Based on 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
Biennial - Reports
Container Management
Testing and Maintenance of Equipment
Used Oil Labeling/Storage

Note: The violations listed are not 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 systematic 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.
Violations Most Frequently Cited

Biennial Reports - OAC rule 3745-52-41

Biennial reports provide Ohio EPA and U.S. EPA with an understanding of hazardous waste generation, management and waste minimization activities in Ohio. Biennial 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 biennial 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 biennial report instructions and forms are available on our Website. If after reading the instructions you have questions concerning the proper completion of your annual reports, please contact the Information Resources Management Section at 614-644-2924.

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. Treatment, Storage, and Disposal Facilities are also required to submit an HWR. The data in the reports is reviewed by Ohio EPA and forwarded to U.S. EPA in fulfillment of the Biennial Report requirement.

Electronic filers use the eDRUMS web-based Hazardous Waste Report Service through Ohio EPA's eBusiness Center. Filing electronically saves time and prevents common errors. Edit checks help the user submit a higher quality report than if it is completed on paper. This helps to cut down on errors which may result in violations that can cause a facility to fall out of compliance. For more information on filing using the eBusiness Center website please consult the "Filing Electronic" link under the “Resources” tab below.

A Hazardous Waste Report is not required for calendar year 2016. The next report will be for calendar year 2017, due March 1, 2018. To receive reminders, sign up to receive report-related emails on the Ohio EPA Information Subscription Page.

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 are stored, at least once during the period from Sunday to Saturday, looking for leaks and for deterioration caused by corrosion or other factors. For example, if your container storage area inspection is conducted on Monday, but the first Monday in September is a holiday, then you may conduct the inspection on any day of that week up to Saturday to remain in compliance. Ohio EPA recommends that you should maintain a regularly scheduled inspection day early in

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.
Violations Most Frequently Cited

the week. If there is a reason it cannot be conducted on that day, you may want to conduct the inspection on the next work day provided you conduct one inspection at least once during the period from Sunday to Saturday.

OAC rule 3745-66-74 also states that you must record your container storage area inspections in a log or summary. At the end of the year you should have recorded in a log or summary 52 weekly inspections. 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.

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

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 per the manufacturer’s specifications, 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. 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 Environmental Response and Revitalization at 614-644-2924.

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

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."