

## Ohio Hazardous Waste

# Notifier

A Publication of Ohio EPA, Division of Hazardous Waste Management

## New Closure Plan Review Guidance Released May 2006

by Marie Jarden

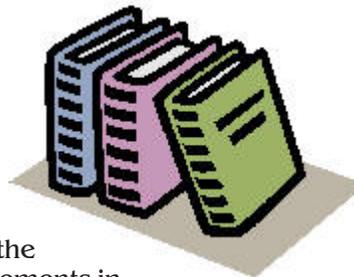
Ohio EPA released the latest version of the *Closure Plan Review Guidance for RCRA Facilities* (CPRG) in May 2006. The CPRG is primarily designed to assist technical staff in the Division of Hazardous Waste Management (DHWM) during their evaluation of closure plans for hazardous waste management facilities. Facility owner/operators also may find it helpful when preparing closure plans for Ohio EPA's review.

The CPRG was originally developed in 1988. DHWM reissued the document in May 1991, September 1993, March 1999 (with supplements in 2000 and 2001) and, following a 2004 draft comment period, again in June 2005.

The most significant changes made in the latest update includes new sections; Section 5.3, expectations in post-closure plans including technical and administrative information; Section 5.4, post-closure certification information; Section 6.2 outdoor worker exposure scenarios, and Appendix H, a soil permeability guidance for landfills, surface impoundments, etc.

The new CPRG also includes an updated policy on the use of maximum contaminant levels (MCLs) and risk limit values for defining ground water clean-up levels. The policy was updated based on comments we received in 2004. Rather than determining clean-up levels by selecting the lower of either the MCL or risk value for a particular constituent, the policy suggests selecting the most appropriate value based on site conditions. The policy is now more consistent with guidance from other Ohio EPA divisions and U.S. EPA.

DHWM is able to provide the most accurate information in the CPRG through the use of regular updates and revisions. Users are encouraged to visit *DHWM's Web site* for the most current version of the CPRG.



New Closure Plan Review Guidance Released May 2006

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# Ask the Inspector about Electronic Records

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by Dan Sowry

## If I keep electronic records, do I meet the record-keeping requirements?

Yes, if the records are required to be kept on-site it is acceptable to maintain them electronically. However, when requested by Ohio EPA, you must be able to produce a hard copy of any electronic records maintained on-site.

There are two types of electronic records; those that must be kept on-site and those that must be submitted to Ohio EPA.

### On-site Records

Some on-site records that could be maintained electronically include:

- *waste analysis records* (waste profiles, analytical laboratory reports for TSD facilities)
- *waste evaluation records* (analytical laboratory reports, MSDSs for waste handlers)
- *waste inventory records* (logs for tracking the duration of wastes being stored, bar-coding systems for tracking wastes managed at a TSD facility)
- *personnel training records* (dates of required annual training and list of attendees),
- *inspection records* (inspection of regulated units and required emergency equipment)
- *waste shipment records* (manifests, LDR notifications, tolling agreements)
- *customer information* (type of industry, facility contacts, billing invoices for TSD facilities).

Again, while it is acceptable to keep on-site records electronically, you must be able to produce a hard copy of documents on request.

### Submitted Records

With a few exceptions, any hazardous waste record that you are required to submit to Ohio EPA must be in hard copy form. Currently, Ohio EPA only accepts generator annual reports, ground water monitoring reports and facility annual reports in a prescribed electronic format.

Ohio EPA will continue to monitor the development of various federal and state initiatives and the impacts they may have on our information management systems. We will keep you updated as new rules and procedures are adopted. Please contact our Regulatory Services Unit at (614) 644-2917 or [jeff.mayhugh@epa.state.oh.us](mailto:jeff.mayhugh@epa.state.oh.us) or your *inspector* with any questions. 

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## Generator Closure

by Lindsay Brown

Most *large quantity generators* (LQG) of *hazardous waste* may not be aware of the rules that apply to them when they stop using an accumulation/treatment unit (unit). This article is intended to explain the applicable rules LQGs must comply with when they close one or all of their hazardous waste accumulation/treatment units.

For purposes of this discussion, closure is when an LQG stops using the unit and cleans it up. Closing a unit includes removing all waste, disposing of it properly and decontaminating the area.

As an LQG you are not required to close your hazardous waste accumulation/treatment units until you close your entire facility. However, Ohio EPA recommends that you close units as soon as possible after you've stopped using them in order to avoid future problems. If you close units as you are finished using them, you can ensure fulfillment of all closure responsibilities. And avoid the possibility of overlooking an accumulation unit or area when operations have ceased and you are closing your entire facility.

As an LQG, you are exempted from complying with most of the closure rules found in the *Ohio Administrative Code* (OAC). The exemption is found in OAC rule [3745-52-34 \(A\)\(1\)\(e\)](#). Therefore, if you are an LQG conducting closure, you have a minimum of two rules with which

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you must comply; you may have more depending on the type of unit used to manage your waste. However, if you are an LQG who is also a treatment, storage and disposal facility (TSD), the exemption only applies to your LQG units, not the entire facility.

All LQGs are subject to at least two closure rules. If you are storing hazardous waste in tanks, containment buildings or on drip pads, you are subject to additional closure rules (see OAC rule [3745-52-34](#)). However, OAC rule [3745-52-34](#) (A)(1)(e) exempts LQGs from complying with those closure rules that are intended for TSDs including:

- providing a closure plan;
- having a closure cost estimate; and
- having financial assurance for closure.

All LQGs must comply with OAC rules [3745-66-11](#) and [3745-66-14](#). These rules state that, in general, you must:

- close the facility in a manner that minimizes the need for further maintenance;
- eliminate the possibility that hazardous waste could be released in the future; and
- dispose or decontaminate contaminated equipment, structures and soil properly.

The type of waste accumulation units and areas you maintain determine the steps you must take to satisfy the rule requirements. For instance, there are different requirements for containers and tanks stored on impermeable and potentially permeable surfaces, as well as for those tanks or containers that had a leak, spill or release to a permeable or impermeable surface. Refer to the [Closure Requirements for Generators](#) guidance document for more details about what type of remediation is acceptable in your specific situation.

If you only use containers to store or treat your hazardous waste, you only have to comply with OAC rules [3745-66-11](#) and [3745-66-14](#). However, if you use [tanks](#), [drip pads](#) or [containment buildings](#), you must comply with additional closure rules. The general requirement if you are closing any of these accumulation units is that you must remove or decontaminate every part of the unit.

If removal or decontamination of the unit is not possible, you must complete closure and post-closure care according to the closure requirements for landfills. These requirements are found in OAC rules [3745-68-10](#), [3745-66-10 to 66-21](#) and [3745-66-40 to 66-48](#). These rules include requirements to have a closure and/or post-closure plan, financial assurance and a certification of closure. See the table below for the accumulation unit- specific rule citations.

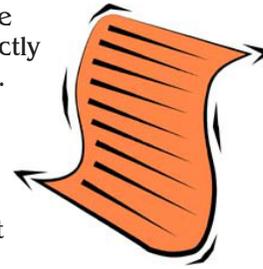
Generator Closure Requirements		
Unit	General Closure Requirement	If Removal or Decontamination Cannot be Accomplished
Tank Systems	OAC rule <a href="#">3745-66-97</a> (paragraph A)	OAC rule <a href="#">3745-66-97</a> (paragraph B)
Drip Pads	OAC rule <a href="#">3745-69-45</a> (paragraph A)	OAC rule <a href="#">3745-69-45</a> (paragraphs B and C)
Containment Buildings	OAC rule <a href="#">3745-256-102</a> (paragraph A)	OAC rule <a href="#">3745-256-102</a> (paragraph B)

In summary, all LQGs should carry out prompt generator closure for any hazardous waste unit that will no longer be used. As an LQG, you must comply with OAC rules [3745-66-11](#) and [3745-66-14](#). Depending on the type of accumulation/treatment units you use, additional requirements will be specified. The [Closure Requirements for Generators](#) guidance document is available to answer your questions about generator closure requirements at your facility. Please contact Ohio EPA's [Division of Hazardous Waste Management](#), Regulatory Services Unit at (614) 644-2917 or use Ohio EPA's [Answer Place](#) for any additional questions you may have. 

# How to Correctly Report Generator Category

by Paula Canter

When applying for a U.S. EPA identification number and completing the RCRA Subtitle C Site Identification form ([EPA 9029](#)), it is important to correctly report your generator category. Once issued, ID numbers are never deleted. Therefore, it is important for DHWM to have an accurate record of facilities and events associated with each number. The following general information should help you determine which category to report when you are applying for an ID number. For more specific information, you also may find Ohio EPA's [Hazardous Waste Generator Categories](#) guidance document helpful.



## One-time Event

If you are a one-time generator (no other hazardous waste is generated), you must estimate the amount of waste that will be generated and report under the corresponding category. In addition, you should indicate in the comment section that your waste generation is a one-time event.

When all hazardous waste activity has ceased at the site, send a letter to the Division of Hazardous Waste Management (DHWM) requesting deactivation of the ID number. If you incorrectly reported your generator category in your initial application, be sure to identify the correct category in the deactivation letter. If you notified as an LQG, but did not actually qualify as one, this correction will tell DHWM that you do not need to file an annual report.

If you already have an ID number and a one-time event changes your generator category, then you must follow the rules applicable to the amount generated during that event. You do NOT need to re-notify to modify your generator category for a short-term, unanticipated event.

## Fluctuating Categories

Depending on production levels, seasonal changes, etc. some generators cannot easily identify their generator category. In these situations, you should identify and select the generator category that applies based on the highest average annual waste production. You are not required to re-notify when you change generator categories.

Conditionally Exempt Small Quantity Generators (CESQG) without an ID number that become an SQG or LQG in any given month must submit the RCRA Subtitle C Site Identification form (EPA 9029) to obtain an ID number. In addition, you must follow the applicable rules for the higher category.

If you were an LQG even once during the reporting year, you must submit a hazardous waste annual report by March 1 of the following year. To make sure you don't forget to file the report, sign up with DHWM's annual report listserv to receive e-mail reminders.

## Reporting as an LQG when Quantities Generated are Less than LQG Quantities

If you can reasonably assume that you will sometimes qualify as an LQG you must make a judgement call as to which generator category to report. If you report you are an LQG, you will be subject to a higher inspection frequency by Ohio EPA. In general, it is best to report the generator category that applies to your everyday operations. For instance, generators who periodically clean out their tanks would only qualify as an LQG on those occasions. Rather than notifying as an LQG for that regularly-occurring, maintenance-related event, we would prefer that you report the generator category that is based on your normal operating levels.

Regardless of whether you notify us about a change in generator status, you will still need to follow the applicable rules when the amount of waste temporarily increases and moves you into a higher category. You also must submit an Annual Report by March 1 of the following year. To make sure you don't forget to file your report, sign up with DHWM's [annual report listserv](#) to receive e-mail reminders.

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### Submitting Annual Reports

Some generators submit an annual report that lists their normal generator category (Item A.1 in Section 9 of the Site ID form) as LQG and the actual category for the prior calendar year as a non-LQG. By doing this, you are actually re-notifying as an LQG. If you were not an LQG during the prior year, you are not required to submit an annual report.

In the past, some generators have listed their generator categories as LQG so that they would be included on our annual report reminder mailing list. However, because we are no longer mailing annual report reminders through the U.S. Postal Service, it is best to sign up with the annual report listserv if you want to receive a reminder. You should also re-notify to change your generator category from LQG to your normal category.

### Maintaining an Active U.S. EPA ID Number

Some generators rarely generate waste, but want to keep an active ID number so they can have it available when they need it. In these situations, we recommend that you report your generator category as CESQG. A CESQG generates less than 220 pounds of hazardous waste per month. If activities change and the amount you generate consistently exceeds this quantity, you should re-notify to update your generator category. Another option is to deactivate the ID number and then simply reactivate it when needed by submitting an updated form.

### Keeping Information Current

Generator information is used by DHWM and U.S. EPA to determine how many sites are regulated and what activities are being conducted. In order to ensure that we have the most current information, it is important that you notify us of any updates. Please check your site information on U.S. EPA's Envirofacts Web site and, if any changes are needed, submit an updated notification.

You must submit an updated notification if your facility changes ownership. You should also submit an updated notification if your facility name or contact information changes. As mentioned previously, you also need to notify us if your generator status changes. For instance, if you originally notified as an SQG or CESQG and you're now consistently generating at LQG levels or if you originally notified as an LQG and you're now consistently generating at SQG or CESQG levels.

If you have any questions, please read the [guidance documents](#) on our Web site or use Ohio EPA's [Answer Place](#).



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## Ask the Inspector about Satellite Accumulation

by Andy Kubalak

**Q: How much waste are you allowed to accumulate in a single satellite accumulation area? For instance, are you allowed up to 55 gallons of multiple waste streams or is 55 gallons the maximum total volume for all containers?**

A: You may accumulate up to 55 gallons of each waste stream from different points of generation at each accumulation area. Nothing in the rule specifies that satellite containers must be located a certain distance from each other. If the waste streams are from different points of generation, they can be considered separate satellite accumulation areas. Generators must ensure that the waste is being accumulated at or near the point where the waste is first generated, and that the waste is under control of the operator of the process generating that waste.

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**Q: What are my requirements when I exceed 55 gallons of waste at a satellite accumulation area.**

A: When you exceed 55 gallons of hazardous waste or one quart of acutely hazardous waste from a single point of generation you must, within three days, manifest the excess waste off-site or move it to your regular accumulation area and comply with the requirements for management of hazardous waste in containers [see OAC rule [3745-52-34\(A\)](#)]. If you choose to keep the waste in the satellite accumulation area, that waste becomes subject to, among other requirements, contingency plan, personnel training, inspection and generator closure requirements.

**Q: What is the maximum number of days waste can accumulate in a satellite accumulation area?**

A: If waste is being added to a container that has not reached the 55 gallon mark for hazardous waste or the one quart mark for acutely hazardous waste, then there is no limit to the amount of time the container can be in that satellite accumulation area.

**Q: I have three days to move a container from my satellite accumulation area to a 90-day accumulation area if I am a large quantity generator (LQG) or 180-day accumulation area if I am a small quantity generator (SQG). Does my accumulation time limit of 90- or 180-days begin on the date the container became full (while still in satellite accumulation) or when it is placed in the 90/180 day accumulation area?**

A: You have three days to either move the excess waste to your 90/180-day accumulation area or manifest the waste off-site. You must write the date the excess accumulation begins on the satellite container. You then have an additional 90/180 days to accumulate that waste in your 90/180-day accumulation area for a possible total of 93/183 days. The 90/180-day accumulation requirements start the day the waste is moved to the regular accumulation area. Therefore, you must write the date on the container the day it arrives there.

**Q: Can I have more than one satellite accumulation area?**

A: Yes, you can manage multiple waste streams under the satellite accumulation requirements. The regulations do not limit the number of points of generation where wastes are initially generated and accumulated.

Ohio Administrative Code rule [3745-52-34\(C\)](#) contains the requirements for the management of waste in containers, at or near where the waste is first generated, commonly called "satellite accumulation."

The Division of Hazardous Waste Management (DHWM) has developed a [guidance](#) document to answer questions you may have on the satellite accumulation requirements. If you have questions that are not addressed in the guidance, or if you need additional clarification, please contact DHWM's Regulatory Services Unit at [jeff.mayhugh@epa.state.oh.us](mailto:jeff.mayhugh@epa.state.oh.us) or (614) 644-2917. 

# Let no Waste Determination be Done Haphazardly

by Neil Wasilk, Northeast District Office

As Roman Emperor Marcus Aurelius once observed, "That which comes after ever conforms to that which has gone before." This quote nicely summarizes the consequences that flow from rushed and improper waste determinations.

According to Ohio Administrative Code (OAC) rule [3745-52-11](#), waste generators are responsible for evaluating each waste stream to determine if it is a hazardous waste. Consultants may help in hazardous waste determinations, but the waste generator is ultimately responsible for an accurate and timely determination and for proper waste management.

An accurate waste evaluation is essential to proper waste management and determines whether any hazardous waste laws and regulations apply. Failure to properly evaluate your waste may lead to unsafe and/or illegal treatment, storage, transportation or disposal of your hazardous waste. Some recycled materials also are subject to the waste determination requirement. For guidance in conducting waste evaluations see:

- [Use of Generator Knowledge](#),
- [Identifying Your Hazardous Waste](#), and
- [Generator Handbook](#)

Waste determinations should be completed as soon as possible after the waste is generated. A generator cannot delay hazardous waste determination until after the waste is shipped to another facility. If you think that your waste may be hazardous, you should manage it as a hazardous waste until you have confirmation otherwise.

Ohio EPA has recently become aware of instances in which waste was shipped off-site as non-hazardous waste and then subsequently determined to be hazardous waste. This might occur when a generator incorrectly assumes that a waste will be consistent with a previously established profile or when a generator allows wastes from a spill cleanup to be transported to a facility that is not permitted to accept and store hazardous waste, even if the waste is destined for a permitted hazardous waste facility.

In such situations, the generator failed to comply with the requirement to evaluate his waste (OAC Rule [3745-52-11](#)) and also may have failed to comply with many other requirements including: waste accumulation (OAC [3745-52-34](#)), use of the hazardous waste manifest, waste packaging, labeling, marking and placarding requirements (OAC Rules [3745-52-20 through 33](#)). If the waste was shipped to a facility that is not permitted to accept hazardous waste, the generator also has violated Section [3734.02](#) (F) of the Ohio Revised Code (ORC). Similarly the receiving facility is in violation of Sections [3734.02](#) (E) and (F) of the ORC by establishing and operating a hazardous waste storage facility without a permit

Ohio EPA recognizes that these scenarios are not the norm and that most generators conduct accurate and timely waste determinations. If you have questions about regulatory interpretations or want more information please contact DHWM's Regulatory Services Unit at (614) 644-2917. 

# Pollution Prevention (P2) Success Story

Ohio company saves money, increases productivity, improves quality and reduces waste by leasing spray gun washers with distillation units

by Helen Miller

**Do your employees constantly clean their spray guns between color changes?  
Does the appearance of your product suffer if spray guns are not completely cleaned?**

If you answered yes to either question, you might want to consider purchasing or leasing a spray gun washer with a distillation unit. The following company did just that and had successful results.

Total Image Specialists (Total Image) located in Columbus, Ohio, is an 85 employee retail-marketing company that designs and manufactures indoor and outdoor signs for many types of businesses including banks, fast food restaurants and retail establishments. Total Images' products must be economical, aesthetically pleasing and durable. Their exterior signs must withstand the outside elements of sunlight, sand and wind. Their indoor signs must be able to withstand constant cleaning because they are sometimes located near cooking lines in restaurants. Sign appearance and paint adhesion are critical to their customers.

Total Image uses spray guns to apply paint to their signs. They are able to custom color match 5,000 colors and regularly go through 20 to 30 paint colors per day. The spray guns must be constantly cleaned – between color changes, when nozzles clog and often at shift changes. Total Image was operating three spray gun stations where employees manually cleaned their spray guns. If spray guns weren't completely cleaned, paint colors weren't exact and signs had to be reworked. When Total Image calculated disposal and paint costs ranging from \$100 to \$150 per gallon, improperly cleaned spray guns were costing them both time and money.

Total Images' waste management company suggested they try out a spray gun washer and distillation unit for one month free of charge. Spray gun washing and distillation units clean spray guns in a fashion similar to a dishwasher, recycling dirty or used solvent by distillation while producing a constant supply of "clean" solvent. After using the unit for only one week the company was sold. Within a month, they decided to lease two units. Since they started using the units on a regular basis, they have noted a 50 percent savings in waste management costs every month, in addition to labor cost savings.

## What Are the Benefits of Leasing a Spray Gun Washer and Distillation Unit?

### • Increase Productivity

According to Rich Stephens, Plant Superintendent, Total Image has benefitted the most by improving their process and in turn, product quality. Since installing the units, they estimate that productivity has increased 30 percent. "The system improved the working environment and I can do something else while the gun is being cleaned. I wish I had it 20 years ago," says Mike Smith, a lead painter who has been with the company 22 years. "Sometimes with all of the color changes we do, guns would sit and get all gummed up with the paint hardening in them before we could clean them, which could take hours. Now, they just go into the gun washer and come out ready to use in a few minutes."

### • Save Money and Reduce Waste

Total Image saves 50 percent in waste management costs using the units. Because they reduced the amount of waste they generate, the company was able to change their hazardous waste generator status from a small quantity generator (SQG) to a conditionally exempt small quantity generator (CESQG). This reduces some of the regulatory requirements for the company, making compliance with environmental regulations easier.

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- They used to dispose of four to five 55-gallon drums of liquid hazardous waste every month. They now dispose of only one 30-gallon drum of solid hazardous waste per month.
- They used to spend \$18,000 per year to dispose of and purchase new paint thinner and miscellaneous spill control supplies. Now they spend \$9,000 per year to lease the units, dispose of waste solids or "bottoms" from distillation, and purchase paint thinner and spill control supplies only as needed.

• **Improve Product Quality**

"The company and the employees are both happy with the units and monitoring of the hazardous waste stream is much easier," reports Stephens. "Giving employees ownership of the equipment improved the process and the quality of our product dramatically improved. We are also helping improve the environment by generating less waste."

Ohio EPA would like to thank Total Image Specialists for sharing their experience with us. If you have any questions about the company featured in this article, please contact Stephens at (614) 564-1346 or [stephens@totalimage.net](mailto:stephens@totalimage.net). You may also visit them on the Web at [www.totalimagespecialists.com](http://www.totalimagespecialists.com).

If you have more questions regarding hazardous waste, please contact your *district* inspector. Our hazardous waste inspectors offer technical assistance to businesses by helping them identify ways to generate less waste. If you would like to learn more about Pollution Prevention (P2) go to Ohio EPA's *Office of Compliance Assistance and Pollution Prevention's* Web page.

**Vendors/Suppliers of Equipment**

(Ohio EPA does not endorse any product/company)

There are many companies that offer these types of units, some of them are:

[Safety-Kleen Systems Inc.](#)

[SystemOne Technologies Inc.](#)

[UniRam Corporation](#)

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**Notifier**

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