



State of Ohio Environmental Protection Agency

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November 7, 2002

Dear Ohio Hazardous Waste Generator:

Recently, we have seen numerous instances where businesses have failed to determine if the waste they generate is a hazardous waste. These failures to properly evaluate waste resulted in the improper management and disposal of both characteristic and listed hazardous waste at solid waste landfills. This has resulted in the imposition of penalties and, in most cases, has required the costly excavation of the improperly disposed waste. Therefore, it is imperative that you make sure your business is evaluating its waste properly.

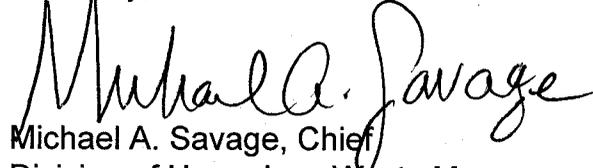
The proper method for evaluating waste is explained in Ohio Administrative Code rule 3745-52-11. If you are a Treatment, Storage or Disposal facility, you may also have additional requirements in your waste analysis plan.

We included an article about waste evaluation in the Summer 2002 edition of our Division newsletter, the *Ohio Hazardous Waste Notifier*. You can access the newsletter at <http://www.epa.state.oh.us/dhwm/pdf/Summer2002Notifier.pdf>. I've also attached a copy of the article to this letter. 

Ohio EPA has changed their Web site. The new address is:
www.epa.ohio.gov/portals/32/pdf/Summer2002Notifier.pdf

If you have any questions about how to properly evaluate your waste, or for any questions about Ohio's hazardous waste rules, you can call our Regulatory Services Unit for help at 614/644-2917.

Sincerely,



Michael A. Savage, Chief
Division of Hazardous Waste Management

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Attachment

Bob Taft, Governor
Maureen O'Connor, Lieutenant Governor
Christopher Jones, Director

HOW DO I KNOW THAT I'VE ADEQUATELY EVALUATED MY WASTE?

If you are going to discard any material from your business, Ohio Administrative Code (OAC) rule 3745-52-11 requires you to determine if the waste is a hazardous waste. As the generator, you are in the best position to evaluate the waste because you have knowledge of the manufacturing activity and the raw materials used in the process that generated the waste.

The waste evaluation rule provides step-by-step instructions on how to evaluate your waste. These include:

1. Determining if your hazardous waste is excluded from regulation as defined by OAC rule 3745-51-04. To determine if your hazardous waste is an excluded hazardous waste, you need to compare your hazardous waste to the descriptions found in OAC rule 3745-51-04. For example, shredded circuit boards being recycled are excluded provided they are free of mercury switches, mercury relays, nickel-cadmium batteries and lithium batteries, and they are stored in a manner consistent with the management requirements of the rule.
2. Determining if the waste is defined as a listed hazardous waste in OAC rules 3745-51-30 to 3745-51-33. U.S. EPA has identified certain materials to be "listed" hazardous waste. To determine if your waste is a listed waste, you need to review the list of hazardous wastes found in OAC rules 3745-51-31 to 3745-51-33. For example, if your waste consists of spent cyanide plating bath solutions from electroplating operations, your waste would meet the listing description for "F007" hazardous waste.
3. Determining if the waste exhibits a hazardous characteristic identified in OAC rules 3745-51-21 to 3745-51-24, if the criteria above do not apply. You can determine if your waste exhibits a characteristic of a hazardous waste using either knowledge of the hazardous characteristic in light of the process activity and raw materials used, or by analyzing a representative sample of the waste. When you choose to analyze the waste, the analysis must be done according to the methods found in OAC rules 3745-51-20 to 3745-51-24. You could choose to use a combination of generator knowledge and laboratory analysis by determining which hazardous waste characteristics the waste could not exhibit, then sampling and analyzing the waste for the hazardous waste characteristics that could be present. Whether you use knowledge or analysis to evaluate the waste, you must maintain documentation to support your claim that the waste is nonhazardous. Examples of documentation when you use knowledge can include material safety data sheets (MSDS) and product information for process materials.

OAC rule 3745-52-40(C) requires that you maintain records to document a waste evaluation for three years from the date you manifest the waste off site. You may be asked during a hazardous waste inspection to produce this documentation.

Failure to accurately evaluate your waste is considered to be a violation of OAC rule 3745-52-11. If you have concerns about your waste evaluation, Ohio EPA is available to help you. Discuss it with your district office inspector, or contact the Regulatory and Information Services Section at (614) 644-2917.