Ohio Environmental Protection Agency

Notifier

A Publication of the Division of Hazardous Waste Management

Spring 2010

A Cooperative Approach to RCRA Corrective Action

By Harry Courtright

As noted in the Summer/Fall 2009 issue of the *Notifier*, a facility that at any time has treated, stored or disposed of hazardous waste has an obligation to address any releases of hazardous constituents. This extends to releases of hazardous constituents that may have occurred decades ago, even long before RCRA was enacted.

For those facilities subject to RCRA corrective action, several options are available. If you have a hazardous waste permit or director's final findings and orders, your corrective action requirements will generally be outlined in those documents. If eligibility requirements are met, another way to address corrective action is through the state's Voluntary Action Program (VAP).

Still another option for addressing corrective action is a less formal, cooperative approach between the facility and the Ohio EPA. In this case, efforts are more immediately focused on direct cleanup-related activities and needs rather than on development of detailed orders (addressing site assessment and characterization) and work plans.

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Ask the Inspector

Is my spent non-hazardous citrus solvent an F005-listed hazardous waste?

By Tammy McConnell

Background:
We use a non-hazardous citrus cleaner to clean the paint mixers in our painting operations. Before we use it, the citrus solvent does not contain solvents listed in F001 through F005. However, the paint contains some toluene so the spent citrus cleaner and paint mixture contains toluene. Is the spent citrus now considered an F005-listed hazardous waste?

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this issue

We're Listening…

The *Notifier* is your newsletter, and we want to be sure it is providing you with the information you want and need. We'd like to know what you think about it. Do you have a great idea for an article? Is there a topic you want to hear more about? Please let us know what you think of the newsletter and how we can improve it by taking a couple minutes to fill out our survey. We'll be accepting comments until May 30, 2010.

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This option offers flexibility to adjust to changing conditions that could determine whether it makes more sense to look at the whole site at once or to focus in on certain areas. Building trust, working cooperatively, communicating regularly, focusing on results and being committed to ultimately meet clean-up goals are essential concepts for this type of approach to be successful.

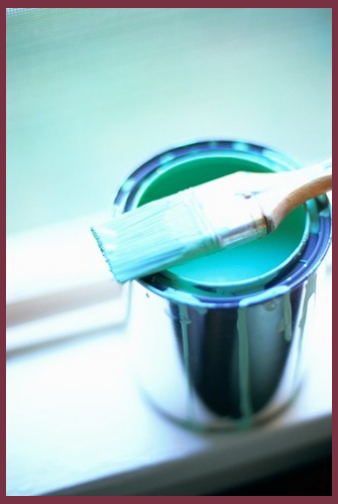
In some cases, a non-binding written agreement between Ohio EPA and facility may be developed to articulate a corrective action approach. A recent example of such an agreement is posted on DHWM's Web site.

The first steps in this process are sharing existing information and ensuring that human exposures are under control. Once it is documented that human exposures are under control (that is, protective of human health for current site use) there is more room for flexibility to determine which additional corrective measure may be needed. Factors such as anticipated future use of the site, funding possibilities, site (re)development options, environmental concerns and other priorities can then be thoughtfully discussed and the site strategy approached accordingly.

After completion of site characterization and possibly some interim remedial activities, the facility and Ohio EPA will determine whether any additional measures are required to meet corrective action goals and requirements. If additional measures are required, there will be a public notice of a statement of basis for the recommended final remedy, followed by an agreed-upon final remedy implementation order. Financial assurance requirements, if applicable, will also be addressed via the implementation orders.

It is important to consider all available options when approaching RCRA corrective action obligations. To discuss available options, contact DHWM clean-up staff in the appropriate Ohio EPA district office.

(Ask the Inspector...Continued from page 1)



Answer:
No. Because the citrus solvent did not contain more than 10 percent toluene before you used it, it is not considered a listed hazardous waste for the toluene content. The F005 solvent listing describes the wastes as being spent solvents that are "spent solvent mixtures/blends containing, before use, a total of 10 per cent or more (by volume)" of toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol and 2-nitropropane. Solvents used as ingredients in product formulations such as paint are not covered in the solvent listings (F001 through F005).

The listed hazardous wastes are found in Ohio Administrative Code (OAC) rules 3745-51-30 through 33. U.S. EPA's *Hazardous Waste Listings*, published in March 2008, may be helpful when determining if a spent solvent is classified as a listed hazardous waste.

When determining if your spent solvents are F-listed wastes, you must look at the constituents that may be present in the waste as well as the process in which the waste was generated. The F001-F005 listings are only for spent solvents used for their ability to solubilize or mobilize other constituents (for example, solvents used in degreasing, cleaning) that become contaminated through that use. The listing does not include solvents that are part of a product (such as paint), reactant or diluents.[1,2] In this case, the toluene is not being used to clean the paint mixers; it is part of a product. Therefore, it is not a listed hazardous waste for one of the F-solvent listings when discarded.[3,4]

Keep in mind that, even if your waste is not an F-listed hazardous waste, you still must evaluate it to determine if it shows a characteristic. You should also be aware that some of the solvents that are in the F001 through F005 listings are also constituents that are listed in the toxicity characteristic in OAC rule 3745-51-24.

1. U.S. Environmental Protection Agency. *Paints Containing Solvents*. Devereaux Barnes. May 5, 1988.
2. U.S. Environmental Protection Agency. *Paint Wastes and the Spent Solvent Listing*. Jacqueline W. Sales. May 20, 1987.
3. U.S. Environmental Protection Agency. Activated Carbon Canisters Used to Collect Solvent Vapors Generated During Paint Application. Matthew Straus. May 2, 1986
4. U.S. Environmental Protection Agency. *Solvent-Contaminated Wastestreams From a Pharmaceutical Manufacturer*. Devereaux Barnes. December 6,1988

Your Data at Work...How Annual Reports Contribute to Environmental Protection

By Paula Canter

Since 1981, Large Quantity Generators (LQGs) and Treatment, Storage or Disposal Facilities (TSDF) in Ohio have been required to submit an annual Hazardous Waste Report to Ohio EPA. Those of you who complete these reports, some of which are quite large, may have wondered exactly what Ohio and U.S. EPA does with them. The state and federal government use this report, which contains information about hazardous waste generation and management, for RCRA program administration and analysis.

All the reports are stored in a historical database where they can be accessed by DHWM staff. To fulfill the biennial report requirement, Ohio EPA forwards statewide data from odd-numbered years to U.S. EPA.

To ensure sound decision-making, DHWM's annual report coordinator reviews each report and runs data validations to catch known or suspected errors and to help ensure the quality of the information submitted. For example, the coordinator may compare what a facility reports shipping to an Ohio TSDF and what the TSDF reported receiving. If significant discrepancies are found, the coordinator contacts the generator and/or TSDF to help resolve the issue.

Compliance

Ohio EPA and U.S. EPA staff members often use a facility's report to help prepare for inspections and promote waste minimization activities tailored to that particular company's waste streams.

DHWM staff members use report data to verify that receiving facilities are paying the correct monthly fee amount based on tonnage.

Potential mismanagement of hazardous waste can be identified and prevented by examining the on-site or off-site management method code information.

Remedial Activities

Just as a RCRA EPA ID is never deleted, neither are the reports. Other than the waste codes provided on notification forms, the report is the only means Ohio EPA has to obtain historical waste generation and management information. The site-specific RCRA EPA ID ties any subsequent site occupants to that same location.

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Weight of Containers - To Include or Not To Include and How Do I Find Out?

By Marie Jarden

When determining your generator status, have you ever wondered if you should include the weight of your containers? The short answer is no. Since many people have the same question, U.S. EPA posted more information on the RCRA Online database (RCRA Online #12151). In the posted answer, U.S. EPA explains that while the weight of the container is not required to be included when making weight determinations for generator status, the weight might be included on the manifest because transporters charge based on total weight of the shipment.

Your generator status determines the requirements you are subject to, which is why it's important to properly count the amount of hazardous waste you generate. DHWM's Generator Requirements Web page includes a chart that will help you determine your generator status and links to other relevant guidance documents.

RCRA Online is a helpful tool to see what U.S. EPA has said in the past on regulatory interpretations and to find official statements on the rules. Ohio EPA's Answer Place is a good resource for Ohio-related information. If you can't find what you're looking for, or if you just aren't sure what you need, you can always contact DHWM's Regulatory Services Unit for more information.

(Annual Reports….Continued from page 3)

If a company goes out of business and there is interest in redevelopment, reports provide a record of possible contaminants. A current example of this use is the proposed redevelopment of the former Delphi facility in west Columbus. Immediately after the proposed purchase was announced, the developer requested the data for site assessment purposes.

The reverse situation is also true. If contamination is found but the source is uncertain, geographically linked report data may identify potential generators who handled the type of waste causing the contamination.

Program Administration

The list of reporting facilities helps DHWM determine the number of LQGs in Ohio, which in turn is used for budgeting, allocating resources and targeting initiatives. Each LQG must be inspected once every five years. The number of LQGs has decreased significantly over the years, from 1,500 in 1990 to approximately 900 in 2008.

Source code data from reports provide information on the processes or sources of waste generated. This can be used to develop waste minimization programs and inspection initiatives with the goal of decreased waste generation and better management.

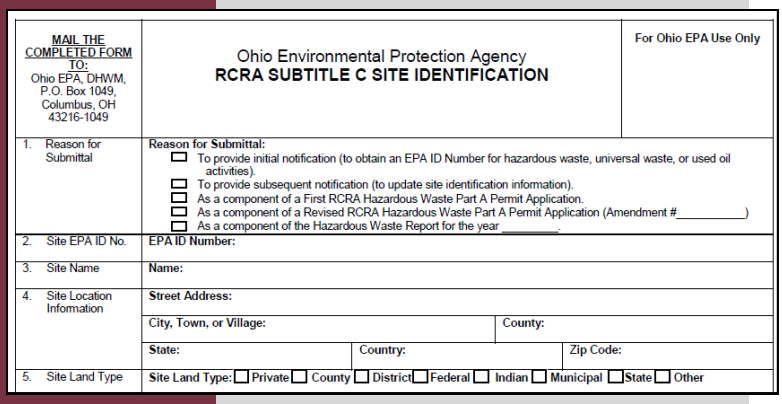
Several elements of the report can be used to determine the impact of proposed state or federal rules, or to target companies that might be interested in learning about them. The NAICS code provides industry type classifications. Waste codes, form codes, management method codes and the waste description all can be analyzed to focus on specific facilities that could be impacted by a proposed rule.

Recently, U.S. EPA used national report data for trend forecasting and waste codes and management method information to identify facilities that generate, but are not currently recycling, solvents and electric arc furnace dust (K061). At 36 percent, the latter was the largest national category of process-related non-wastewaters managed off-site in 2007.U.S. EPA is examining the various factors that influence whether or not a waste is recycled and will develop strategies toward a goal of an increased recycling rate.

U.S. EPA publishes national statistics based on report data biennially. Ohio consistently ranks among the top states for hazardous waste generation and management. The most recent analysis is for 2007.The 2009 national report should be available in December 2010. If you have questions about the reports, please contact Paula Canter or Mary Ann Silagy at (614) 644-2917.

Revisions to Site ID Form

A revised version of the Site ID Form for notification of regulated waste activity was implemented effective March 15, 2010. You can now fill in and print the form using your computer. The form and revised instructions are available at DHWM's RCRA notification Web page. Please use the revised version for new and updated notifications.



MAIL THE COMPLETED FORM TO: Ohio EPA, DHWM, P.O. Box 1049, Columbus, OH 43216-1049	Ohio Environmental Protection Agency **RCRA SUBTITLE C SITE IDENTIFICATION**	For Ohio EPA Use Only
1. Reason for Submittal	**Reason for Submittal:** ☐ To provide initial notification (to obtain an EPA ID Number for hazardous waste, universal waste, or used oil activities). ☐ To provide subsequent notification (to update site identification information). ☐ As a component of a First RCRA Hazardous Waste Part A Permit Application. ☐ As a component of a Revised RCRA Hazardous Waste Part A Permit Application (Amendment #_____) ☐ As a component of the Hazardous Waste Report for the year _____.	
2. Site EPA ID No.	**EPA ID Number:**	
3. Site Name	**Name:**	
4. Site Location Information	**Street Address:**	
	City, Town, or Village:	**County:**
	State:	**Country:** **Zip Code:**
5. Site Land Type	**Site Land Type:** ☐ Private ☐ County ☐ District ☐ Federal ☐ Indian ☐ Municipal ☐ State ☐ Other	

Import/Export Rule Revision

By Tammy McConnell

U.S. EPA is strengthening the regulations that govern the shipping of hazardous waste for recycling between the United States and other countries. The new measures are meant to increase the level of regulatory oversight and provide stricter controls. The final rule, announced January 8, 2010, aligns U.S. EPA's hazardous waste import/ export/transit shipment regulations with

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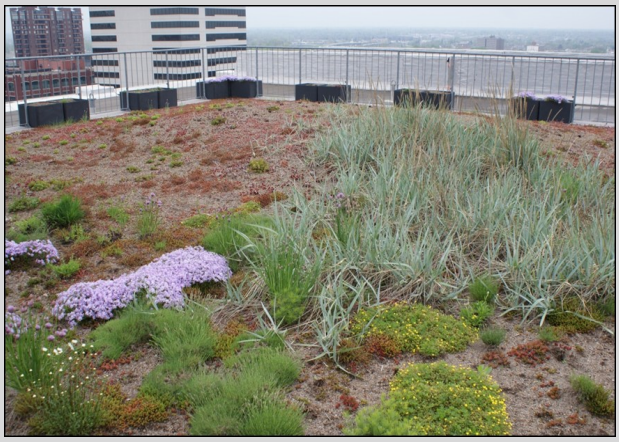
the procedures of the Organization for Economic Cooperation and Development (OECD), an international consortium comprised of 30 countries, including the United States. The final rule is effective July 7, 2010.

The revisions affect anyone who exports or imports hazardous or universal waste or who exports spent lead-acid batteries destined for recovery operations in OECD -member countries, except for Mexico and Canada. Any trans-boundary movement of hazardous wastes between the United States and either Mexico or Canada will continue to be governed (or addressed) by their respective bilateral agreements and applicable regulations.

The revisions establish notice and consent requirements for spent lead-acid batteries intended for reclamation in a OECD -member country; specify that all exception reports concerning hazardous waste export be sent to the International Compliance and Assurance division in the Office of Enforcement and Compliance Assurance's Office of Federal Activities in Washington, DC; and require U.S. receiving facilities to match U.S. EPA-provided import consent documentation to incoming hazardous waste import shipments and to submit to U.S. EPA a copy of the matched import consent documentation and RCRA hazardous waste manifest for each import shipment.

Although you must comply with this rule, the exercise of foreign relations and international commerce powers is reserved to the federal government under the Constitution. Therefore, Ohio EPA will not be adopting this federal rule revision. For more information regarding this rule revision or a list of potentially affected entities, please refer to the January 8, 2010 *Federal Register*/Vol. 75, No. 5 (1236).

Notifier Sports a New Look



As mentioned on page one, we are working to improve the *Notifier* to better meet your needs. Part of that improvement includes development of this new layout. The new layout should lend itself more easily to online viewing. A significant element of the new layout is the cover image. The picture captures part of the roof garden at the Lazarus Building, home to Ohio EPA's Central and Central District Offices. The roof garden, which was created as part of renovations to the building, sits right above DHWM. The garden was created for environmental and economical reasons, including reduction in heating and cooling costs, storm water management, habitat replacement for wildlife and noise reduction. We felt the roof garden was an appropriate Ohio-based representation of the balance between environmental and economic concerns required for sound environmental protection. Here's more information on the renovation of the Lazarus Building. If you would like to arrange a tour of the garden, contact Robert Turrin at Ohio Equities at rturrin@ohioequities.com or (614) 221-1314.

The *Notifier*

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