

Ohio Hazardous Waste

Notifier

A Publication of Ohio EPA, Division of Hazardous Waste Management

Will the Hazardous Waste Rule Changes Affect You?

Did you know that on March 13, 2002, changes to 79 hazardous waste rules became effective? Ohio EPA reviewed 60 of these rules according to ORC § 119.032. This law requires us to review many of our rules every five years to ensure they are consistent with state law. We had to amend the remaining 19 rules because of changes we made while reviewing the 60 "review" rules. Of the 60 "review" rules, we amended 52, rescinded five and did not change three of them.

You can find the rules on Ohio EPA's Web site at <http://www.epa.state.oh.us/dhwm/laws.html> or through the Register of Ohio at <http://www.registerofohio.state.oh.us>. Also, if you'd like to know more about the five-year rule review process, please see the Web site for the Joint Committee on Agency Rule Review at <http://www.jcarr.state.oh.us>.

For the purpose of a five-year rule review, we evaluate several aspects of a rule including:

- should the rule be amended considering the purpose, scope, and intent of Ohio law;
- does the rule coincide with the requirements set forth in Ohio law;
- is the rule consistent with the federal rule;

- does the rule contain unnecessary paperwork; and,

- does the rule overlap with other existing rules.

To read more about agency rule review requirements go to Anderson's Ohio Revised Code at <http://online.docs.andersonpublishing.com/revisedcode/>

Of the 52 rules the Agency amended, it made major changes to 14 rules which include the deletion of provisions that were not consistent with and equivalent to the federal hazardous waste rules. Continue reading for a summary of the rules that were rescinded.

Amended Rules

3745-58-45 (H) Standards applicable to marketers of hazardous waste fuel

We added a provision that further clarifies that marketers of hazardous waste fuel are subject to hazardous waste permitting as treatment facilities for any fuel blending activities they perform.

3745-52-20 (B) Manifest - general requirements

We removed the requirement that generators need to include the hazardous waste code on the manifest

when they ship hazardous waste off-site.

3745-65-15 (A) General facility and equipment inspection requirements

We deleted the requirement for owners/operators to inspect the facility and equipment on a weekly basis. It was replaced with the federal standard that the facility and equipment be inspected often enough to identify problems before they harm human health and the environment.

3745-65-33 (B) Testing and maintenance of emergency equipment and 3745-66-74 (B): Inspections (container storage area)

From both of these rules we removed the requirements that specific inspection information be maintained in an inspection log and that the log be kept for a specified period of time.

3745-68-10 (C) and (D) Closure and post closure (landfills)

We deleted a list of 26 factors the owner/operator of a hazardous waste landfill needed to consider when addressing closure and post closure care objectives for the landfill unit.

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3745-54-97 (D), 3745-65-92 (D) and 3745-65-93 (D)(3) Ground water sampling and analysis plans and ground water assessment plan

We removed the specified components of our ground water sampling and analysis plan, and ground water assessment plan that were more extensive than those contained in the federal counterpart rules. Respectively, these two types of plans contained 22 and 15 components. The federal versions contain four and three components. Our rules are now equivalent to their federal counterpart rules.

Rules that were rescinded

3745-56-31, 3745-56-59 and 3745-57-17

Construction inspections

Each rule explains at which stages of construction an owner/operator of a surface impoundment, waste pile, or landfill must notify the director so that the construction stage can be inspected. These three rules are being rescinded because there are no federal counterpart rules. We can request the information contained in these rules as conditions of the permit and we can always conduct inspections pursuant to statutory authority.

3745-55-02

Record keeping and recording (ground water monitoring)

The Ohio rule requires the collection and record keeping of ground water monitoring data beyond that required under the federal rules. There is no federal counterpart to this rule.

3745-57-01

Environmental performance standard

This rule establishes performance standards that are used to define "protection of human health and the environment." Another Ohio rule requires owners/operators seeking a permit to demonstrate that their facility is protective of human health and the environment according to

this rule. There is no federal counterpart rule, definition, or demonstration for what constitutes "protection of human health and the environment."

For more information on anything mentioned in this article, please call (614) 644-2917 and ask to speak with someone in the technical support unit.

The Inspector Answers Your Questions About Unwanted Computer Monitors

Can I put my computers in the dumpster?

Maybe, but first you must determine if they are classified as a characteristic hazardous waste, as required by Ohio Administrative Code (OAC) 3745-52-11. It's likely that the computer's cathode ray tube (CRT) contains enough lead for it to be classified as a characteristic hazardous waste. If it is a hazardous waste you cannot put it in the dumpster, and you must manage it as a hazardous waste. However, we encourage you to sell or donate your computer to someone who will use it or reclaim it.

How are the computers regulated if I recycle them?

We consider used commercial products like computers to be by-products. By-products that exhibit a characteristic of a hazardous waste are not waste when reclaimed. Therefore, since reclaimed computers would not be considered waste; there would be no obligations for compliance with the hazardous waste rules.

Can computers being reclaimed become subject to hazardous waste regulations?

Yes, if any of the reclaimed components are used in a manner



constituting disposal according to OAC 3745-51-02(C)(1), such as:

- applied to or placed on the land;
- used to produce products that are applied to or placed on the land; or
- are otherwise contained in products that are applied to or placed on the land.

If the computer is used in any of these ways, it is subject to the hazardous waste requirements. Before you send a computer to someone who will reclaim it make sure you know exactly how the facility will use the components.



Breaking New Ground ... P2 Assessments

The Division of Hazardous Waste Management (DHWM) provides an exciting technical assistance service. Pollution prevention (P2) assessments are being conducted by DHWM staff to help Ohio companies identify and implement P2 practices to reduce waste generation. This service is a key strategy for achieving one of the Division's long term goals.

DHWM, with help from the Office of Pollution Prevention (OPP), has completed five P2 assessments; and three P2 assessments are currently in progress. DHWM is discussing other potential P2 assessments with interested facilities.

Conducting P2 assessments is an important new challenge for DHWM staff. This service enables staff to work directly with a company to identify specific waste minimization/

P2 opportunities. Benefits from DHWM P2 assessments have included reduced waste generation and increased cost savings for participating companies. Besides important environmental benefits for DHWM, staff are obtaining new skills and increasing knowledge related to process-specific waste minimization/P2 activities.

The potential annual economic and environmental benefits from these completed P2 assessments are impressive. The estimated environmental benefits include annual reductions of more than 253,000 pounds of hazardous waste, more than 2 million gallons of wastewater and over 180,000 pounds in volatile organic compound (VOC) emissions. Companies could save an estimated \$418,491 annually in operating cost savings.

DHWM is committed to providing this important service to Ohio hazardous waste generators. To learn more about economic and environmental benefits from P2 assessments, contact your district P2 coordinator listed below:

Central District Office

Andy Maneff.....(614) 728-3778

Southwest District Office

Phil Harris.....(937) 285-6357

Southeast District Office

Donna Goodman.....(740) 385-8501

Northwest District Office

Colleen Weaver.....(419) 352-8461

Northeast District Office

Greg Orr.....(330) 425-9171

Summary of Completed DHWM P2 Assessments

Company Location Number of employees	Business Description SIC Potential opportunities	P2 assessment focus areas
Mill's Pride, Waverly 1,500	Kitchen cabinet manufacturer 2432 - Wood Kitchen Cabinets	Increase transfer efficiency on flat-line finishing systems; extend cleaning solvent life; investigate reusable booth filters
Howden Buffalo, New Philadelphia 200	Industrial fans, blowers manufacturer Fabrication 3564 - Blowers & Fans	Extend metalworking coolant life; optimize painting transfer efficiency; foundry sand reduction and recycling; solid waste (wood, paper, metal) reduction and recycling; non-contact cooling water reuse
MetalTek Inc., Springfield 20	Paint removal, cleaning services 3471- Electroplating, Plating, Polishing, Anodizing & Coloring	Reduce water use and wastewater generation; reduce/recycle spent phosphoric acid
Wood Graphics, Cincinnati 30	Rotogravure cylinder reconditioning 2796 - Platemaking and Related Services	Evaluate solvent alternatives for toluene/methylene chloride; investigate solvent distillation to recover ethanol
Pandora Manufacturing, Pandora 70	Automotive fluids, additives packaging 2899 - Chemical Preparations	Investigate off-spec product reuse; investigate solvent distillation for purge products; optimize practices to reduce cleaning solvent use

New Application Available for Regulated Community Education Grants

The Ohio Environmental Education Fund (OEEF) provides approximately \$1 million annually to support education projects targeting the regulated community, the general public and pre-school through university students and teachers. Ohio EPA would like to increase the number of OEEF grants awarded for quality education projects that can help the regulated community understand and comply with Ohio's environmental laws. Previous grants have funded compliance assistance manuals, workshops and training for regulated entities. After much discussion and stakeholder input, the OEEF has developed a set of grant application guidelines specifically geared toward the needs of the regulated community audience. The guidelines were developed through a collaborative effort between OEEF staff and regulated community representatives, as a

means of acknowledging the unique requirements of this audience. The new guidelines give consideration to regulated community applications that address a regulatory or compliance issue, or a compliance assistance need identified as a priority by Ohio EPA on a local, state or regional level. Regulated community applications now will be ranked against each other before being placed into the overall ranking system. This is being done in an attempt to eliminate the inevitable "apples and oranges" comparison that happens when this audience is ranked against K-12, university and general public audiences, and to give them more uniform representation in the grant review process. The new guidelines will be piloted during the January and July 2002 grant rounds. Feedback concerning the guidelines and their appropriateness in meeting

the needs of the regulated community will be welcome and appreciated.

To obtain a copy of the OEEF grant application guidelines, please send your request to:

Ohio EPA

Office of Environmental Education
P.O. Box 1049
Columbus, Ohio 43216-1049
(614) 644-2873
e-mail: oeef@epa.state.oh.us

The OEEF receives its funding from one-half of the civil penalties collected by Ohio EPA for violations of Ohio's air and water pollution control regulations. General information about the OEEF and OEEF funded projects can be found on the Ohio EPA Web page at www.epa.state.oh.us/other/oeef/oeemain.html.



Lead Remediation Policy Update

DHWM recently issued a supplement to the *Closure Plan Review Guidance for RCRA Facilities (CPRG)*, March 1999, regarding remediation of lead-contaminated closure units. The *CPRG Supplement: Lead Remediation Standards (November 2001)* is intended to assist inspectors; large quantity generators of hazardous waste; and owners/operators of hazardous waste treatment, storage, and disposal facilities in closing lead-contaminated hazardous waste management units. The CPRG sections introduce risk-based lead cleanup numbers for both soil and ground water. A generic, risk-based soil cleanup number of 245 mg of lead

per kg of soil was derived for residential closures. The generic risk-based cleanup number for lead in ground water is 5 micrograms lead per liter of water. Details about the derivation of both the soil and ground water risk-based cleanup numbers are provided in the guidance supplement.

The guidance also reiterates the various remediation alternatives available for lead contaminated units undergoing closure. In addition to utilizing the new generic risk-based cleanup numbers, comparing hazardous constituents to background levels, and deriving an adequately supported and justified risk-based unit-specific remediation standard are all remediation options for

lead-contaminated closure units. Stakeholders were asked for input on the proposed guidance as part of the DHWM's enhanced participation process. DHWM reviewed all the comments it received, revised the text of the policy as appropriate and prepared a responsiveness summary. A copy of the final guidance and the DHWM's response to comments received are available either by accessing the DHWM's Web page at <http://www.epa.state.oh.us/dhwm/welcome.html> or by requesting a paper copy from Angela Scott-Owens by telephone at (614) 644-2944, or by written request at Ohio EPA, DHWM, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio, 43215.



Electronic Reporting and Federal Code Changes for the 2001 Hazardous Waste Report

Last year, more than 400 hazardous waste handlers successfully filed their 2000 Hazardous Waste Report electronically using software provided by Ohio EPA. Some of the benefits of filing electronically include convenience, improved accuracy, proof of filing, and fast filing. We hope to release the 2001 version in the near future. To download the software visit <http://www.epa.state.oh.us/dhwm>. The *DEM User Guide* and *Import File Specifications Guide* also are available there. Because of Ohio EPA's delay in releasing the reporting software for 2001, generators will have 45 days from the software release to submit reports electronically and TSDs will have 75 days.

This new version of the software incorporates U.S. EPA changes to the 2001 biennial Hazardous Waste Report. The SIC Code on the Form GM will be replaced with one or more NAICS code(s) on the Site ID form. NAICS code lists are available on the U.S. Census Bureau's Web page at <http://www.census.gov/epcd/www/naics.html>. The list will not be printed as part of the report instructions because of its length. Origin codes are no longer reported because they were considered during the development of a new set of streamlined source codes, and the form codes



have been streamlined as well. Ohio EPA has adopted U.S. EPA's code list verbatim, therefore the new codes should be used on the 2001 Hazardous Waste Report.

If you decided to file electronically, please note that the person certifying the report should have already obtained a personal identification number (PIN) from DHWM before the file is e-mailed to Ohio EPA. The PIN replaces a certification signature and is verified before the file is accepted. 

More Help Understanding Regulatory Requirements Now Available Online

A new online compliance assistance manual is available to help businesses understand state and federal environmental regulations. EnviroChem Ohio was developed by the Ohio Chemistry Technology Council and Webco Environmental Management, Inc., with a \$49,800 grant from the Ohio Environmental Education Fund and \$48,500 from the Ohio Air Quality Development Authority. It can be accessed on the Internet at www.ohiochemistry.org/ by clicking on "Links of Interest."

EnviroChem Ohio is designed specifically for plant managers (and others with environmental responsibilities) who may not have extensive environmental regulatory experience, as well as for smaller companies who do not have extensive environmental resources. It helps the Ohio chemical industry, as well as other manufacturers, suppliers and customers, define regulated activities and determine required practices for auditing, tracking, recordkeeping, reporting, improving environmentally sound operations, and integrating pollution prevention activities into all aspects of their operations.

The online compliance guide includes chapters on environmental management, pollution prevention, air, waste, and water management, and SARA Title III reporting requirements. It includes many electronic links to resources at Ohio EPA, U.S. EPA, and other useful sites. 

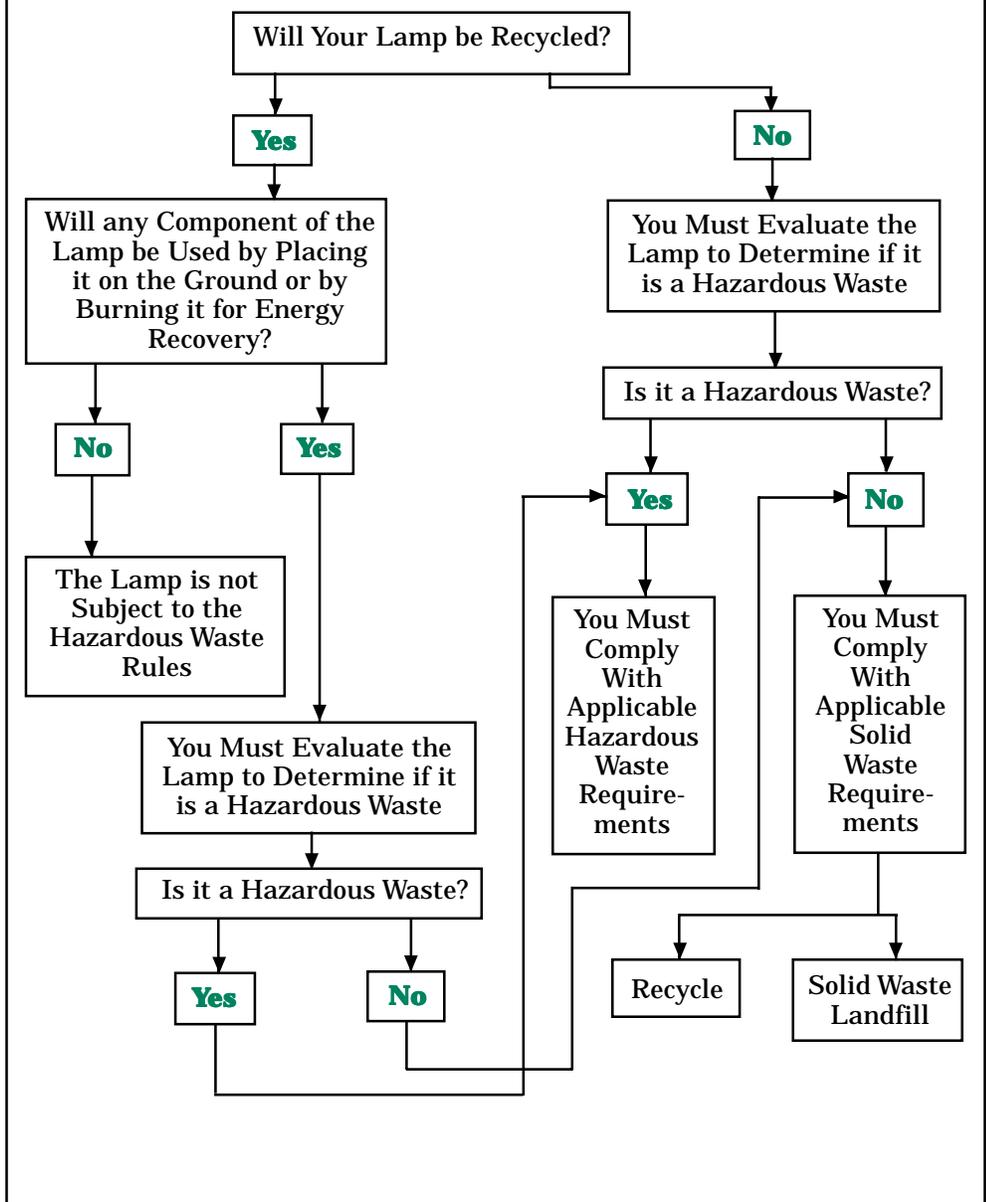
Fluorescent Lamp Management

In the July 6, 1999, Federal Register, U.S. EPA finalized rules to include hazardous waste lamps in the Universal Waste Rule (UWR). Ohio EPA has not yet finalized the UWR for hazardous lamps; however, we expect to have these changes out for interested party review this summer with an effective date in Summer 2003. Since the UWR for fluorescent lamps is not yet effective in Ohio, lamps are subject to Ohio's hazardous waste laws. Ohio EPA currently considers discarded lamps to be a characteristic by-product. According to Ohio's hazardous waste rules, a characteristic by-product, when reclaimed, is not a waste and is not subject to hazardous waste regulation. When a characteristic by-product is intended for disposal, it is a waste and it becomes subject to all applicable hazardous waste regulations. Fluorescent lamps may contain as much as 40 milligrams (mg) of elemental mercury depending on the manufacturer and the date when the lamp was made.

To learn more about the proper management of fluorescent lamps, see the April 2000 Fluorescent Lamp Fact Sheet available on our Web site at <http://www.epa.state.oh.us/dhwm/pdf/FluorescentFacts.pdf>. Because fluorescent lamps will be managed as universal waste (UW) in Ohio beginning in 2003, you may want to view the UW Rule Fact Sheet <http://www.epa.state.oh.us/dhwm/pdf/Universal%20Waste%20Factsheet.pdf> and the January 1998 Universal Waste Rule Questions Fact Sheet http://www.epa.state.oh.us/dhwm/fact_uwq.html.



MANAGEMENT OF LAMPS



Are You Using Valid Analytical Data?

You rely on analytical data to make decisions. Likewise, Ohio EPA relies on the data you collect to make its regulatory decisions. You have probably invested significant resources on sample analysis and you should expect to receive data that you can use. To make sure you can use the data you paid for, you should make sure you or your contractor reviews and validates your data. Ohio EPA has recently discovered several data reports that did not pass a quality control/quality assurance (QA/QC) validation. Occasionally, clerical errors were to blame and these problems were quickly and easily rectified. However, other data reports have contained more serious problems and the data was considered invalid and unusable.



Minimally, data validation should include a review of the following components: laboratory data completeness, documentation of holding

time(s), chain(s) of custody, and quality assurance/quality control (QA/QC) data. U.S. EPA's national functional guidelines for data validation is a comprehensive validation system that is available through the following link to U.S. EPA's Web site <http://www.epa.gov/superfund/programs/clp/guidance.htm>.

For additional information about data validation call the Inspection Support Unit at (614) 644-2917.



The Next Industrial Revolution is Underway

What industrial revolution you ask? You might be surprised, but it's pro-business, pro-capitalist, and pro-environment all at the same time: **THE ECOLOGICALLY SUSTAINABLE ENTERPRISE**.

What is an ecologically sustainable enterprise? A business is sustainable if, through the course of its activities, it causes zero degradation to the environment. For example, it causes no net increase in greenhouse gases (including through energy use), it causes no net reduction in non-renewable resources, it causes no build-up of synthetic chemicals in the environment that nature can't process, it causes no net degradation of the earth's living systems, and its wastes aren't wastes at all but rather raw materials to be used again.

Although the basic concept of sustainability has been around for about two decades, it has only begun receiving widespread attention since the mid-1990s. To date, more than 2,000 corporations around the globe have begun adopting sustainable business practices. That number is growing, and these companies are finding that it's good for profits. We encourage you to learn more about sustainability.

Is your company on the path to sustainability? If so, write to us and we may publish your story.

Suggested Sustainability Reading

Natural Capitalism: Creating the Next Industrial Revolution by Paul Hawken, Hunter Lovins and Amory Lovins

Websites

The Rocky Mountain Institute
<http://www.rmi.org>

United Nations Sustainable Development
<http://www.un.org/esa/sustdev/agenda21chapter5.htm>

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