

## Ohio Hazardous Waste

# Notifier

A Publication of Ohio EPA, Division of Hazardous Waste Management

## Environmental Stewardship Awards

By Helen Miller, DHWM

Want to be recognized as a leader in promoting sound environmental practices?  
Have an environmental success story or achievement to share?

Governor Ted Strickland and Ohio EPA Director Chris Korleski have announced the creation of a new program to recognize companies and organizations committed to environmental compliance and who demonstrate outstanding achievements in reducing pollution. Ohio EPA is seeking applicants who show a commitment to environmental stewardship through:

- a sound track record of environmental compliance and a commitment to go above and beyond regulations to improve environmental performance;
- a mature Environmental Management System (EMS) and integration of the EMS into core business functions;
- aggressive environmental performance goals; and,
- a process for communicating with the local community about program activities and progress toward performance goals.

The awards are open to any business, industry, trade association, professional organization or local government of Ohio. The awards are open to any business, industry, trade association, professional organization or local government of Ohio. Nominations are requested by November 15, 2007.

Nominees receiving the highest scores based on the evaluation of written nomination materials will be visited by Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP). The site visit will provide reviewers an opportunity to directly evaluate the nominated activities. Information collected during the site visit will be used as one of the criteria for selecting the final award winners.

*Nomination instructions* are available online.

Please contact OCAPP for more information at *P2mail*, 800-329-7518 or (614) 644-3469. You can visit the *Web site* for additional details including eligibility criteria, nomination instructions and deadlines for applications. 

Environmental  
Stewardship  
Awards

How Do I  
Count My  
Hazardous  
Waste?

Rule Changes  
For Staging  
at Recycling  
Facilities

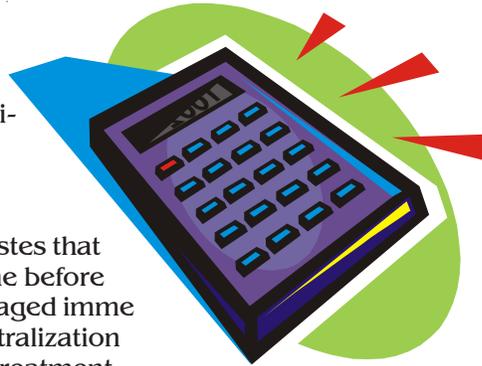
Ask the  
Inspector  
About  
Generator  
Status

# How Do I Count My Hazardous Waste?

By Karen Hale

## What do I include in my monthly hazardous waste total?

Ohio Administrative Code (OAC) rules [3745-51-04](#) and [3745-51-05\(C\) and \(D\)](#) state which hazardous wastes are counted toward your monthly quantity determination.



## What must you count?

- All quantities of *listed* and *characteristic* hazardous wastes that are accumulated on your property for any period of time before treatment, disposal or recycling, except for wastes managed immediately upon generation only in on-site elementary neutralization units, *waste water treatment units* or totally enclosed treatment facilities.
- All quantities of listed and characteristic hazardous wastes that are accumulated and transported off-site.
- All quantities of listed and characteristic hazardous waste that are placed directly in an on-site regulated treatment container or tank.
- All quantities of listed and characteristic hazardous wastes that are generated as still bottoms or sludges, and removed from product storage tanks.

## Are there any exceptions to wastes I must count?

- Samples of waste and samples of water, soil or air that are collected to determine if hazardous, according to OAC rule [3745-51-04\(D\)](#).
- Generated or collected treatability study samples, according to OAC rule [3745-51-04\(E\)](#).
- Samples undergoing treatability studies at *laboratories* and testing facilities, according to OAC rule [3745-51-04\(F\)](#).
- Specific recyclable materials that will be recycled, including scrap metal, according to OAC rule [3745-51-06\(A\)\(3\)](#).
- Hazardous waste remaining in either an empty container or an inner liner removed from an empty container according to OAC rule [3745-51-07\(A\)\(1\)](#).
- PCB wastes regulated under the *Toxic Substances Control Act*, according to OAC rule [3745-51-08](#).
- Wastes that are recycled without prior storage, only in an on-site recycling process subject to regulation under OAC rule [3745-51-06\(C\)\(2\)](#).
- Waste residues that have not yet exited raw material storage or a production unit, unless the hazardous waste remains in the unit more than 90 days after the unit ceases to operate, according to OAC rule [3745-51-04\(C\)](#).
- Wastes that are managed in an "elementary neutralization unit," a "totally enclosed treatment facility" or a "*wastewater treatment unit*," without being stored in a separate container/tank that is not a part of the wastewater treatment unit, totally enclosed treatment facility or

*continued on page 3...*

elementary neutralization unit first (see OAC rule [3745-50-10](#) for definitions of these units).

Note: For more information on counting your hazardous waste that has been generated and reclaimed on-site, see the Fall 2004 Notifier article titled, "Reducing Solvent Purchase and Disposal Costs."

- Wastes that are discharged directly to publicly owned treatment works (POTWs) without being stored or accumulated first. Discharges to a POTW must comply with the [Clean Water Act](#). POTWs are public utilities, usually owned by the city, special districts or the county, that treat industrial and domestic sewage for disposal.
- Used oil managed under the requirements of OAC Chapter [3745-279](#).
- Spent lead-acid batteries that will be reclaimed and managed under the requirements of OAC rule [3745-266-80](#).
- Universal wastes managed under OAC Chapter [3745-273](#) (for example, batteries, pesticides, mercury thermostats and lamps).

## Double Counting

To avoid double counting, the following types of wastes do not need to be counted when determining your hazardous waste generator classification. All of these hazardous wastes have already been counted when they were initially generated:

- Hazardous wastes that were counted once during the calendar month and are treated on-site to render them non-hazardous or reclaimed in some manner (for example, solvent that is distilled on-site).
- Hazardous waste previously counted when produced by on-site treatment (including reclamation).
- Hazardous waste removed from on-site storage. 

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## DHWM Wants Your Comments: Rule Changes for Staging at Recycling Facilities

By Pam McCoy, DHWM

DHWM is seeking comments on possible rule changes that would eliminate the requirement for recycling facilities to obtain a hazardous waste permit when waste is processed in a timely manner (for example, within 72 hours). In Ohio, these facilities currently must have a hazardous waste permit for the storage of waste prior to recycling. The rule change being considered would allow recycling facilities to "stage" recyclable waste on-site for up to 72 hours (three days) without a permit. If Ohio seeks this regulatory approach, facilities would still be required to comply with typical facility standards such as inspections, training, contingency plans and closure, as well as financial assurance requirements. Similar rules have already been adopted and authorized by U.S. EPA in the States of Vermont<sup>1</sup> and Washington. In concert with the goals set by the [Resource Conservation and](#)



continued on page 4...

**Recovery Act**, DHWM believes that this common-sense approach to the regulatory process will encourage recycling in Ohio by removing unnecessary regulatory burdens. Prior to moving forward with proposed rule revisions, DHWM is requesting public feedback on these changes.

## What are the current requirements for recyclers of hazardous waste?

Ohio does not currently regulate the actual recycling process for hazardous waste, but it does regulate the storage of wastes prior to processing. Under Ohio Administrative Code Rule (OAC) rule [3745-51-06\(C\)\(1\) & \(2\)](#), owners or operators who store recyclable materials before the materials are recycled are fully regulated. Those who do not store recyclable materials are subject only to notification requirements and use of a manifest.

DHWM considers storage to begin upon receipt of waste at the facility, and unless waste is entered directly into the processing unit from a truck or tanker, the facility must obtain a storage permit. As such, recyclers of hazardous waste must be authorized by permit for any storage of the waste prior to recycling.

## How would these requirements change?

In Ohio facilities that recycle hazardous waste must comply with the requirements of OAC Rule [3745-51-06](#). DHWM is considering the addition of a paragraph to this rule to describe the requirements for facilities that stage recyclable waste for up to 72 hours without a permit. These requirements would include inspections, records retention, contingency plans, closure and financial assurance for closure. While these requirements incorporate the same level of environmental protection as a permit, they are not as time - and resource - consuming and do not have permit-related fees.

## Where should I send my comments?

DHWM has not yet drafted rule changes; the next steps in drafting the rule changes will be based on the responses received on this proposed change. If rules are drafted, you will be notified and have another opportunity to submit comments about the rule change. Please submit comments by November 30, 2007, to:

Ohio EPA, DHWM-ERAS  
P. O. Box 1049  
Columbus, OH 43216-1049

If you have any questions about this article, please contact Pam McCoy at (614) 644-3846 or [pam.mccoy@epa.state.oh.us](mailto:pam.mccoy@epa.state.oh.us).

### (Footnotes)

<sup>1</sup> For more information on Vermont's RCRA program: <http://www.anr.state.vt.us/dec/wastediv/rcra/regs.htm> 

# Ask The Inspector About Generator Status

By Dan Sowry, DHWM

Ohio EPA staff often answers the following generator status questions.

## Question: How is my company's generator status determined?

**Answer:** Your hazardous waste generator category is determined by the total weight of hazardous waste and the type of hazardous waste (acute or non-acute) that you generate (produce) in any calendar month. Your category can change due to the total amount of hazardous waste that you have on-site at any time.

For instance, if you are a conditionally exempt small quantity generator (CESQG) or a small quantity generator (SQG) based on monthly generation rate, your generator category can change if you generate acute hazardous waste, or if the total amount of hazardous waste on-site at any given time exceeds amounts listed below.

- If you are usually a CESQG and you accumulate more than 2,200 pounds of hazardous waste at any one time, you must comply with all applicable SQG requirements.
- If you are usually an SQG and you accumulate more than 13,200 pounds of hazardous waste on-site, you are required to have a hazardous waste installation and operation permit.
- If you are usually an SQG or a CESQG and you generate or accumulate more than 2.2 pounds of acute hazardous waste, you must comply with all applicable large quantity generator (LQG) requirements.

If you are an LQG, your hazardous waste management requirements are not affected by the total amount of hazardous waste you accumulate on-site at any one time. For more information on determining your hazardous waste generator category, see chapter 2 of our [Hazardous Waste Generator Handbook](#).

For monthly generation rates for each generator category, see the following table.

Monthly Generation Rate		
CESQG	SQG	LQG
$\leq 1$ kg of acute HW $\leq 100$ kg of acute HW* $\leq 100$ kg of HW	$> 100$ kg but $< 1,000$ kg of HW	$> 1$ kg of acute HW $> 100$ kg of acute HW* $> 1,000$ kg of HW
1 kg = ~ 1 qt 100 kg = ~ 27 gal (about 1/2 of a 55-gallon drum) or 220 lbs 1,000 kg = ~ 270 gal (about five 55-gallon drums) or 2,200 lbs 6,000 kg = ~ 1,620 gallons (about 30 55-gallon drums) or 13,200 lbs		
*residue, contaminated soil, waste or debris from clean-up of a spill of acute HW		

## Question: Can my company fluctuate between generator categories?

**Answer:** There are many instances where you may fluctuate into another generator category unexpectedly or as the result of a one-time occurrence. Based on annual report filings, these situations may include: lab clean-outs; off-specification product inventory clean-outs; tank cleaning; underground storage tank removals; spills of hazardous waste or product that become hazardous waste when spilled; and those hazardous wastes (for example, contaminated media and debris) generated from conducting remediation-related activities.

*continued on page 6...*

If the weight/amount of hazardous waste you generate/accumulate causes your generator category to fluctuate month to month, you are an **episodic generator**. Episodic generators include those who only occasionally generate hazardous waste, those who occasionally fluctuate between the three hazardous waste generator categories and those who routinely change generator categories at least one month a year (for example, a generator who routinely generates and accumulates hazardous waste from a product storage tank clean out once a year).

**It is very important to understand that generator status is not determined by the weight of hazardous waste shipped off-site.**

**Question: If I am normally an SQG but due to an episodic event become an LQG for one month, do I remain an LQG for the remainder of the year?**

**Answer:** No. You must comply with all applicable generator requirements for hazardous wastes generated that month for as long as that waste remains on-site. If you revert back to SQG status the following month, you must continue to manage the hazardous waste generated during the month you became an LQG according to all applicable LQG requirements. Hazardous waste generated during the month you were an SQG can be managed under SQG requirements.

For more information on *episodic generation*, see our online guidance document, or *contact* our Regulatory Services Unit at (614) 644-2917. 

Ohio Hazardous Waste  
**Notifier**

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