

## Ohio Hazardous Waste

# Notifier

A Publication of Ohio EPA, Division of Hazardous Waste Management

## Frequently Asked Questions

by **Tammy McConnell**

The Division of Hazardous Waste Management's (DHWM) regulatory services staff receive a lot of phone calls each day inquiring about the hazardous waste regulations. These phone calls are mostly from the regulated community wondering if their waste is hazardous and, if so, how should the hazardous waste be disposed. The most frequently asked questions are regarding *waste evaluation*, *disposal of fluorescent lamps*, and how to manage *used oil*. This article answers these questions and explains what responsibilities you have as a generator.

### Waste Evaluation

The number one question we get asked from businesses is either how to dispose of a specific waste or if their waste is hazardous. In addition, the number one violation cited during inspections is the violation of *Ohio Administrative Code (OAC) rule 3745-52-11*, Hazardous Waste Determination. This rule requires any person who generates a waste, as defined in *OAC rule 3745-51-02*, to determine if that waste is a hazardous waste, and it provides a step-by-step procedure for evaluating your waste.

The first step in *evaluating* your waste is to determine if your waste is excluded according to *OAC rule 3745-51-04*. For instance, if the waste is from a household, it is not considered a hazardous waste. The second step in the waste evaluation process is to determine if your waste is listed. Certain wastes are hazardous wastes because they are on the lists in DHWM's rules. If your waste is on one of those lists, then you do not need to do additional analysis. However, if your waste is not listed, you must then decide if the waste has a *characteristic of hazardous waste*. Keep in mind that a listed hazardous waste might also show another characteristic of hazardous waste for which it was not listed. There are four categories of characteristic hazardous wastes: *ignitable*, *corrosive*, *reactive* and *toxic*. Each rule explains how to determine if a waste would fall under that particular category. Some include specific analytical methods and measurable criteria that define a waste as a hazardous waste.

The characteristic determination can also be made by *generator knowledge*. If you determine that the waste stream is hazardous and it is destined for disposal, you must send it to a *permitted hazardous waste facility* and cannot throw it into a solid waste dumpster.



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In addition, you must comply with OAC Chapter [3745-52](#) for any other generator requirements that may apply depending on your *generator category*.

Ohio EPA strongly encourages *recycling* whenever possible. There are certain materials that would fall under the hazardous waste category if disposed but would no longer be considered a waste if recycled. This is explained in OAC rule [3745-51-02\(E\)](#). For more information on recycling, check out the article [Keys to Off-site Recycling of Hazardous Waste](#).

### Fluorescent lamps (bulbs)

Fluorescent lamps and other hazardous lamps are one of the four categories of wastes that fall under the *universal waste rules*. Hazardous batteries, certain recalled pesticides and mercury thermostats are the other wastes that are universal wastes. *Universal wastes* (UW) are specific hazardous waste streams that many businesses and homeowners generate. Under the UW rules, generators can manage their UW in a less burdensome manner. For example, you do not have to evaluate them, use a hazardous waste manifest or count them as hazardous waste. If you choose to handle your lamps under the UW rules, you can find a UW handler on our [Web site](#).

Because all fluorescent lamps contain mercury, we suggest that you send your bulbs for recycling. If you don't recycle your bulbs, you must evaluate them to determine if they are hazardous waste. According to OAC rule [3745-52-11](#), it is the generator's responsibility to evaluate all waste streams before disposal to determine if the waste is hazardous. This determination can be made by *laboratory analysis or generator knowledge*.

If you determine that the lamps are hazardous and they are destined for disposal, they must be sent to a *permitted hazardous waste facility* and cannot be thrown into a solid waste dumpster. In addition, see OAC Chapter [3745-52](#) for all other generator requirements for management of hazardous waste lamps.

If you determine your lamps are not hazardous, you may manage them as solid waste. However, since all fluorescent lamps contain mercury and are recyclable, we recommend recycling them even though recycling is not required. Please read the [Fluorescent Lamps: What You Should Know guidance document](#).



### Used Oil

Used oil must be managed under regulations that were developed specifically for used oil. Ohio's used oil regulations are located in OAC Chapter [3745-279](#). They include rules for used oil *generators, transporters, burners, marketers, household do-it-yourselfers* and *used oil collection centers*. A summary of specific requirements for each of these activities can be found on our [Used Oil Requirements Summary Table](#).

The used oil regulations presume that the used oil will be recycled by being incorporated into a fuel or being refined to produce a product such as lube oil.

When someone determines that used oil cannot be recycled and must be disposed, they must evaluate it to determine if it is a hazardous waste and properly manage it. For a material to be considered used oil, it must be an oil that is petroleum-based or synthetic and through use has been contaminated with physical or chemical impurities. Oils used as lubricants, hydraulic fluid, coolant, or cutting fluid or as buoyant material can become used oil, for example.

If you have further questions regarding any hazardous waste issues, please feel free to contact the Regulatory Services Unit at (614) 644-2917 or check out our on-line tool, [the Answer Place](#).



# Do You Know Where Your Hazardous Waste Is?

by Jeff Mayhugh

DHWM recently adopted the new manifest rules. New information that the receiving facility is required to fill in on the manifest is the hazardous waste report management method code. The hazardous waste report management method code is to be entered by the first treatment, storage, or disposal facility (TSDF) that receives the waste and is the code that best describes the way in which the waste is to be managed when received by the TSDF.

The facility you send your hazardous waste to may only store it before they send it on to another facility for treatment, disposal or recycling. Management codes S01 through S06 or S99 in item 36 on the manifest returned from the TSDF indicate that the most appropriate code for management at the facility was storage of your waste.

The facility might also re-characterize the waste after they receive it and make decisions about its disposition based on their own characterization. It is important that you know what the ultimate disposition of your hazardous waste is.

Here are a couple examples of the importance of knowing what's happening to your waste:

- Even though you determined your waste is an ignitable solid, the initial TSDF may determine that it does not exhibit that characteristic without treating it. They may send it on to a solid waste landfill after designating it as non-hazardous. This may be illegal disposal, subjecting you to liability.
- The initial TSDF finds another company who can use your hazardous waste without first reclaiming it. In this case, your hazardous waste was never a waste to begin with and you could have saved costs by handling it in a different manner.

In either of these situations, the facility is not required by rule to notify you before making these decisions.

You should become familiar with what the facility who takes your hazardous waste does with it. It may save you money with disposal costs and may limit your future liability. If you want your waste managed in a specific way, you may need to have a contractual agreement with the facility.

If you have further questions, please contact the Regulatory Services Unit at (614) 644-2917. 

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## Do I Have Responsibilities if I Acquire a Facility Subject to Ohio EPA's Cessation of Regulated Operations (CRO) Program?

by Ralph McGinnis

Whenever you acquire property, you may assume certain liabilities. As with many environmental laws, your risk of liabilities may increase if the previous owner or operator did not comply with certain environmental laws. For this reason, it is important to perform environmental due diligence before you acquire a property.

The *Cessation of Regulated Operations* (CRO) law requires an owner or operator of a reporting facility to comply with certain requirements if regulated operations are discontinued or terminated. The CRO law applies to facilities where companies are required to submit hazardous chemical reports to the *State Emergency Response Commission*.

If you acquire a subject facility where regulated operations remain ceased and the previous owner or operator did not complete required activities, you may have assumed certain liabilities under the CRO program. You may need to complete the outstanding requirements.

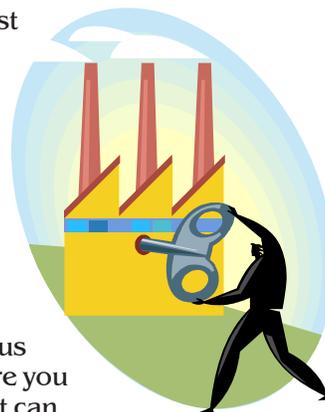
For more information about the CRO program, the *Winter 2007 Notifier* has an article explaining the law and your requirements. You may contact Ralph McGinnis or Julia Zhang at (614) 644-2917 with questions 



# Keys to Off-site Recycling of Hazardous Waste

by Marie Jarden

Perhaps the article [Going Green and Saving Some Green](#) in our last edition of the *Notifier* got you interested in recycling your hazardous waste. When planning to recycle hazardous materials, you should do some research first. Here are a few questions your company should be asking.



## Is it hazardous waste and how should it be managed?

Some materials maintain the hazardous waste status when recycled, and some do not. This is probably one of the most complicated questions generators need to address when it comes to hazardous waste. It's important to determine how a material is regulated to ensure you manage it properly and cost effectively, and you send it to a facility that can accept it. This depends on what the material is, who created it, how it was created and what the ultimate use of the material is.

*Ohio Administrative Code (OAC) 3745-52-11* explains the process for hazardous waste determination. In the first step, and perhaps the most important, a generator must determine if a material is indeed a waste under *OAC 3745-51-02*. Next, determine if the waste is excluded under *OAC 3745-51-04*. Finally, if you've determined that your waste is hazardous, as explained in the [Waste Characterization section of the Frequently Asked Questions article](#), it still might be exempt from regulation or subject to special regulations under *3745-51-06*.

Our rules have many exemptions and exceptions and can be confusing. But there are many tools out there to help you.

- You can find Ohio's [hazardous waste rules on-line](#).
- DHWM has a [regulatory support section](#) that can assist you. You can contact us at (614) 644-2917 for help with Ohio's hazardous waste rules. We ask that you have all information readily available about how you'll be recycling your hazardous waste and what the ultimate use of the reclaimed product will be.
- Ohio EPA has resources such as [Answer Place](#) and our [guidance documents](#) to help you understand our rules.
- The [Hazardous Waste Generator Handbook](#) is a good introduction to the hazardous waste rules as they apply to generators.
- Another good resource is [RCRA Online](#), a Web site from U.S. EPA that has all their past interpretations of the rules.

**Whether or not a recycled material is a hazardous waste depends on what the material is, who created it, how it was created and what the ultimate use of the material is.**

Don't forget the special categories of hazardous waste that can be recycled: [universal waste \(fluorescent bulbs, thermostats, batteries and pesticides\)](#) and [used oil](#). [Spent lead-acid batteries](#) cannot be disposed of in a solid or hazardous waste landfill. When managing materials under these rules, you have different requirements from the other hazardous waste rules. DHWM has written guidance documents on these topics.

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### What will happen to the material?

Knowing what happens to the material you're sending off-site for recycling is a must. Certain materials will be defined as hazardous waste depending on what the ultimate use is. As the generator, you must manage the material as hazardous waste from the point of generation. In addition, hazardous waste cannot be placed on the ground (even if it's been made into a product) or in solid waste landfills.

If the recycler uses (or sells) any part of the recycled materials as an ingredient in a product that is placed on the land, it is a waste subject to regulation from the point that you generate it. This means although you managed it as an excluded waste because you thought it was being recycled, you should have managed it as hazardous waste from the moment you started accumulating it. This can include labeling requirements, storage time limits, manifesting requirements and ensuring the facility was allowed to accept the hazardous waste. You must know what happens to every component of the material to be recycled. Discuss the recyclers' operations with them and find out about their process.

### What is the recycler's compliance history?

It's important for generators to know how the facility they are sending their waste to is handling the materials. Generators must ensure the facility they are sending their waste to is allowed to handle the material. The facility might be a permitted treatment, storage and disposal facility; a universal waste handler or destination facility; a used oil collection center, processor/re-refiner or burner; or they may be a recycler that does not need a permit. U.S. EPA maintains two search engines to look up information on facilities across the United States. These search engines can be found at [Envirofacts](#) and [Enforcement and Compliance History Online](#).



By now it sounds a little cliché, but it's the truth: the Resource Conservation and Recovery Act (RCRA) laid the groundwork for a "cradle-to-grave" system of hazardous waste management. Generators of hazardous waste must make sure their discarded materials are handled properly from the point they generated it until the waste is reused, recycled or placed in a landfill. With some research into the rules, every company is able to determine whether or not its material is hazardous waste, how to recycle it and how it should be properly managed. If you still have questions after you've read the rules, you can call the Regulatory Services Unit at (614) 644-2917. 

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## New e-News Notification System

by **Jeremy Carroll**

DHWM has begun sending e-News notifications using a component of Ohio EPA's [Answer Place](#), our on-line information knowledge-base system. As a part of this process, we also decided to consolidate several DHWM e-News notification groups and eliminate others that were not being used. Click [here](#) for a link to our subscription page that includes our current group descriptions. Note that you can also subscribe to e-Notification groups from other program divisions (such as the Division of Air Pollution Control) on this subscription page as well.

All existing subscribers to DHWM's e-news groups have been migrated over to Answer Place. You can check your subscription status by logging in to [Answer Place](#) and reviewing your "Profile" information. If you've not used Answer Place before, you can log in using your e-mail address only - a password is not required initially. You are free to add additional information to your profile as you like (company name, phone number, etc.) and change your subscription status (subscribe to additional groups or unsubscribe). 



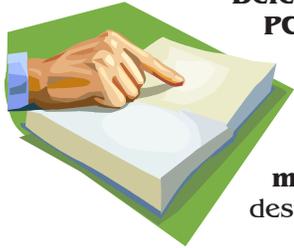
# More Hazardous Waste Rules for Ohio

by Jeff Mayhugh

Be on the lookout for 215 *draft hazardous waste rules* for interested party comment. You can look at our Web site or sign up for DHWM's *General Hazardous Waste News Service* to be notified when the rules are available for review.

This effort includes 184 rules that are amended, new, or rescinded either to bring them into equivalence with their recently amended federal counterpart provisions, or to make corrections necessary to make the hazardous waste rules consistent within themselves (cross-references, word choice, etc.). In addition, 92 rules are being changed to reduce requirements in the existing rules and to promote recycling or ease of management.

The major subjects of the Federal rule-makings that we're addressing in this package are summarized as follows:



- **Deferral of Land Disposal Restrictions (LDR) Phase IV standards for PCBs as a constituent subject to treatment in soil.** This rule is intended to make cleanups at PCB-contaminated hazardous waste sites easier.

- **Zinc fertilizers made from recycled hazardous secondary materials.** This rule reduces management standards for hazardous wastes destined for recycling in fertilizers, provided certain conditions are met.

- **LDRs, treatment variance subcategories for radioactively contaminated batteries containing cadmium, mercury, and silver.** This rule relaxes the treatment standards for these types of batteries.

- **Mercury-containing equipment rule.** This rule adds all mercury-containing equipment, such as thermostats, barometers, manometers, and mercury switches, to the universal waste rule.

- **Burden reduction rule.** This rule reduces or eliminates paperwork and notification requirements in several rules.

- **Corrections to the CFR.** U.S. EPA published this rules correction notice, and about half of the 300+ corrections are accomplished in this package. These are non-substantive changes, correcting spelling errors and typos.

- **Cathode ray tubes (CRT) rule.** This rule reduces management requirements for CRTs that are being recycled in certain ways.

- **Manifest rule corrections.** This amendment corrects a mistake that U.S. EPA made when it published the new manifest rule. It deals with how to manifest rejected loads back to the generator.

- **Gasification rule.** This rule provides an exclusion from the definition of solid waste for oil-bearing hazardous secondary materials when they are processed in a gasification system at a petroleum refinery for the production of synthesis gas.

- **NESHAP/combustors final standards.** This rule provides corrections to the standards for facilities that burn hazardous waste as fuel in boilers and industrial furnaces and in incinerators.

- **LDRs- site-specific treatment variance.** This rule adds vacuum thermal desorption as an allowable treatment technology for certain low-level radioactive hazardous waste.

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- **Waste number F019 exclusion for auto assembly plants.** This rule allows certain hazardous waste water treatment sludge (F019) generated by auto and light truck assembly plants to be disposed in solid waste landfills that have engineered liners and leachate collection systems.
- **University lab rule.** This rule provides a flexible and protective set of regulations that address the specific nature of hazardous waste generation in college and university laboratories.

State-initiated changes in this package include:

- **Permit exemption for certain recyclers.** Provides an exemption from permitting requirements to off-site recycling facilities who store hazardous secondary materials for up to 72 hours before putting them into the recycling process, provided certain conditions are met.

In our *Fall 2007 Notifier* we requested input from the public on rule changes for 72 hour storage at recycling facilities.

## Who should I contact for more information about these rules?

The rules package should be posted on our Web site soon. Go to our *draft rules webpage* or call Jeff Mayhugh if you have any questions about this rules package. He may be reached at 614-644-2950.

# Changes Coming to Ohio EPA's Web Site

by **Jeremy Carroll and Carol Hester**

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