

The Small Business Resource

Vol. 5 No.2

A Publication of Ohio EPA, Small Business Assistance Office

Sept. 2002

In this issue

- Identifying Hazardous Waste at Your Business 2
- Determining Your Generator Status 7
- Ohio's Rules for CESQGs 7
- Satellite Accumulation Areas 6
- Hazardous Waste Container Inspections 3
- When is a Container Empty? 3
- Handling Solvent Wipers 3
- Hazardous Waste Inspections: Are You Prepared? 5
- Compliance Workshops for Small Businesses 5
- Guidance Documents Available 5

Spotlight on Hazardous Waste Regulations

This issue of the Small Business Resource focuses on Ohio's hazardous waste requirements. Many small businesses are hazardous waste generators, including auto repair and body shops, painters, dry cleaners, manufacturers, metal finishers, laboratories and others. You may be generating hazardous waste at your business.

It's important to know if you generate hazardous waste. Under Ohio EPA's regulations, all wastes generated from a business must be evaluated to see if they are hazardous or not. Ohio EPA has specific regulations for handling and disposing of hazardous waste. For businesses that generate hazardous waste, there are also record keeping requirements to comply with. If you do not know whether your business generates a hazardous waste, or if you are not properly managing hazardous wastes, you could face violations or a penalty.

We have provided several articles in this newsletter related to hazardous waste management and hope that these provide you with a starting point in identifying areas where your business could be subject to the regulations. If you have any questions about the requirements, you can contact your local Ohio EPA District Office, Division of Hazardous Waste Management (DHWM). DHWM also has a Technical Support Unit with environmental specialists on staff to help you with the regulations.

Contact numbers for these resources are provided in this newsletter. And, as always, the Small Business Assistance Office is also available to you at (800) 329-7518 for free and confidential help with the hazardous waste and other EPA related requirements.

Identifying Hazardous Waste at Your Business

As a business owner, it is important to know if you generate a hazardous waste. Under Ohio EPA's regulations, all wastes generated from a business must be evaluated to see if they are hazardous or not. Ohio EPA has specific regulations for handling and disposing of hazardous waste. For businesses that generate hazardous waste, there are also record keeping requirements to comply with. If you do not know whether your business generates a hazardous waste, or if you are not properly managing hazardous wastes, you could face a violation or penalty.

What is a hazardous waste?

If you have a material that can no longer be used, it is considered a waste. There are two ways in which your waste can be classified as a hazardous waste:

Listed Hazardous Wastes

If your waste appears on any one of the lists published in Ohio's hazardous waste regulations, it is a hazardous waste. These lists are published in the Ohio Administrative Code (OAC), rules 3745-51-31 through 3745-51-33. There are four different lists of wastes. Each waste on the list is assigned a hazardous waste code.

Characteristic Hazardous Wastes

If you find that your waste does not appear on the lists in Ohio EPA's regulations, your waste may still be regulated as hazardous waste if it has a hazardous characteristic. Under the regulations, there are four hazardous characteristics: ignitability, corrosivity, reactivity and toxicity. Each characteristic is described in Ohio Administrative Code rules 3745-51-21 through 3745-51-24.

Knowing the EPA waste codes that apply to your wastes is important because each identifies the specific type of waste generated by your company. The codes also provide identification as the waste is being transported, treated and disposed of. The waste codes are put on drum labels, the generator notification form, hazardous waste shipping manifests and other records.

Do small businesses generate hazardous wastes?

Yes! Many small businesses are hazardous waste generators. Even if a business generates only a small amount of waste, the waste must still be evaluated and, if it is hazardous, properly managed. Some of the small businesses that commonly generate hazardous waste include:

- auto repair and body shops
- dry cleaners
- laboratories
- machine shops, metal finishers
- manufacturers
- printers, photographers
- painting and sandblasting contractors
- wood refinishers

How Do I evaluate my waste?

First, you must know about ALL the wastes that come from your business. Go through your business and make a list of all your wastes (include even those that you think are not hazardous). Go through the list and carefully evaluate each waste stream. Some wastes are excluded from the hazardous waste regulations. These include, for example, certain wastes that are recycled. You should see if any of your wastes fall

under these exclusions in the hazardous waste regulations (OAC 3745-51-04). For wastes that aren't excluded, you need to be able to answer the following questions:

(1) Is the waste on Ohio EPA's lists of hazardous wastes?

Note: Any waste that is mixed with or derived from a listed waste is also considered listed — and hazardous. An example of "mixed with" is mixing a listed solvent with anti-freeze. An example of "derived from" includes distillation bottoms from distilling a listed solvent. Used solvent wipers containing a listed solvent are also hazardous wastes.

(2) Does the waste have any of the hazardous waste characteristics?

Collect information that might be helpful to you in evaluating your waste. This may include information from your vendor, supplier or Material Safety Data Sheets (MSDS). Keep any information that you use to make your waste evaluation in your files. If your business is ever inspected by a hazardous waste inspector, the inspector will want to review this information. If you do not have enough process information to evaluate a waste, you may need to have the waste sampled and sent to an environmental testing lab for analysis. Keep any lab results you have on your waste in a file.

Hazardous Waste Container Inspections: How Thorough Are You?

Under the Ohio Administrative Code (OAC) rule 3745-66-74, large and small quantity hazardous waste generators are required conduct weekly inspections of their container storage areas. Ohio EPA's hazardous waste inspectors often find inspection-related problems at companies. Common violations include: failing to conduct inspections, failing to keep inspection logs up-to-date and not correcting problems found during inspections. The following should help you understand what the regulations require and what Ohio EPA inspectors look for. It is important that you understand and comply with the regulations to avoid violations.

OAC rule 3745-66-74 requires that container storage areas be inspected weekly. Weekly is defined as seven days from the previous inspection (not Monday of one week and Friday of the next). The weekly inspection requirements apply to container storage areas, but not satellite accumulation areas. It is a good idea, however, to inspect your satellite areas in the same manner. Under the regulations, the weekly inspections need to ensure the following:

- there are no leaks or spills;
- containers are marked with date waste accumulation began;
- accumulation times have not been exceeded;
- containers are labeled "Hazardous Waste," closed and in good condition;
- aisle space is adequate to move between containers;
- containers are handled in a manner to prevent rupture or leakage;
- containers with incompatible wastes are stored separately.

Under OAC rule 3745-66-74, all weekly inspections must be recorded in an inspection log. Although the regulations do not have a time frame

for how long logs must be kept, you should keep a sufficient number of logs to demonstrate that you've been doing inspections.

When is a Container "Empty?"

Questions often come up about the measures that must be taken before a container which once held hazardous waste would be considered to be empty of its contents. The regulatory definition of an empty container is found in OAC rule 3745-51-07.

A container is considered empty if all wastes have been removed using common practices (e.g., pouring, pumping, aspirating). In addition, the following conditions must be met:

- No more than one inch (2.5 centimeters) of residue remains in the container, or
- For containers of 110 gallons or less in size: no more than 3 percent by weight (of the total capacity of the container) remains in the container, or
- For containers greater than 110 gallons in size: no more than 0.3 percent by weight (of the total capacity of the container) remains in the container.

A container that held a hazardous waste that is a compressed gas is empty when the pressure in the container reaches atmospheric pressure. A container which held an acutely hazardous waste must be triple rinsed before being considered empty.

Handling Solvent Contaminated Wipers

Many small businesses such as painters, printers, auto repair shops and manufacturers use solvents and wipers to clean equipment. Spent solvent often meets the definition of a listed or characteristic hazardous waste under Ohio's regulations. After cleaning, the wipers (including disposable and reusable shop towels or rags) are contaminated with solvents.

If you generate solvent contaminated wipers at your business, these wipers must be evaluated to see whether they are hazardous or not BEFORE you dispose of them. Under Ohio's regulations, you cannot throw solvent wipers in the trash unless you can demonstrate that they are not hazardous. And, in many cases, solvent wipers are hazardous, even if they seem dry when you dispose of them.

Wipers Contaminated with Listed Solvent

Some solvents are classified as hazardous wastes because they appear on a specific list in Ohio's hazardous waste regulations. These solvents are known as F-listed solvents, and the listing is found in Ohio Administrative Code rule 3745-51-31. These solvents have a specific EPA waste code, which includes an "F" followed by three digits (e.g., F001, F002, F003, F004, F005). Examples of F-listed solvents include: methylene chloride, 1,1,1-trichloroethane, xylene, toluene, methyl ethyl ketone and acetone.

Wipers that are contaminated with a listed solvent are also considered a listed hazardous waste, regardless of how the solvent got on the wiper or the quantity of solvent

continued on page 4

Handling Solvent Contaminated Wipers *continued from page 3*

on the wiper. Whether the solvent is applied to the surface of equipment or directly to a wiper prior to use, the wipers pose similar hazards. In each situation, the wiper would carry the same F-listed waste code as the solvent. Even if the wiper appears dry or has been rung out, it is still considered a listed hazardous waste.

Wipers Contaminated with Characteristic Solvents

Other solvents that are not included on the F-list can still be regulated as hazardous if they possess certain hazardous characteristics, such as ignitability. Ohio EPA's definition of an ignitable waste includes liquids with a flash point of less than 140° F (60° C). Ignitable hazardous wastes carry the waste code of D001. Solvents that commonly meet this definition include spent mineral spirits, Stoddard solvent and some solvent blends.

In most cases, if you have wipers that are contaminated with only characteristic solvents, the wipers will not be considered ignitable. That is because solvent wipers do not meet the definition of liquid wastes. However, a wiper can still meet the definition of an ignitable hazardous waste for other reasons. A wiper that can spontaneously combust, catch fire through friction or burn vigorously enough to create a hazard is regulated as a D001 hazardous waste. When you evaluate whether your wipers, you need to look at these additional properties, as well.

Contaminants from Cleaning

In addition to solvents, wipers can pick up dirt, grease and other contaminants from cleaning. Under Ohio's regulations, wastes that are contaminated with certain organic chemicals or heavy metals are also considered hazardous. This depends on the level of contamination present.

Wastes that are contaminated above certain regulatory levels are considered characteristic (toxic) wastes. Toxic hazardous wastes are assigned the EPA waste codes of D004 through D043, depending on the contaminant(s) present.

Your wipers may be hazardous if, during use, they pick up heavy metals such as lead, cadmium, chromium or mercury, or organic chemicals such as benzene, MEK or pesticides. A complete list of the toxic constituents that are regulated, their thresholds, and EPA waste codes can be found in OAC rule 3745-51-24.

Options for Handling Wipers

Once you have contaminated wipers, there are two ways to handle them: dispose of them or send them off-site to a commercial laundry or dry cleaner for recycling.

Wipers That Are Disposed of

Any company that sends contaminated wipers for disposal must evaluate those wipers to determine whether they are hazardous before they dispose of them. This includes determining whether the wipers are listed or characteristic hazardous wastes as described earlier. Under Ohio's regulations, you must keep this waste evaluation information on file at your business.

If you have wipers that are contaminated with characteristic solvents only, and they do not pose a combustion or fire hazard, you can dispose of them as nonhazardous waste along with other solid wastes from your business. Some important points, however:

- Solid waste landfills cannot accept liquid wastes, so the wipers cannot contain free liquids;

- You must ensure that the solvent you are using is strictly a characteristic solvent and NOT a listed solvent. If you are using a listed solvent, the wiper would be classified as hazardous;
- You also need to ensure that the wipers have not picked up any other contaminants (such as heavy metals) that might make them hazardous.

If you have wipers that are hazardous and you want to dispose of them, you must send these wipers to a permitted hazardous waste disposal facility. You CANNOT throw wipers that are classified as hazardous waste in the dumpster with your regular trash.

Wipers Sent for Cleaning

A better option to manage solvent wipers is to send them off-site to a dry cleaner or commercial laundry for cleaning. Under this scenario, Ohio EPA has determined that solvent wipers that will be cleaned and reused are not subject to the hazardous waste regulations, because you are not discarding them. All solvent wipers, whether listed or characteristic, are eligible for this exclusion if the wipers:

- Contain no free liquids; and
- Are sent for cleaning and reuse to either a commercial laundry that is subject to regulation under the Clean Water Act or a dry cleaner.

Ohio's Hazardous Waste Inspections... Is Your Business Prepared?

Each year, Ohio EPA's Division of Hazardous Waste Management conducts hundreds of inspections at companies to see if they are complying with the hazardous waste rules. Many of these inspections are done at small businesses such as printers, manufacturing companies, electroplaters, dry cleaners, auto shops and others.

Although some companies are found in compliance with the regulations, many are found in violation. This is particularly true at small businesses, where it can be difficult to understand what is required and to keep up with the regulations. Some common hazardous waste violations inspectors find include:

- Failure to evaluate all wastes to see if they are hazardous
- Improper management of used oil
- Failure to keep hazardous waste containers closed and in good condition
- Failure to label containers with the words "Hazardous Waste"
- Failure to have inspection logs for hazardous waste containers and emergency equipment
- Failure to post emergency information by the telephone
- Failure to have copies of hazardous waste manifests or shipping papers
- Keeping hazardous waste on-site for longer than the regulations allow

If your business produces hazardous waste, you could be inspected. Are you prepared for an inspection? Do you know if your company is in compliance with the regulations? Knowing which hazardous waste regulations apply to your business is the first step toward compliance.

Compliance Workshops Help Small Businesses Understand Ohio's Hazardous Waste Regulations

Do you know if you are generating any hazardous waste from your business? Are you unsure of whether or not your business is in compliance with the hazardous waste regula-



tions? If you need help, plan to attend one of our FREE compliance workshops. Each workshop covers:

- How to evaluate your wastes to see if they are hazardous;
- The basic requirements for small generators of hazardous waste; and
- How to prepare for a hazardous waste inspection and avoid common problems.

The Small Business Assistance Office (SBAO) and Division of Hazardous Waste Management (DHWM) are working together to bring these workshops to small business owners in the Central Ohio area. To find out more or to register for a workshop, contact the SBAO at (800) 329-7518 or (614) 728-8576. Hurry... space is limited.

Guidance Documents Available from DHWM

The Division of Hazardous Waste Management has the following documents available to help you understand the hazardous waste regulations. Contact (614) 644-2917 for your free copy, or visit their Web site for these and other resources at www.epa.state.oh.us/dhwm/

- (1) Clarification on the Wastewater Treatment Unit Exemption
- (2) Guidance Concerning Contingency Plan Implementation and Incident Reporting
- (3) Guidance on the Location of Satellite Accumulation Areas
- (4) Guidance on Meeting the Closure Performance Standard for Large Quantity Generators of Hazardous Waste
- (5) Managing Hazardous Waste from Dry Cleaning
- (6) Management of Solvent-Contaminated Wipers
- (7) Selecting a TSD Facility to Handle Your Hazardous Waste
- (8) Hazardous Waste Generator Handbook
- (9) Guidance on the Episodic Generation of Hazardous Waste
- (10) Regulatory Status of Generator Treatment of Hazardous Waste
- (11) Ohio Commercial Facilities Accepting Hazardous Waste
- (12) Managing Fluorescent Bulbs and Ballasts
- (13) Universal Waste Rule Fact Sheet
- (14) Handling Solvent Contaminated Wipers Fact Sheet
- (15) Identifying Your Hazardous Waste Fact Sheet

EPA Hazardous Waste Identification Numbers

The EPA identification number is a tracking number assigned by Ohio EPA's Division of Hazardous Waste Management (DHWM) for certain hazardous waste generators as well as other facilities that handle hazardous waste. Many states issue identification numbers. Identification numbers are part of the nationwide effort to track hazardous waste from "cradle to grave."

Who needs an identification number?

All facilities that generate more than 220 pounds (or 100 kgs.) of hazardous waste in a calendar month are required to obtain an EPA identification number. Other hazardous waste activities that need an identification number include hazardous waste transporters, treatment, storage, and disposal facilities (TSDFs) and some used oil handlers.

If my company just generates hazardous waste and it's less than 220 pounds per calendar month, do I need an EPA identification number?

No. If you generate less than 220 pounds per calendar month, you are not required to get an identification number.

HOW do I apply for an EPA identification number?

Contact the Division of Hazardous Waste Management at (614) 644-2917 and request a "Notification of Regulated Waste Activity" booklet (form 8700-12). You also can obtain the form and instructions from DHWM's Web page at www.epa.state.oh.us/dhwm/publications.html.

Are there any fees for obtaining an EPA identification number?

There are no fees for obtaining an EPA identification number.

If my company moves to another location, can I take the EPA identification number to the new location?

No. The EPA identification numbers are site-specific. If you move your business to another location, you should contact DHWM and request that the identification number for the old location be deactivated. If you will be generating hazardous waste at the new location, you need to request a new identification number for this location.

Hazardous Waste Satellite Accumulation Areas

An area where hazardous waste is collected at or near the point of generation is called a "satellite accumulation area." These areas are commonly located near a process line or in areas like a maintenance garage, paint shop or laboratory. The satellite accumulation requirements apply to both small and large quantity hazardous waste generators and are found in Ohio Administrative Code (OAC) rule 3745-52-34(C). To stay in compliance with the satellite area regulations, your company must ensure that:

- The area is at or near the point where the waste is generated and is under the direct control of a person working in that area (e.g., the process operator);
- Each container is marked "Hazardous Waste" or with other words to identify the contents;
- Containers are always closed, unless adding or removing waste;
- Each container is in good condition and is compatible with the materials stored in it.

You must also ensure that the total quantity of waste in the satellite area does not exceed 55-gallons (or 1 quart of an acutely hazardous waste). The 55-gallon limit applies to the total volume of waste collected in the satellite area, not to each individual waste stream. When wastes collected in the satellite area reaches 55 gallons, you must remove the waste from the satellite area to a central accumulation area within three days. At this time, you must also mark the accumulation start date on the drum.

Additional questions about the satellite accumulation requirements can be directed to Ohio EPA's Division of Hazardous Waste Management (DHWM) at (614) 644-2917. You can also call DHWM to get a free copy of the division's "Guidance on the Location of Satellite Accumulation Areas."

Determining Your Generator Status

If you generate hazardous waste from your business, it's important to know your hazardous waste "generator status." It's important because the specific requirements that apply to you depend on the amount of hazardous waste generated at your business in a calendar month. The requirements range from a few rules for the smallest generator to many for a large quantity generator. Hazardous waste generators are divided into three categories: conditionally exempt small quantity generators, small quantity generators and large quantity generators.

Conditionally Exempt Small Quantity Generator:

Generates less than 100 kilograms (kg) or 220 pounds of hazardous waste in a month. This generator status has the fewest requirements.

Small Quantity Generator:

Generates between 100 and 1,000 kg. (or 220 and 2,200 pounds) of hazardous waste in a month. This generator status has additional on-site management, transportation, record keeping, and reporting requirements.

Large Quantity Generator:

Generates more than 1,000 kg. (or 2,200 pounds) of hazardous waste or 1 kg. of acutely hazardous waste in a month. There are numerous requirements that apply to the large quantity generator.

Once you know your generator status, you can determine which specific requirements apply to your business. A summary of some of the major requirements for each generator category is provided.

Generator Category Requirements

CESQG

- Evaluate all wastes to see if they are hazardous.
- Send waste off-site to a permitted hazardous waste disposal facility.

SQG

- Evaluate all wastes to see if they are hazardous.
- Obtain hazardous waste generator identification number.
- Send waste to a permitted hazardous waste disposal facility.
- Comply with waste tracking (manifests, land disposal restriction forms).
- Conduct inspections on containers and emergency equipment.
- Comply with emergency preparedness regulations.
- Properly manage hazardous waste tanks and containers.

LQG

- Evaluate all wastes to see if they are hazardous.
- Obtain hazardous waste generator identification number.
- Send waste to a permitted hazardous waste disposal facility.
- Comply with waste tracking (manifests, land disposal restriction forms).
- Complete annual report.
- Conduct inspections on containers and emergency equipment.
- Comply with emergency preparedness regulations and prepare a contingency plan.
- Implement personnel training program.
- Properly manage hazardous waste tanks and containers.

If you have questions about how to determine your generator status or "count" your hazardous waste, you can contact your local Ohio EPA district office for more help.

Ohio's Hazardous Waste Rules for CESQGs

Conditionally Exempt Small Quantity Generators (CESQGs) are facilities that generate less than 220 pounds (or about 25 gallons) of hazardous waste in a calendar month. Ohio's requirements for CESQGs are in Ohio Administrative Code (OAC) Rule 3745-51-05.

Under this rule, there are two main requirements CESQGs must follow. If you are a CESQG, you are required to evaluate any waste you generate to determine whether it is a hazardous waste. In addition, you must have your hazardous wastes disposed of at a permitted hazardous waste disposal facility.

There is no time limit for how long a CESQG may accumulate hazardous waste on-site; however, if you accumulate more than 2,200 pounds of hazardous waste, you are considered a Small Quantity Generator (SQG) and must have the waste removed from off-site within 180 days. SQG regulations are found in OAC Chapter 3745-52.

While Ohio's regulations are typically equivalent to U.S. EPA's, the CESQG rules are one area where they differ. U.S. EPA's regulations are found in the Code of Federal Regulations (40 CFR) Part 261.5. Under these rules, CESQGs can dispose of hazardous waste at a licensed solid waste disposal facility. Ohio's regulations, however, are different and CESQGs are not allowed to dispose of hazardous waste at a solid waste disposal facility. In Ohio, all hazardous waste from a CESQG must be disposed of at a permitted hazardous waste disposal facility. A CESQG may transport its own hazardous waste to the disposal facility or hire a waste transporter.

For More Help

Central District Office
 (614) 728-3778
 Northeast District Office
 (216) 963-1200
 Northwest District Office
 (419) 352-8461
 Southeast District Office
 (614) 385-8501
 Southwest District Office
 (937) 285-6357

Division of Hazardous Waste
 Regulatory Services Unit
 (614) 644-2917
www.epa.state.oh.us/dhwm/

Ohio EPA
 Small Business Assistance Office
 (800) 329-7518
www.epa.state.oh.us/other/sbao/

SBAO Small Business Assistance Office Ohio EPA

Are you a small business owner? Do you have questions about environmental regulations?

If you need help understanding the regulations and how to comply with them, give us a call at 1-800-329-7518 or 614-728-8573.

Our services are FREE and CONFIDENTIAL



The Small Business Resource

SBAO

Bob Taft, Governor
 Chris Jones, Director

Program Manager:
 Laurie **Stevenson**

Editors:
 Laurie Stevenson, SBAO

Writers:
 Laurie **Stevenson**, SBAO
 Kirk **Nofzinger**, SBAO

Graphics & Layout:
 Pattie **Rhodes-Mehrle**

Ohio EPA is an
 Equal Opportunity Employer

Please direct your comments to:
 Kirk Nofzinger, Ohio EPA, CDO
 Small Business Assistance Office
kirk.nofzinger@epa.state.oh.us

Central Ohio Small Business Assistance Office
 Ohio EPA, Central District Office
 3232 Alum Creek Drive
 Columbus, Ohio 43207-3417