waters, including ground waters, except where such activity constitutes "storage" or "treatment".

Spill: means the accidental spilling, leaking, pumping, pouring, emitting or dumping of hazardous waste or materials which, when spilled, become hazardous wastes, into or on any land or water.

Storage: means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

Treatment: means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste nonhazardous, or less hazardous; safer to transport, store, or dispose of; or amendable for recovery, amendable for storage, or reduced in volume.

Hazardous waste management units can be created as a result of hazardous waste generation activities (generator requirements are found under OAC 3745-52) and/or by treatment, storage, or disposal activities which are either under authority of a Hazardous Waste Facility Board permit as issued or those activities which should have been permitted. Large quantity generators of hazardous waste may accumulate hazardous waste in tanks and containers in accordance with OAC rule 3745-52-34 without obtaining a treatment, storage, or disposal permit but must conduct “generator closure” of all accumulation units in accordance with OAC rules 3745-66-11 and 3745-66-14.

Spill events involving hazardous waste, where immediate action was not taken to abate and completely clean-up the spill would by virtue of the spill event, create a hazardous waste management unit subject to closure remediation. In contrast, the spill or release of a product material or a non-hazardous waste does not in itself create a hazardous waste management unit but any waste or contaminated media generated as a result of clean-up/remediation of the spill or release of a product material or non-hazardous waste would need to be evaluated under OAC rule 3745-52-11 to determine whether it is a regulated hazardous waste.

**SUMMARY:**

Properties in which hazardous waste facilities, generators, management units, and solid waste facilities have been located may be eligible for participation within the VAP provided that closure under the appropriate federal and state regulations has been completed. It is the responsibility of the CPs and volunteers to identify the presence of such units and to provide documentation that proper closure has been accomplished.

**OHIO EPA**  
**CONTACT:**

For any questions concerning this issue, please contact the VAP central office at (614) 644-2924.