

## Ohio/Federal Program Differences

By Karen Hale

Although Ohio runs a federally authorized hazardous waste program which requires general equivalency with RCRA, there are times when the state & federal programs differ on a particular issue. These differences may be simply because Ohio has yet to adopt a new federal requirement or possibly that Ohio adopted a more stringent requirement as directed by the State's General Assembly. In other situations, Ohio may simply have a different interpretation of a requirement than our federal counterparts. While every effort is made to strive for consistency in state and federal program perspectives, complete equivalency is not always possible for the reasons noted above. This article highlights a few of the notable program differences between the agencies.

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### Hazardous Waste Disposal

As a conditionally exempt small quantity generator (CESQG) in Ohio, one of the few **hazardous waste requirements** you must follow is to make sure your hazardous waste is delivered to a facility permitted to store, treat or dispose of hazardous wastes. Although U.S. EPA allows CESQGs to dispose of their hazardous waste with their regular trash, in Ohio, it is illegal for a CESQG (or any other hazardous waste generator) to do so. This is one of the major regulatory differences between Ohio EPA's hazardous waste rules and U.S. EPA's hazardous waste rules.

### Organic Air Emission Standards - AA, BB, CC

Ohio EPA has not yet adopted a major set of hazardous waste rules that you may be required to comply with under the federal hazardous waste program. The rules are the organic air emission standards for process vents, equipment leaks and tanks, surface impoundments and containers. These rules are often referred to as AA, BB and CC due to their location in the federal hazardous waste rules (40 CFR part 264 subparts **AA**, **BB** and **CC**, and 40 CFR part 265 subparts **AA**, **BB** and **CC**).

The rule requires large quantity generators (LQGs) and owner/operators of treatment, storage and disposal facilities (TSDs) to monitor and control air emission releases from volatile organic hazardous wastes. These requirements do not apply to small quantity generators (SQGs) or CESQGs.

The CC standards impact a large number of TSD facilities and LQGs that generate or manage organic hazardous wastes. If the hazardous waste contains more than 500 ppm volatile organics, the CC standards apply to the management of that waste in containers, tanks and surface impoundments.

### **F006, F019 and other listed wastewater treatment sludges**

Ohio EPA and U.S. EPA differ in their interpretations of the listings for F006 and F019 and the application of the mixture rule. Ohio requires hazardous waste characterization for wastewater treatment sludges from commingled wastewaters. U.S. EPA's interpretation is that wastewater treatment sludges from commingled wastewaters may be listed hazardous waste even if one of the wastewaters is from a process not described in the listing. If you generate wastewater treatment sludges, for example from electroplating or chemical conversion coating of aluminum processes, be aware of U.S. EPA's interpretation, found in U.S. EPA memoranda, dated [September 13, 1999](#) and [November 21, 1994](#). If a facility fails to manage wastewater treatment sludges as hazardous consistent with U.S. EPA's interpretation, it may be subject to federal enforcement.

### **Solvent-Contaminated Rags and Wipers**

Ohio EPA's policy for management of solvent-contaminated rags and wipers differs from U.S. EPA guidance. In Ohio, solvent-contaminated rags and wipers contaminated with a solvent constituent that appears in the listing descriptions for hazardous wastes F001 to F005 are not classified as listed hazardous waste, except in situations where the rag or wiper is used to clean up a spill of listed hazardous waste solvent.

U.S. EPA differentiates whether the solvent contaminated rag or wiper would be a listed hazardous waste based on whether the solvent was placed on the rag or wiper prior to use or sprayed on a surface and wiped off.

Even though Ohio EPA no longer considers solvent-contaminated rags and wipers as listed hazardous waste, if you generate solvent-contaminated rags or wipers and do not have them laundered, you will still need to evaluate this waste stream to determine whether, for purposes of storage, transportation and disposal, they would be a characteristic hazardous waste.

Laundered rags are not regulated, provided they do not contain free liquids and are sent to a commercial laundry subject to regulation under the Clean Water Act or a dry cleaner for cleaning and reuse.

### **Annual Reporting**

In Ohio, LQGs and facilities with a permit to treat, store or dispose of hazardous wastes must file a Hazardous Waste Annual Report (AR) no later than March 1 of each year. The AR summarizes the amount of hazardous waste generated and the management activities conducted at the facility in the previous calendar year. To fulfill the federal biennial report requirement, AR data collected for odd-numbered years are forwarded to U.S. EPA. Facilities do not need to file a separate biennial report.

### **72 hour rule**

Ohio recently adopted a state-specific rule that, if the hazardous wastes are not stored for longer than 72 hours prior to recycling, allows recyclers to store hazardous wastes, generated from off-site facilities, without

a permit. The recycler must meet storage, container management, manifesting, financial assurance, site security, contingency plan and closure requirements.

U.S. EPA does not have an equivalent rule, but the issue has been discussed in letters of interpretation and the *Federal Register*. If certain conditions are met, two other authorized states have rules that allow limited storage, without obtaining a permit, prior to recycling.