

Ohio Hazardous Waste

Notifier

A Publication of Ohio EPA, Division of Hazardous Waste Management

Chief's Corner

Looking Ahead to the Upcoming Biennium and Challenges for State Fiscal Years 2002 and 2003

The Division of Hazardous Waste Management (DHWM) faces many challenges as a program over the upcoming state biennium (7/1/01-6/30/03). This past year was, spent in part, mapping out our long term goals and strategies to accomplish them. We have now completed that planning exercise and are beginning to implement strategies to accomplish the goals that we have established for our program. I invite you to review our long term goals by linking to our home page Web site at www.epa.state.oh.us/dhwm/aboutepa.html.

Our goals are indeed aggressive and, at least in part, require the cooperation and assistance of our constituents to accomplish them. DHWM's utmost challenge in the next biennium is to continue effective implementation of its ongoing core program elements such as compliance assurance activities, permitting, closures and regulatory program development, while also working with U.S. EPA to meet goals driven by the federal Government Performance and Results Act of 1993 (GPRA). The federal GPRA goals relate to corrective action, one program element that is relatively new to Ohio, and, post closure, which has not in the past

received much federal or state attention. GPRA goals focus on cleanup, while core program goals focus on prevention.

We have adopted specific long term goals that address the efforts to achieve GPRA goals established by U.S. EPA. We will work in partnership with U.S. EPA to achieve the GPRA goals, and at the same time work to maintain a balanced program under a generally flat funding scenario, as additional funding from U.S. EPA is limited.

DHWM also faces challenges permitting, program development, information management, and pollution prevention. In permitting, we have effectively implemented the revised permit modification system, a result of the passage of HB 435 in 1996. But, we still need to significantly improve our ability to process renewal permit applications within the prescribed performance standards. In program development, we must accelerate our efforts to timely adopt both required and optional federal rules and seek subsequent federal authorization for those rules. This must occur while DHWM meets its five-year state rule review obligations. We also remain committed to seek opportunities to unify our waste program cleanup standards and processes with those of other Ohio EPA waste cleanup programs. Finally, we need to examine and create enhanced opportunities for public and stakeholder involvement in program areas.

Over the past two years, we have effectively integrated pollution prevention (P2) into our program activities as

a cornerstone of our business model, but we must build upon our success and refine methods to measure results. We must continue to create opportunities for the regulated community to become more aware of the P2 services we can offer and the benefits of P2 to these businesses. Finally, we must continue to refine our information management technologies, ensuring the continued implementation of our new information management system and the maintenance and enhancement of our Web site. Keeping up with information technologies allows us to realize significant efficiencies in data entry, transmittal and use of common electronic forms and letters. By making electronic data transmittal and forms available to our regulated community we are improving the methods by which we communicate and assist you in meeting your obligations.

We believe that we must pay equal attention to all of our federally delegated program elements and

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Biennial Report Changes Proposed for 2001

U.S. EPA has proposed several changes to the 2001 Hazardous Waste Report that you need to be aware of now, so that your data collection efforts can accommodate the revisions. A Federal Register notice should be published soon which will finalize the changes. Paula Canter has participated in the workgroup tasked with making the form and instruction changes based on recommendations from another group. DHWM will discuss the changes internally and decide how they will be implemented in Ohio. At this time, these are the known changes:

- To eliminate confusion on what to report, you will be asked to report all hazardous waste that they counted toward determination of your generator status. This includes wastes generated, accumulated, and managed on- or off-site. You must report on-site management of hazardous waste regardless of the type of management unit used. Details on what to report will be included in the instruction booklet.

- The form IC will be replaced with the Site ID form, which is based on the Notification of Regulated Waste Activity form. Each time you file a report, you will be renotified of your activities. U.S. EPA hopes to place each site's current EPA ID information on their Envirofacts Web page, so that all you need to do is update the information when necessary.

- Importers of hazardous waste must submit reports.

- The following will be eliminated: Point of Measurement, SIC Code, and Off-site Availability. The RCRA-Radioactive Mixed Waste indicator is slated for removal beginning with the 2003 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 taken into consideration during the development of a new set of streamlined source codes. The form codes were consolidated and streamlined, as well.

- The system type code ("M" code) has been replaced with management method codes. The new coding scheme eliminates overlap with form codes and provides a simpler coding struc-

ture. It is a blend of the system type codes and management method codes used on Ohio's 1981-1994 Facility Report forms.

Ohio EPA will adopt U.S. EPA's code list verbatim. The list begins on page three of the Adobe Acrobat file of the 2000 Annual Hazardous Waste Report Instructions at www.epa.state.oh.us/dhwm/ann_report.html. Please direct questions about the changes to Paula Canter at (614) 644-2923.



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their associated goals to effectively implement a well-balanced program, while also achieving state goals. Our success in doing that will ensure that we meet our environmental mandate. This approach is typical of a federally delegated program; the core must be maintained while new federally-driven elements are added, usually without additional federal funding. In addition, we prioritize our efforts to accomplish the GPRA goals, our pollution prevention assistance efforts, the administration of the Cessation of Regulated Operations program, our educational outreach and technical assistance efforts and our ongoing effort to unify waste program cleanup standards.

While we constantly strive for increased efficiencies in DHWM, both by evaluating and reevaluating our processes in place and by looking for new and improved ways of conducting business, we need to remain diligent. We formally review each of our major program areas on a two-year cycle to identify areas for improvement and new methods to improve efficiency.

Administratively, senior and mid-level managers periodically reevaluate the table of organization (TO) under which we operate and benchmark with our peers to identify opportunities to gain efficiencies in overall program operation and management. Each and every vacancy division-wide is scrutinized for need and reallocation before it is re-posted.

Core staffing levels for DHWM are expected to remain relatively flat over the two-year period. We are only now beginning to see potential budgetary constraints that may be imposed over the next few years due to the cooling economy, and our challenge will be to provide the necessary support to accomplish our regulatory mandate.

We look forward to these challenges and to working with you over the upcoming biennium. As always, your input is welcome on how we conduct our business and on ways that we may improve our delivery.

Acetylene Cylinder Management and Disposal

This past summer, DHWM received a letter regarding the disposal of scrap acetylene cylinders. Specifically, the letter requested confirmation that acetylene cylinders are **not** considered empty until the acetone contained in the cylinders is removed. This was the first time that DHWM was asked to provide a regulatory determination concerning scrap acetylene cylinders. Our response to the letter concluded that acetylene cylinders that contain acetone are not considered empty until the acetone is removed, and less than three percent remains of the total capacity of the cylinder by weight. Acetylene cylinders that are either destined for scrap (disposal), or must have the acetone removed prior to re-use, must be managed as F003 hazardous waste until the acetone is removed. Any facility that receives such cylinders must obtain a hazardous waste installation and operation permit for storage of the cylinders prior to removing the acetone.

According to industry sources, acetylene cylinders are different from compressed gas cylinders. Cylinders containing acetylene have a porous core (containing acetone) in which the acetylene is dissolved. Because of this feature, acetylene cylinders are not compressed gas cylinders, and therefore do not meet the definition of an empty container for compressed gases as discussed in Ohio Administrative Code (OAC) rule 3745-51-07.

We concluded that acetone in acetylene cylinders that cannot be returned to service is a spent solvent. Our determination is based on two definitions: *solvent* and *spent material*. A solvent is defined as a substance that is used for its solvent properties; to solubilize (dissolve) or mobilize other constituents. A spent material is defined as any material that has been used and, as a result of contamination, can no longer serve the purpose for which it was produced (without processing). Since the acetone is used to solubilize the acetylene gas, and since it can no longer be used without reclamation the remaining acetone in cylinders is

considered F003 hazardous waste. Therefore, cylinders containing spent acetone (F003 hazardous waste) must remove it prior to disposal of the cylinder.

Generally, acetylene cylinders contain 50 pounds of acetone or 36 percent of the capacity of the cylinder by weight. Since Ohio EPA will not consider *waste* acetylene cylinders to be RCRA empty until the acetone has been removed, facilities storing *waste* acetylene cylinders from other generators must obtain a hazardous waste installation and operation storage permit. Likewise, facilities accepting acetylene cylinders for removal of acetone will need a

hazardous waste installation and operation storage permit prior to removing the acetone.

DHWM expects to conduct outreach to cylinder distributors in the near future, to inform those affected by our determination. Please be advised that Ohio EPA considers storage of hazardous waste without a hazardous waste facility installation and operation permit to be a serious violation. Such violations of Ohio hazardous waste laws are subject to penalties until they are abated. If you have questions regarding acetylene cylinder management or disposal, please contact Rose Connelly or Jeff Mayhugh at (614) 644-2917.

Leveling the Playing Field

A comprehensive compliance assurance program supported by effective enforcement is critical to fulfilling the division's mission of ensuring compliance with Ohio's hazardous waste laws. The division uses many tools to help the regulated community understand what the hazardous waste laws require. We use compliance assistance tools like this newsletter, our Web page, fact sheets and many other resources. But, we also realize that unless a company is given a reason to comply, the company could easily spend their limited resources on other things and not on the activities required by the hazardous waste laws. So, we use inspections to make sure companies are applying the rules properly. And, we have a strong enforcement program to level the playing field for those who have not spent the money necessary to comply. We believe this provides a deterrent to non-compliance.

We have heard that most companies support environmental protection and want to do the right thing. Some have asserted that the ones who break the laws are not "bad actors," they just don't understand the laws and need help, not penalties.

While some violations may be the result of generators not understanding the laws, our experience has been that many are from generators who did not give the environmental requirements the attention they deserve. In the enforcement cases we resolved last year, we saw the following types of violations:

- failing to properly evaluate waste to find out if it is hazardous;
- storing hazardous waste without a hazardous waste permit;
- transporting hazardous waste to an unpermitted storage facility;
- failing to test and record weekly inspections of the facility's emergency equipment;
- failing to ensure that employees are familiar with proper hazardous waste handling procedures;
- failing to keep hazardous waste containers closed;

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Electronic Reporting Software Available

DHWM is pleased to announce the availability of electronic reporting software to use when you complete and submit the 2000 Annual Hazardous Waste Report. The free software is referred to as the **DRUMS Data Entry Module (DEM)**, and you can download it from DHWM's Web page at www.epa.state.oh.us/dhwm/ann_report.html. Adobe Acrobat versions of the **DEM User Guide** and **Import File Specifications Guide** are also available for downloading. Consult the latter if you wish to import data from your own system.

The electronic reporting software contains many features that users have become accustomed to in Windows-based systems, such as pick lists and help windows. After data is entered and a validation report is run, fatal errors or warning messages will be produced for you to verify. Fatal errors will prevent data from being exported and sent to Ohio EPA. DHWM will use the parent application DRUMS to run the same audit checks that the DEM uses.

Please note that the person who will certify the final report contents must obtain a personal identification number (PIN) from DHWM before the file is e-mailed to Ohio EPA. The PIN takes the place of a certification signature. When we receive the e-mailed report file, Ohio EPA's software checks the PIN against your site's EPA ID number as a verification step. Reports for multiple sites can be tracked within the DEM, but because of the PIN-EPA ID relationship, you must have a different PIN for each site's report that you certify. You can apply for a PIN by submitting a **PIN application form** to DHWM. The form is available on the Annual Report Web page. Once the PIN is assigned, you will receive an acknowledgment letter listing the number.

If you have difficulty downloading the DEM and need guidance, please contact DHWM's Web master, Eric Hendrickson, at (614) 644-2940. Questions about the Annual Report instructions and forms should be

directed to coordinator Tammy Heffelfinger at (614) 644-2954.

DHWM urges you to take advantage of the software availability. The quality of the reports will increase as a result of the incorporation of audit checks in the form-completion

process. It will greatly reduce the time and effort expended by both you and DHWM and lower Ohio EPA's printing, mailing, and data entry costs.



Pollution Prevention At Work

During an inspection of Mitchellace Corporation, the world's largest manufacturer of shoelaces, an Ohio EPA DHWM inspector discovered that hazardous waste had been stored for many years without a permit. The storage violations occurred when Mitchellace purchased a small brick storage building that contained miscellaneous cleaning products and other hazardous wastes. Mitchellace failed to manage the hazardous waste properly after the purchase.

Once the violations were identified by Ohio EPA, Mitchellace promptly and properly shipped the hazardous waste off-site for disposal by a licensed hazardous waste facility. However, due to the violations, Mitchellace entered into a negotiated order with Ohio EPA. During the negotiations, Ohio EPA worked with Mitchellace to identify and develop two pollution prevention (P2) supplemental environmental projects (SEPs). In the end, Mitchellace and Ohio EPA agreed to a civil penalty of \$33,200. Mitchellace paid \$18,650 in cash, and the remainder of the penalty was fulfilled by completion of the two SEPs.

The first SEP required Mitchellace to purchase and install five new recycling solvent part washers to replace four solvent-based part washers and a small solvent dip tank used for maintenance and equipment repair. In doing so, Mitchellace estimates that they eliminated thirty 30-gallon drums (7,200 pounds) of hazardous waste spent solvent annually. The initial cost to the company to purchase and install the part washers was \$14,550.

Mitchellace estimates that they have saved at least \$3,400 annually that was previously spent on leasing and servicing the old solvent-based washers.

To fulfill the terms of the second SEP, Mitchellace conducted a pilot project to study the feasibility of replacing their solvent-based card coating process (used in their blister pack shoelace package) with a water-based system. Mitchellace hoped to reduce vapors generated from their existing system and improve working conditions in their print shop. Mitchellace purchased a water-based solvent and new card-coating machine, which they modified to fit their application. After a successful pilot project, Mitchellace implemented the water-based system on a full-time basis. According to the company, it replaced more than 4,000 pounds annually of solvent-based coating containing toluene, a volatile organic compound (VOC) and hazardous air pollutant (HAP) under Ohio air regulations. The initial cost of the project was \$15,085 and Mitchellace reports that they save \$1,010 annually in raw material costs. More importantly than the cost savings, workers have reported dramatically improved working conditions due to the reduction in the solvent-based coating and the use of xylene as a clean-up solvent.

If you are interested in more details regarding Mitchellace's SEPs, please visit <http://www.epa.state.oh.us/opp/p2regint/mitchellace.pdf>. If you are interested in any other aspect of pollution prevention, please contact

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Ask the Inspector

Due to a change in Ohio's hazardous waste regulations, some hazardous waste generators may be allowed to treat their hazardous waste on-site without a permit. Often, this causes hazardous waste generators to ask the following types of questions:

As a hazardous waste generator am I allowed to treat hazardous waste on-site without a hazardous waste permit?

Yes, if you meet certain requirements you can treat your hazardous waste on-site. These requirements can be found in Ohio Administrative Code (OAC) rule 3745-52-34.

Can any type of generator (CESQG, SQG, LQG) treat hazardous waste on-site without a permit?

Yes, however, a conditionally exempt small quantity generator **must** comply with the large quantity generator requirements if they wish to treat their hazardous waste on-site. Again, these requirements can be found in OAC rule 3745-52-34.

If I do decide to treat my hazardous waste on-site, can I treat in any type of unit?

No, there are specific type of units you can treat in, and they include:

- containers;
- tanks;
- drips pads; and
- containment buildings.

In addition to limiting hazardous waste treatment to these types of units, you must also comply with the regulations for these types of units. Please consult OAC rule 3745-52-34 for specific requirements for each unit.

Are there units that I am not allowed to conduct hazardous waste treatment in?

Yes, generators are not allowed to treat hazardous waste in the following types of units unless they have received a hazardous waste permit for such an activity:

- incinerator
- waste piles (unless managed properly in a containment building)
- surface impoundment
- miscellaneous treatment unit
- landfill
- thermal treatment unit

Besides only treating hazardous waste in specific type of units, must I comply with any other requirements?

Possibly. If you treat your hazardous waste and meet land disposal restrictions (LDRs), you must also develop and follow a written waste analysis plan (WAP) per OAC rule 3745-270-07 (A) (5). This rule requires you to do the following:

- Develop a written waste analysis plan that includes:
 - information from a detailed chemical and physical analysis of the waste being treated;
 - all other information used to develop plan; and
 - the testing frequency to ensure waste is meeting LDRs.
- Keep this plan on-site and available to inspectors.
- Comply with LDR notification/certification requirements in OAC rule 3745-270-07 (A)(3) for wastes that are treated and then shipped off-site.

You may also be required to comply with federal regulations regarding air emissions from hazardous waste management found in 40 CFR part 265 subpart AA, BB, and CC.



Are there any resources I could use for guidance?

A few sources of information that may be useful include:

- OAC rule 3745-54-13 and OAC rule 3745-65-14
- "Test Methods for Evaluating Solid Waste, Physical Chemical Methods," U.S. EPA publication SW-846
- Ohio EPA's *Waste Analysis Plan Guidance* found at: <http://www.epa.state.oh.us/dhwm/pdf/FinalGuidance.PDF>
- Ohio EPA's *Generator Treatment Guidance* (expected release April 2001)

What should I do if I have any other questions about treating hazardous waste on-site?

If you have any questions, please contact Ohio EPA Division of Hazardous Waste Management Technical Support Unit at (614) 644-2917.

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one of the P2 specialists listed below or visit Ohio EPA Office of Pollution Prevention's Web site at www.epa.state.oh.us/opp.

NWDO -Colleen Weaver
(419) 373-3059
SWDO-Paul Pardi
(937) 285-6079
CDO-Lundy Adelsberger
(614) 728-3879
NEDO-Greg Orr
(330) 963-1189
SEDO-Donna Goodman
(740) 380-5293

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- failing to comply with the approved closure plan; and
- failing to submit and implement a ground water quality assessment plan.

Ohio EPA is taking action to address these types of violations. We referred six cases to the Attorney General's Office, and the approximate \$930,000 in civil judicial penalties was the largest amount collected in the last five years. Through our administrative enforcement actions this past year we required companies to clean up about 7,000 cubic feet of contaminated soil and assessed over \$920,000 in civil penalty settlements.

Over \$237,000 of this went towards preventing pollution and carrying out environmentally beneficial projects. These projects included substituting less hazardous products for more hazardous products, installing a water evaporator system to reduce the volume of hazardous waste water, and developing and implementing an environmental education project, just to name a few.

If you are interested in our division's enforcement statistics, please feel free to contact Harry Sarvis at (614) 644-2949 or e-mail him at harry.sarvis@epa.state.oh.us.

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