



Violations Most Frequently Cited by Division of Hazardous Waste Management Inspectors

THIS POLICY DOES NOT HAVE THE FORCE OF LAW

Hazardous Waste

According to data collected from December 2002 through November 2004, the violations most frequently cited by hazardous waste inspectors include requirements concerning hazardous waste determination, annual reports, container management, emergency equipment inspections and used oil storage. To learn how to avoid these common violations, click on the appropriate link provided below or scroll down to read all.

[Waste Determination](#)

[Bi-Annual Reports](#)

[Container Management](#)

[Testing and Maintenance of
Equipment](#)

[Used Oil Labeling/Storage](#)

Note: The indexed violations are not listed by severity or frequency of findings. This is not a comprehensive list of all the requirements that hazardous waste inspectors look for while conducting inspections.

Waste Determination - OAC rule 3745-52-11

Generators are commonly cited for not evaluating their waste properly. Under Ohio EPA's regulations, all wastes generated from a business must be evaluated to determine if they are hazardous before disposal. If you have a material that can no longer be used, it is considered a waste. Ohio Administrative Code (OAC) rule [3745-51-03](#) provides you with step-by-step instructions to properly evaluate your waste.

The first step is determining if your waste is excluded from regulation under OAC rule [3745-51-04](#). If your waste is not excluded, it may be considered a listed hazardous waste if it appears on one of the three lists of hazardous wastes in OAC rules [3745-51-30 to 3745-51-33](#). If your waste is not a listed hazardous waste, it could still be considered a hazardous waste if it displays any of the four characteristics (ignitability, corrosivity, reactivity and toxicity) detailed in OAC rules [3745-51-20 to 3745-51-24](#).

One of the more common items that inspectors see in a solid waste dumpster are lamps. As with any waste you generate, you must properly evaluate your lamps to determine if they are hazardous prior to disposal. Lamps can be hazardous due to levels of mercury which exceed the toxicity characteristic threshold (see Table 1 in OAC rule [3745-51-24](#)). To find out more about proper lamp management, see our guidance titled, [Universal Waste Rules for Handlers of Lamps](#).

To learn more about how to properly evaluate your waste, see Ohio EPA's fact sheet entitled, [Identifying Your Hazardous Waste](#) or visit [Answer Place](#) and the [Publications Catalogue](#).

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Bi-Annual Reports - OAC rule 3745-52-41

Bi-annual reports provide Ohio EPA and U.S. EPA with an understanding of hazardous waste generation, management and waste minimization activities in Ohio. Bi-annual reports also provide data to be used for public education and compliance assurance efforts. You are required to file an annual report if your business reached large quantity generator (LQG) status at any time in the calendar year.

LQGs are most commonly cited for failure to submit a bi-annual report by March 1st of the following year. You should report only the hazardous wastes that count towards the determination of your generator status. This includes wastes that are generated accumulated and subsequently managed onsite or shipped offsite. Ohio EPA's [bi-annual report instructions and forms](#) are available on our [Website](#). If after reading through the instructions you have specific questions concerning the proper completion of your annual reports, please contact the Information Resources Management Section at 614-644-2621.

If a site was a Large Quantity Generator in one or more calendar months of an odd-numbered year they are required to file a Hazardous Waste Report (HWR). A Large Quantity Generator is a site that generates 2200 or more pounds of hazardous waste in a calendar month (or 2.2 pounds or more of acute hazardous waste). The HWR is due no later than March 1 of the following even-numbered year and covers all hazardous waste activities conducted in the previous calendar year.

Container Management - OAC rules 3745-66-73 and 3745-66-74

According to OAC rule [3745-66-73](#), you must keep your containers that are holding hazardous waste closed while in storage except when it is necessary to add or remove hazardous waste. In addition, you must ensure that such containers are not opened, handled or stored in a manner which may rupture the container or cause it to leak. For more information on the closed container requirements, see our guidance document titled, [Closed Containers](#).

OAC rule [3745-66-74](#) states that you must inspect areas where containers holding hazardous waste are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. For example, if your container storage area inspection cannot be completed by the seventh day, then you must conduct it earlier within that week. Regardless of how often you wish to conduct your inspections, you must inspect your container storage areas at least once in a seven day period.

OAC rule [3745-66-74](#) also states that you must record your container storage area inspections in a log or summary. Ohio EPA has developed an [inspection log for small quantity generators](#) and an [inspection log for large quantity generators](#) that you can use to comply with this rule

Note: While Ohio's hazardous waste container management requirements only apply to small and large quantity generators of hazardous waste, Ohio EPA encourages all hazardous waste generators to follow these preventative measures.

Testing and Maintenance of Equipment - OAC rule 3745-65-33

It may be helpful to have a copy of the manufacturer's suggested maintenance schedule available when inspected.

Small and large quantity generators of hazardous waste must comply with this rule. This rule states that all facility communications or alarm systems, fire protection equipment, spill control equipment and decontamination equipment, where required, must be tested and maintained **as necessary** to ensure its proper operation in time of emergency. For example, if the manufacturer of a fire extinguisher requires you to test it once every

six months to determine if it is operating correctly, then testing once every six months would meet the requirement of this rule. In addition to testing and maintaining your emergency equipment according to the manufacturer's specifications,

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you must record these inspections in a log or summary. Ohio EPA has developed an emergency equipment *inspection log* that you can use to comply with this rule.

Used Oil Storage - OAC rule 3745-279-22

Used oil generators are most commonly cited for not properly labeling their containers, aboveground tanks and fill pipes with the words, "Used Oil." Fill pipes are pipes used to transfer used oil into underground storage unit tanks.

According to OAC rule *3745-279-22*, used oil generators must store their used oil in containers or tanks; ensure the containers and tanks are in good condition (no severe rusting) and are not leaking; label or clearly mark the containers, aboveground tanks and fill pipes with the words, "Used Oil;" and respond to releases of used oil.

Note: Used oil containers include those which collect drippings from equipment or machinery.

Do Not label your used oil containers with the words, "Waste Oil" or "Hazardous Waste."

To learn more about used oil requirements, see the used oil page which includes *guidance documents* on the subject.

Contact

If you have questions that aren't answered in this guidance, please contact the Hazardous Waste Compliance and Inspection Support Unit of the *Division of Materials and Waste Management* at 614-644-2621.