

3745-270-01

Purpose, scope, and applicability - land disposal restrictions.

- (A) Chapter 3745-270 of the Administrative Code identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.
- (B) Except as specifically provided otherwise in Chapter 3745-270 or 3745-51 of the Administrative Code, ~~the requirements of Chapter 3745-270 of the Administrative Code apply~~ applies to persons who generate or transport hazardous waste and owners and operators of hazardous waste treatment, storage, and disposal facilities.
- (C) Restricted wastes may continue to be land disposed as follows:
- (1) Where persons have been granted an extension to the effective date of a prohibition under rules 3745-270-20 to 3745-270-39 of the Administrative Code, or pursuant to rule 3745-270-05 of the Administrative Code, with respect to those wastes covered by the extension~~;~~.
 - (2) Where persons have been granted an exemption from a prohibition pursuant to a petition under rule 3745-270-06 of the Administrative Code, with respect to those wastes and units covered by the exemption~~;~~.
 - (3) Wastes that are hazardous only because they exhibit a hazardous characteristic, and which are otherwise prohibited from land disposal under Chapter 3745-270 of the Administrative Code, or 40 CFR Part 148, are not prohibited from land disposal if the wastes meet the following criteria:
 - (a) Are disposed into a nonhazardous or hazardous injection well as described in 40 CFR 144.6(a)~~; and~~.
 - (b) Do not exhibit any prohibited characteristic of hazardous waste identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code at the point of injection.
 - (4) Wastes that are hazardous only because ~~they~~ the wastes exhibit a hazardous characteristic, and which are otherwise prohibited by Chapter 3745-270 of the Administrative Code, are not prohibited if the wastes meet any of the following criteria, unless the wastes are subject to a specified method of treatment other than DEACT in rule 3745-270-40 of the Administrative Code, or are D003 reactive cyanide:
 - (a) The wastes are managed in a treatment system which subsequently discharges to waters of the United States pursuant to a permit issued under Section 402 of the Clean Water Act (CWA); or

- (b) The wastes are treated for the purposes of the pretreatment requirements of Section 307 of the CWA; or
 - (c) The wastes are managed in a zero discharge system engaged in "CWA-equivalent treatment" as defined in paragraph (A) of rule 3745-270-37 of the Administrative Code; and
 - (d) The wastes no longer exhibit a prohibited characteristic at the point of land disposal (i.e., placement in a surface impoundment).
- (D) ~~The requirements of Chapter 3745-270 of the Administrative Code do~~ does not affect the availability of a waiver under Section 121(d)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601 ~~et seq.~~ (CERCLA).
- (E) The following hazardous wastes are not subject to any provision of Chapter 3745-270 of the Administrative Code:
- (1) Waste generated by small quantity generators of less than one hundred kilograms of non-acute hazardous waste per month or less than one kilogram of acute hazardous waste per month, as described in rule 3745-51-05 of the Administrative Code_;
 - (2) Waste pesticides that a farmer disposes of pursuant to rule 3745-52-70 of the Administrative Code_;
 - (3) Wastes identified or listed as hazardous after November 8, 1984 for which Ohio EPA has not promulgated land disposal prohibitions or treatment standards_;
 - (4) De minimis losses of characteristic wastes to wastewaters are not considered to be prohibited wastes and are defined as losses from normal material handling operations (e.g. spills from the unloading or transfer of materials from bins or other containers; leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; and relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; rinsate from empty containers or from containers that are rendered empty by that rinsing; and laboratory wastes not exceeding one per cent of the total flow of wastewater into the facility's headworks on an annual basis, or with a combined annualized average concentration not exceeding one part per million in the headworks of the facility's wastewater treatment or pretreatment facility.

(F) "Universal waste handlers" and "universal waste transporters" (as defined in rule 3745-50-10 of the Administrative Code) are exempt from rules 3745-270-07 and 3745-270-50 of the Administrative Code for the wastes listed in paragraphs (F)(1) to (F)(4) and (F)(5) of this rule. These handlers and transporters are subject to regulation under Chapter 3745-273 of the Administrative Code when handling the following universal wastes:

- (1) Batteries as described in rule 3745-273-02 of the Administrative Code; ~~and~~
- (2) Pesticides as described in rule 3745-273-03 of the Administrative Code; ~~and~~
- (3) Mercury-containing equipment as described in rule 3745-273-04 of the Administrative Code; ~~and~~
- (4) Lamps as described in rule 3745-273-05 of the Administrative Code.
- (5) Ohio-specific universal wastes, which include the following.

(a) Aerosol containers as described in paragraph (A) of rule 3745-273-89 of the Administrative Code.

(b) Antifreeze as described in paragraph (B) of rule 3745-273-89 of the Administrative Code.

(c) Paint and paint-related waste as described in paragraph (C) of rule 3745-273-89 of the Administrative Code.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

Effective: 12/21/2017
Five Year Review (FYR) Dates: 9/11/2017 and 12/21/2022

CERTIFIED ELECTRONICALLY

Certification

12/08/2017

Date

Promulgated Under: 119.03
Statutory Authority: 3734.12
Rule Amplifies: 3734.12
Prior Effective Dates: 12/30/1989, 02/11/1992, 09/02/1997, 12/07/2000,
12/07/2004, 02/16/2009, 09/05/2010, 3/17/2012