OHIO’S HAZARDOUS WASTE (RCRA – SUBTITLE C)
Inspections to Remediation

Jim Sferra, Assistant Chief
Division of Environmental Response and Revitalization (DERR)
<table>
<thead>
<tr>
<th>Is the material a waste?</th>
<th>Is it a hazardous waste?</th>
<th>Properly managed?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solid Waste</td>
<td>Listed Hazardous Waste</td>
<td>Waste In Place</td>
</tr>
<tr>
<td>Hazardous waste</td>
<td>Characteristic Hazardous Waste</td>
<td>Long term monitoring</td>
</tr>
<tr>
<td>Construction &amp; Demo Debris</td>
<td></td>
<td>Risk Based Clean-up</td>
</tr>
<tr>
<td>Recycled material</td>
<td></td>
<td>Permitted Disposal Facilities</td>
</tr>
<tr>
<td>Spent material</td>
<td></td>
<td>Land Disposal Restrictions (Destruction of organics</td>
</tr>
<tr>
<td>Unused Chemical Commercial Product</td>
<td></td>
<td>Stabilization of metals)</td>
</tr>
<tr>
<td>Universal Waste</td>
<td></td>
<td></td>
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<tr>
<td>Used Oil</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unregulated earthen material</td>
<td></td>
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</tr>
</tbody>
</table>
Applicable RCRA Rules

- CESQG
- SQG
- LQG
- Illegal TSD
RCRA in Ohio
Federally Delegated Program

Federal Delegation Goals

- Annual Grant Commitments
- MOA USEPA OEPA (2007)
  - Inspections
  - Permits
  - Reporting
  - Recordkeeping
  - Enforcement
  - Etc...

Ohio Implementation

- Rules
- Inspection/Enforcement
- Permitting
- Remediation
- Public Outreach
- Compliance Assistance
- Tracking
- (...and CRO?!)
By the Numbers (FFY 2017)

<table>
<thead>
<tr>
<th>Generators</th>
<th>Facilities</th>
<th>Remediation</th>
</tr>
</thead>
<tbody>
<tr>
<td>~1,100 LQGs</td>
<td>44 Permitted TSDs</td>
<td>13 Closure Plans approved</td>
</tr>
<tr>
<td>~9,700 SQGs</td>
<td>11 Corrective Action Permits</td>
<td>3 Amended Closure Plans received</td>
</tr>
<tr>
<td>~7,580 CESQGs</td>
<td>63 Class I modification</td>
<td>3 Closure Certifications</td>
</tr>
<tr>
<td>~700 – 800 inspections/year</td>
<td>17 Class 1 A modifications</td>
<td>4 Post Closure Plans</td>
</tr>
<tr>
<td>(complaints/inspections)</td>
<td>2 Class 2 modifications</td>
<td></td>
</tr>
<tr>
<td>&lt;1% result in escalated</td>
<td>1 Class 3 modifications</td>
<td></td>
</tr>
<tr>
<td>enforcement</td>
<td>1 Director’s initiated modification</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 Temporary Authorizations</td>
<td>~179 GPRA CA Sites</td>
</tr>
<tr>
<td></td>
<td></td>
<td>91% Human Health Exposure Under Control</td>
</tr>
<tr>
<td></td>
<td></td>
<td>82% Groundwater Migration Under Control</td>
</tr>
<tr>
<td></td>
<td></td>
<td>61% Remedy Constructed</td>
</tr>
</tbody>
</table>
By the Numbers (FFY 2017)  
(cont’d)

<table>
<thead>
<tr>
<th>RCRA Info</th>
<th>Rules</th>
<th>Everything Else</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓ Entered all inspection data</td>
<td>✓ ARA 9</td>
<td>✓ Vapor Intrusion</td>
</tr>
<tr>
<td>✓ Data clean-up (LQGs)</td>
<td>✓ ARA 10</td>
<td>✓ PFOS/PFOA</td>
</tr>
<tr>
<td>✓ Site ID forms</td>
<td>✓ Definition of Solid Waste</td>
<td>✓ 1,4 – Dioxane</td>
</tr>
<tr>
<td>✓ Biennial Reports</td>
<td>✓ Generator Improvement</td>
<td>✓ RCRA/VAP MOA sites</td>
</tr>
<tr>
<td>✓ myRCRAid</td>
<td>✓ Universal Waste Rules</td>
<td>✓ Time Critical Removal</td>
</tr>
<tr>
<td>✓ Financial Assurance Audit</td>
<td>✓ Textile Exclusion</td>
<td>✓ Indigent Facilities</td>
</tr>
<tr>
<td>✓ E-manifest</td>
<td>✓ 5 Year Reviews (N, O, CRO)</td>
<td>✓ Meetings, many meetings</td>
</tr>
<tr>
<td></td>
<td></td>
<td>✓ Budget/staffing/hiring</td>
</tr>
</tbody>
</table>

Ohio Environmental Protection Agency
Closure, Corrective Action, VAP MOA

- Human Health Under Control
- Groundwater Migration Under Control
- Remedy Selection
- Remedy Construction Complete
- Ready for Anticipated Re-use
1) For facilities subject to RCRA Corrective Action requirements, Ohio EPA and U.S. EPA Region 5 intend to:

a) require the owner or operator (or other parties acting on their behalf) to conduct facility-wide assessments to determine the full nature and extent of all releases of hazardous wastes or hazardous constituents;

b) ensure that all releases of hazardous wastes or hazardous constituents into the environment from all Solid Waste Management Units and Areas of Concern are addressed (on and off-site) where necessary to protect human health and the environment;

c) provide meaningful opportunities for public involvement throughout the cleanup process; and

d) ensure that remedies are protective of human health and the environment.
2) Frequent communication between U.S. EPA Region 5 and Ohio EPA is critical to the success of this MOA. U.S. EPA Region 5 and Ohio EPA will continue to share information on sites or facilities, implementation priorities, new program initiatives, cleanup criteria decisions, federal grant opportunities and other relevant issues.

3) In order to achieve this level of communication, Ohio EPA and U.S. EPA Region 5 will conduct semi-annual meetings or telephone conferences to discuss progress in implementing this MOA, Ohio EPA’s overall cleanup program, achieving state and federal commitments, funding opportunities and facility- or property-specific concerns.
For the Ohio Environmental Protection Agency

Chris Korleski
Director
Ohio EPA

For the U.S. Environmental Protection Agency, Region 5

Mary A. Gade
Regional Administrator
U.S. EPA Region 5

11/5/07
Date

11/28/07
Date
Ohio-Specific Universal Wastes

OAC Chapter 3745-273

Karen Hale
Hazardous Waste Program, Ohio EPA
Karen.hale@epa.ohio.gov
Topic Areas

Advantages of the Universal Waste program

Brief overview of the Universal Waste (UW) standards

Issues of confusion
Universal Waste Rules

General - Advantages

Promotes the proper disposal of the designated wastes

UWs do not count toward a generator’s monthly HW generation rate

Generator is not required to determine if UW is a hazardous waste (assumption is that the waste is hazardous)

Recycling of UW is encouraged (but not required)

No hazardous waste manifesting required in Ohio
Universal Waste Rule
Ohio-specific wastes

Non-empty aerosol containers

Antifreeze

Paint

Paint-related wastes
Ohio-Specific Universal Wastes Definitions

Aerosol container:
- non-openable and non-refillable container; holds substance under pressure; uses propellant gas to deliver a product; does not include gas cylinders

Antifreeze:
- Ethylene or propylene glycol used in heat transfer equipment or to winterize equipment
Ohio-Specific Universal Wastes Definitions

Paint:

- Pigmented or unpigmented powder coating
- Pigmented or unpigmented mixture of binder and suitable liquid
- Generated from commercial, industrial, mining, agricultural and post-consumer activities
- Forms an adhering coating on a surface upon drying or through the use of heat

Intended to include products commonly known as paint that are used to decorate, protect, convey a design or image and applied in a very thin coat; does not include ingredients used to produce paint.
Ohio-Specific Universal Wastes Definitions

Substances that are NOT paint

- Adhesives
- Stucco/cement based coatings
- Geotextiles and geomembranes
- Surface leveling products
- Insulation products/spray foams
- Petroleum asphalt products
- Ingredients used to make paint (solvent, binder, pigment/colorant, part A epoxy, part B hardener)
Ohio-Specific Universal Wastes Definitions

Paint-related Wastes:
- A material legitimately contaminated with paint and
- Produced from the packaging of paint, wholesale/retail operations, paint manufacturing, paint application and removal activities

- Wastes that are NOT paint-related wastes
  - Demolition debris
  - Ingredients used to make paint (solvent, binder, pigment/colorant, part A epoxy, part B hardener)
  - Spill cleanup materials
  - Floor sweepings other than paint chips
Universal Waste Participants

General Overview

Small quantity handler UW (SQHUW)
- Generates or stores <5000 kg of UW (total of all UW types)

Large quantity handler UW (LQHUW)
- Generates or stores >5000 kg of UW (total of all UW types)

UW Transporter

Destination facility
- Is a permitted HW facility and treats UW in a way other than allowed under the handler rules
Universal Waste
UW Management Provisions

- Tank & container standards
- Labeling requirement
- Accumulation time limit up to one year
- Training requirement
- Spill cleanup requirement
- Notification requirement LQHUWs/destination facility
- Tracking requirement for LQHUWs/destination facility
- Transportation per DOT requirements
- Waste specific management standards
Antifreeze Management Standards

Develop written procedure to prevent commingling w/ other hazardous wastes
- use dedicated collection and storage units

Note: Antifreeze, subsequent to generation, mixed w/used oil is classified as a used oil and is not a universal waste

Handlers can recycle antifreeze
Aerosol Containers
Management Standards

UW Satellite accumulation area allowed for aerosol containers

Handler may puncture, drain & crush aerosol containers
- management standards apply

Contents removed from containers is not a universal waste and must be evaluated to determine whether it is HW – please consider recycling container
Paint & Paint-related wastes
Management Standards

Handler may puncture, drain & crush containers of paint
  – Management standards apply
  – Collected paint is still a universal waste

Any handler can recycle UW paint waste

Only the handler that generated UW paint-related wastes can reclaim the paint-related wastes on-site
  – Residual from reclamation is not a UW; determine if waste is a HW – it may be listed HW
Issues of Confusion
Issues of Confusion

If the waste is not hazardous waste, it is not required to be managed as a hazardous waste or a universal waste

The universal waste program is an optional regulatory program, 3745-273-01

UWs are a unique group of hazardous wastes subject to less burdensome generator and transporter requirements
Issues of Confusion

UW is classified as hazardous waste at the destination facility where the waste is treated & subject to full regulation under the hazardous waste rules

- Land Disposal Restrictions (LDRs) apply to the treatment of UWs; destination facility will likely ask handler for waste information

A destination facility may also be a handler

- Storage or treatment per UW rules of incoming waste = a handler
- Treatment of waste not covered by handler rules = a destination facility
Issues of Confusion

Listed hazardous waste codes may apply to treatment residuals of certain UWs (e.g., solvent distillation bottoms)

Use manifest for Ohio-specific UWs shipped out of Ohio and designated as HW in pass-through or receiving state
  – Note waste is UW in Ohio on line #14 of manifest
  – Michigan has UW antifreeze

Move UW satellite accumulation container of aerosol cans to central collection area when full; one year time period now begins
Issues of Confusion

Aerosol containers are not categorically designated a reactive waste (D003) in Ohio

Aerosol containers of paint can be managed as a UW aerosol container or UW paint waste

The AABBCC hazardous waste air emission requirements do not apply to UWs
Issues of Confusion

Aerosol containers labeled “Don’t puncture or incinerate” can be punctured under the UW rules

- FIFRA letter 4/30/2004

Accumulation container of intact non-empty aerosol containers is not required to be closed until shipped off-site
Federal & State Rule Updates

Ohio Rulemaking
- E-manifest rules & Generator Improvements rules (Propose Spring 2019)
- Contaminated Apparel and Wipes rule (adopt Dec. 2017)
- Definition of Solid Waste (aka - hazardous waste recycling rules) (Propose Fall 2019)

Federal Rulemaking
- UW aerosol can rule (Final Summer 2019)
- Ignitability Characteristic (new ASTM method)
- Pharmaceutical rule (final in Fall 2018)
- CERCLA 108(b) – Financial assurance for oil refineries, chemical plants, coal power plants (Proposal due Dec. 2019)
Information Resources

Hazardous Waste Compliance Assistance and Inspection Support Section (614) 644-2924.

Universal Waste rules
https://epa.ohio.gov/derr/hazwaste/universalwaste

Universal Waste Guidance document and Question & Answer document
http://epa.ohio.gov/derr/hazwaste/universalwaste

**Federal Unified Agenda**: lists active federal rulemakings, updated each Spring and Fall
Questions?
Conditional Exemption for Hazardous Waste Contaminated Wipes and Apparel

Mitch Mathews, Manager
Compliance Assurance Section – HW DERR
What Will Be Covered

• Why another “wipes” rule?

• What is defined by “contaminated wipes and apparel”?

• How does one get this exemption?

• Where do I find this rule?

• Who is affected?
Don’t we have a rule for this?

• Current solvent contaminated wipes rules are found in Ohio Administrative Code (OAC) rules 3745-51-04(A)(26) and 3745-51-04(B)(18)

• Narrowly defines “solvent contaminated wipes”

• Limits the eligible contaminants
And……

• To provide greater flexibility

• Clarify that hazardous waste contaminated wipes and apparel that are laundered and returned to use are exempt provided the conditions of the exemption are met

• Intended to address contaminated wipes and apparel that do not fit the definition in the federal exclusion
What is a contaminated wipe or apparel?

• Examples:
  – Rags
  – Gloves
  – Uniforms
  – Drop cloths
  – Smocks
  – Coveralls
  – Mops
Contaminated Wipes and Apparel Must:

• Become contaminated with hazardous constituents through use

• Meet the definition of a hazardous waste

• Intended to be laundered and returned to use

• Be stored, accumulated and transported in containers in good condition
Conditions for Exemption

• The contaminated wipes or apparel are not:
  – Burned for energy recovery
  – Used to produce a fuel or is contained in fuels
  – Used in a manner constituting disposal
  – Used to produce products that are applied to the land
  – Otherwise exempt from regulation
  – Mixed with a hazardous waste after use
  – Contaminated with acute hazardous waste (Acutely Toxic)
Conditions (continued)

• The generator shall do **ONE** of the following:

  – Ensure the contaminated wipes and apparel or the container contain no “free liquids at the point being sent for cleaning (on-site) or being transported off-site for cleaning

  – Develop and implement a written procedure to ensure that the wipes and apparel contain no free liquids when placed in the container and no free liquids are added to the container

  – Maintain a written explanation as to why no free liquids will occur in the container
Conditions (continued)

- All visible free flowing used oil has been removed
  - The contaminated wipes and apparel are only contaminated with used oil

- Contaminated wipes and apparel are cleaned on-site OR

- Sent to a laundry or cleaning facility that is subject to regulation under Section 402 or Section 307(b) of the Clean Water Act for discharge to a publicly owned treatment works or for discharge directly to the waters of the state
Where do I find this rule?

• OAC rule 3745-51-06(A)(3)(e)
Who is Affected?

• Anyone who currently generates contaminated wipes and apparel that are hazardous and has them laundered at commercial laundries or dry cleaners, or launders them on-site.
Introduction to the Definition of Solid Waste Final Rule

Mitch Mathews, Manager
Compliance Assurance Section – HW DERR
What materials are eligible for the final rule?

Hazardous secondary materials sent for reclamation are eligible for this rule.

**Materials that are **NOT** eligible include:**

- Materials recycled by ‘use constituting disposal’ and burning for energy recovery
- Inherently waste-like materials
- Materials already excluded from the definition of solid waste under 3745-51-04
- Spent lead-acid batteries
What exactly is in the DSW final rule?

Four major components of final rule:

1. “Legitimate” recycling provision

2. **Under the Control of the Generator Exclusion**
   Self-implementing exclusion for materials generated and reclaimed under the control of the generator.

3. **Transfer-based Exclusion**
   Self-implementing exclusion for materials generated and transferred to another company for reclamation.

4. **Non-waste determination procedure**
   Materials that are non-wastes (determined through a petition process).
What exactly is in the DSW final rule?

1. Legitimate Recycling Provision (cont.):

   • **Three mandatory factors**
     - Materials must provide useful contribution to product or recycling process
     - Recycling must produce valuable product
     - Materials must be managed as valuable commodities

   • **One factor must be considered**
     - Products of recycling must not contain significantly higher levels of hazardous constituents than are in analogous products
What exactly is in the DSW final rule?

2. “Under the Control of the Generator” Exclusion:

- **Includes hazardous secondary materials that are generated and reclaimed...**
  - at the same facility
  - by the same company (even at different facilities)
  - under certain toll manufacturing arrangements

- **Under this exclusion, generators must:**
  - Legitimately recycle materials
  - Not speculatively accumulate materials
  - Submit notifications (using the Site ID form)
  - Ensure materials are “contained”
  - Reclaim materials within the United States
  - Develop emergency preparedness plan
What is the notification?

• Facilities must send a notification prior to operating under the exclusion and by March 1 of each even numbered year thereafter to the Regional Administrator using the Site ID form (EPA Form 8700-12).

• Information submitted in the notifications enables EPA and states to:
  – (1) monitor compliance of facilities;
  – (2) compile credible information for the public;
  – (3) measure performance and impacts of the rulemaking; and,
  – (4) target future program efforts to achieve further increases in recycling.
Notifications must include the following information:

(1) Name, address and EPA ID number (if applicable);
(2) Name and telephone number of a contact person;
(3) NAICS code;
(4) Type of exclusion(s) the facility is claiming;
(5) Whether the reclaimer/intermediate facility has financial assurance;
(6) When the facility expects to begin managing materials;
(7) A list of hazardous secondary materials to be managed;
(8) Whether the materials will be managed in a land-based unit;
(9) The quantity of materials to be managed annually; and
(10) The certification (included in EPA form 8700-12) signed by an authorized representative.
What is “contained”?

- Generally, material is “contained” if it is placed in a unit that controls the movement of the material out of the unit and into the environment.

- Material that is released from the unit (e.g., through a spill) is considered a solid and hazardous waste unless it is immediately recovered.

- If a release is “significant” the material remaining in the unit could also be considered a solid and hazardous waste, depending on circumstances.

- “Significant” releases are not necessarily large in volume; small releases over time could also be considered significant under some circumstances.
What exactly is in the DSW final rule?

3. “Transfer-Based” Exclusion:

• Includes hazardous secondary materials that are generated and transferred to another person for reclamation.

• Under this exclusion, *generators must*:
  – Legitimately recycle materials
  – Not speculatively accumulate materials
  – Submit notifications (using the Site ID form)
  – Ensure materials are “contained”
  – Make “reasonable efforts” to evaluate the reclaimer and intermediate facility to determine that they will safely and legitimately recycle
  – Maintain records of off-site shipments and confirmations of receipt
  – Provide notice and obtain consent for export
  – Develop emergency preparedness plan
3. “Transfer-Based” Exclusion (cont.):

- **Under this exclusion, reclaimers and intermediate facilities must:**
  - Legitimately recycle materials
  - Not speculatively accumulate materials
  - Submit notifications (using the Site ID form)
  - Ensure materials are “contained” and managed in a manner at least as protective as analogous raw materials
  - Manage recycling residuals safely
  - Maintain records of shipments and send confirmations of receipt to generator
  - Have financial assurance
3. “Transfer-Based Exclusion” -- What is reasonable efforts?

• Reasonable efforts requires generators to evaluate a reclaimer or intermediate facility to ensure that they intend to properly manage and legitimately recycle the material prior to shipping it to the facility.

• Generators must make reasonable efforts and document the evaluation every three years at a minimum. Documentation includes a certification statement.

• The minimum standard for reasonable efforts consists of five questions.

• Reasonable efforts is not required if a generator chooses to send his materials to a facility that will manage the material under a RCRA Part B permit or interim status standards.
What exactly is in the DSW final rule?

3. “Transfer-Based Exclusion” -- What is reasonable efforts?

Five questions must be affirmatively answered by the generator:

1. Is the reclamation process legitimate?
2. Has the facility notified authorities and indicated that it has financial assurance?
3. Does publicly available information indicate that there are no formal enforcement actions taken against the facility in the previous three years and that the facility is not a “significant non-complier” with RCRA Subtitle C? If “no,” does the generator have “credible evidence” the material will be properly managed?
4. Does the facility have the equipment and trained personnel to safely recycle the material?
5. Does the facility have the required permits to manage residuals, have a contract to dispose of them at a permitted facility, or does the generator have “credible evidence” residuals will be safely managed?
What exactly is in the DSW final rule?

4. Non-Waste Determination Procedure:

- To obtain a non-waste determination, facilities must:
  - Legitimately recycle materials
  - Demonstrate that the hazardous secondary material meets eligibility criteria
  - Submit application to EPA or authorized state

- Determined on a case by case basis
Generator Improvements Rule

*Federal Register, November 28, 2016*

Jacquie Keller
Division of Environmental Revitalization and Response
Rule Overview

• Re-organization of generator rules
• Optional provisions
• Less stringent provisions
• More stringent provisions
Reorganization

• Ease understanding for regulated facilities
• Generator Category Determination – §262.13
• Generator Category Definitions – §260.10
• Very Small Quantity Generator Regulations – §262.14
• Satellite Accumulation Area Regulations – §262.15
• Small Quantity Generator Regulations – §262.16
• Large Quantity Generator Regulations – §262.17
Optional Provisions

• Reorganization of the hazardous waste generator regulations
• Changing CESQG to VSQG
• Defining Central Accumulation Area (CAA) and the generator categories
• Defining Independent Requirement vs. Condition for Exemption
• LQG consolidation of waste from VSQGs
• Episodic generator
• LQG waiver from 50-foot rule
Optional Provision -

Independent Requirement vs. Condition for Exemption

• Definitions of each term - §262.1

• Independent Requirement – regulatory requirements that are not legally tied to the accumulation of hazardous waste

  – Examples include: Determining generator category, using a manifest and recordkeeping
Optional Provision -
Independent Requirement vs. Condition for Exemption

• Conditions for exemption – regulatory requirements that must be met for the generator to be exempt from obtaining a storage permit
  – Examples include: container and tank standards, personnel training, and preparedness and prevention requirements
Less Stringent Provision –
LQG Consolidation of VSQG Waste

• VSQGs can send waste off-site to a LQG without a manifest
• Both facilities must be under the control of the same person
  – Control defined at §§ 262.14(a)(5)(viii)(a), 262.17(f)
  – Person defined at §260.10
• VSQG Requirements:
  – Mark containers with the words “Hazardous Waste”
  – Indicate the hazard(s) associated with the contents
    • Examples include: DOT label or placard, OSHA hazard statement or pictogram, or NFPA hazard label
Less Stringent Provision – LQG Consolidation of VSQG Waste

• LQG Requirements:
  – Notify Ohio EPA >30 days prior to receiving the 1\textsuperscript{st} shipment
  – Maintain records of waste received for 3 years
  – Date the waste with the day waste was received
  – Manage all VSQG waste under applicable LQG regulations
    • Waste received from VSQGs and off-site shipments must be included on the LQG’s Biennial Report
  – No manifest needed to ship to the LQG, but must comply with DOT.
Less Stringent Provision – Episodic Generation

- Allows SQG or VSQG to maintain existing generator category in the event of a planned or unplanned episodic generation
  - Events longer than 60 days are not eligible for the episodic provision
- Generator may have one event per year
- Generator can petition for a second event
  - Must be opposite type of event than first event
  - Example: 1\textsuperscript{st} Event- Planned Tank Clean-out. 2\textsuperscript{nd} Event- Unplanned Spill
Less Stringent Provision – Episodic Generation

- Generator must notify Ohio EPA using Ohio EPA Form 9029:
  - At least 30 days prior to initiating a planned episodic event
  - Within 72 hours after an unplanned event
- Complete the episodic event within 60 days
  - Including shipping all episodic waste off-site
Less Stringent Provision –
Episodic Generation

• VSQG Requirements:
  – Obtain EPA ID number
  – Use manifest, HW transporter, and send episodic waste to RCRA-designated facility
  – Minimize the possibility of accident or release
  – Label episodic waste containers
  – Identify an emergency coordinator
  – Maintain records for 3 years

• SQG Requirements:
  – Comply with existing SQG regulations and maintain records
Less Stringent Provision –
Waiver from 50-foot Rule

• Currently containers holding ignitable or reactive waste must be located > 50 feet from the facility’s property line
  – Facilities found this regulation impossible to meet at properties less than 100 feet wide

• LQGs allowed to approach the fire marshal to apply for waiver

• Fire marshal must believe the facility has taken precautions to be appropriate and safe
Impact to Notification

• Current Federal Form 8700-12 is a minimum of 6 pages
  – More pages added as needed for the following addendums:
    • Episodic Generation
    • LQG Consolidation of VSQG Waste
    • Hazardous Secondary Material (Not effective in Ohio)

• Current Ohio EPA 9029 Form is 3 pages
  – Additional rule changes will add length to the form

• See current Federal Form 8700-12 for required information for Episodic Generation and LQG consolidation of VSQG waste
More Stringent Provision –
Small Quantity Generator (SQG) Renotification

• SQG produces $\geq 220$ lbs. and $< 2,200$ lbs. of hazardous waste in a calendar month
• Beginning in 2021, SQGs renotify by September 1$^{st}$
• Use Ohio EPA Form 9029 or myRCRAid
• Renotify every four years after 2021 (e.g., 2025, 2029, etc.)
More Stringent Provision –
Large Quantity Generator (LQG) Renotification

• LQG produces \( \geq 2,200 \) lbs. of hazardous waste or 2.2 lbs. of acute hazardous waste in a calendar month
• Renotify by March 1\(^{st}\) of even-numbered years as part of the Biennial Report
• Use Ohio EPA Form 9029 – part of the BR
More Stringent Provision –
Container Labeling

• Containers
  – “Hazardous Waste”
  – Indication of the waste’s hazard(s)
    • Ignitable, corrosive, toxic; DOT labeling; OSHA pictogram; NFPA chemical hazard label
  – Waste accumulation start date
  – Applicable waste codes prior to shipment off-site
More Stringent Provision –
Tank Labeling

• Tanks
  – Waste accumulation start date or use inventory log to track waste generation
  – “Hazardous Waste”
  – Indication of the waste’s hazard(s)
More Stringent Provision –
Container and Tank Labeling - Satellite Accumulation Area

• “Hazardous Waste”
• Indication of the waste’s hazard(s)
  • Ignitable, corrosive, toxic; DOT labeling; OSHA pictogram; NFPA chemical hazard label
• Date on which waste volume exceeds 55 gal
  – move waste to central accumulation area w/in 3 days or ship off-site
More Stringent Provision –
Emergency Planning and Preparedness

• LQG requirements moved to Subpart M 262.250 to 262.265

• Contingency Plan and emergency planning applies only to areas where HW is generated, treated or accumulated

• Remove requirement for personal information in Contingency Plan

• Flexible location area for emergency equipment

• Contingency Plan Quick reference guide
More Stringent Provision –
Quick Reference Guide

- Types, amounts and location of HW
- Hazards posed by HW
- ID HW & exposure risks requiring special emergency treatment
- Maps of facility and surrounding community
- Location of water supply and emergency notification systems
- Emergency contact information
More Stringent Provision –
LQG Closure Requirements
Hazardous Waste Accumulation Units

• For Closing CAAs; not entire facility closure only.
• Notice to file specifying the unit to be closed & noting that unit will be formally closed when the facility closes;

OR

• Formally close the unit
  – Clean close or close with waste-in-place
  – Notify Ohio EPA w/in 90 days after closure is complete
    – Use Ohio EPA Form 9029

• Does not apply to satellite accumulation areas
More Stringent Provision –
LQG Closure Requirements
Facility Closure

- Formally close all hazardous waste accumulations units
  - Clean close or close with waste-in-place
  - Notify Ohio EPA >30 days prior to starting closure and <90 days after closure is complete
    - Use Ohio EPA Form 9029
- Satellite accumulation areas not subject to closure
e-Manifest and myRCRAid

U.S. EPA’s RCRAInfo Industry Application

Presented by Paula Canter, HW Program
What is the RCRAInfo Industry App?

• Web-based app for form submittal and retrieval by users who work at facilities regulated by RCRA Subtitle C

• Works on multiple device types including smartphones

• Two modules available in Ohio
  – e-Manifest: nationwide manifest database that began June 30, 2018
  – myRCRAid: RCRA ID number assignment & updates
e-Manifest Basics

• HW & PCB receiving facilities are required to submit signed manifests to U.S. EPA within 30 days of signature

• Facilities receiving state-defined HW that is required to be on a HW manifest also must submit those manifests

• Data publicly available 90 days after receiver signs manifest, at [RCRAInfo Web](http://www.rcrainfo.gov)
e-Manifest Basics, continued

• Manifest is now a 5-part form not 6
• Manifest or paper printout still need to be in the truck per DOT regulations
• State and federal government staff have access to the manifests via RCRAInfo
• Generators are not required to sign up to use e-Manifest but it is recommended
e-Manifest Fees

• The app is supported by fees paid by Receivers
• Submittal methods and the per manifest fee:
  – Mail paper $15
  – Upload PDF of manifest image $10
  – Upload PDF and enter data from manifest $6.50
  – Electronic using the federal app to create and sign manifests $5
• US EPA’s goal is to have no paper involved and fees will be adjusted in the future
Why does Submission Method Matter?

• It can impact how quickly the data is available within the app
• The Receiver might assess the Generator with an e-Manifest fee
• Receivers are asking Generators to get an account so they don’t have to send them signed paper copies
• Switching to electronic means Transporters need devices on trucks with Web access
• U.S. EPA will increase fees to discourage submittal of paper manifests
Hybrid Method

• Manifest is created within the app by the Receiver or Transporter
• Generator doesn’t have e-Manifest account
• Transporter prints paper copy for Generator to sign and leaves that with the Generator
• Transporter signs electronically using the app, as does the Receiver
• Not aware of anyone using this method in Ohio at this time
How to Sign Up

• No account sharing! Everyone must have own account due to electronic signatures.
• If you have a CDX account already, login to RCRAInfo with those credentials to get started.
• [http://epa.ohio.gov/derr/National-e-Manifest-System](http://epa.ohio.gov/derr/National-e-Manifest-System) for instructions
  – Click on “How do I sign up for e-Manifest?”
  – On this page are Fact Sheets, links to federal resources.
Account is linked to RCRA ID Number

• Once an account is created, user must search for a site to associate their account with. Best way to search is by the RCRA ID.

• CESQGs and Brokers can’t participate unless they get an ID

• Users given the Site Manager or Certifier permission must complete an Electronic Signature Agreement before they can sign anything
User Permission Levels

• Highest = **Site Manager**. Should be EHS Manager or higher. Can view, prepare, and certify manifests as well as process permission requests from other facility users.

• **Certifier** (view, prepare, certify)

• **Preparer** (create but not sign)

• **Viewer** (read only)

• Ohio EPA processes user requests until a Site Manager has been designated. After that, the Site Manager gets an email when a facility user requests a permission.
Select Permissions Screen

You've selected 1 site(s), now please choose the permissions you are requesting.

<table>
<thead>
<tr>
<th>Module</th>
<th>Permission Level</th>
<th>Description of Permission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Management</td>
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<td>None</td>
</tr>
<tr>
<td>e-Manifest</td>
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<td>None</td>
</tr>
<tr>
<td>myRCRAid</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

[Send Request] [Back to Search Results] [Close]
Users who get Accounts:

• Will have quick online access to manifest records for their facility’s RCRA ID
• Will not be required to keep paper copies
  – Receiver doesn’t need to mail a copy of the signed manifest to the Generator if they can access e-Manifest
• Will have manifest correction capability
• Can control access levels of other staff if you have the Site Manager role
• Can create manifests if the Transporter and Receiver are also using the app to create and sign manifests
Transporters and Brokers

• “On behalf of” functionality will be added soon so Transporters and Brokers can create manifests for generators
  – Brokers won’t be able to sign manifests unless they are at the generator’s site

• To participate in electronic manifesting each truck driver must have their own account and have a web-enabled device on the truck
myRCRAid

• Fully electronic “RCRA Subtitle C Site Identification Form”, i.e. notification of regulated waste activity
• Users can sign up for this at the same time as e-Manifest
• To verify an ID or find out what info the federal database shows for a specific ID, go to RCRAInfo Web
Keep your RCRA ID info Current!

- Important that EPA has up to date activity and contact info
- A Generator’s contact person on the most recent Site ID notification is automatically populated as the contact for a manifest entered in the app
- myRCRAid makes it almost painless to update ID info
- SQG mandatory re-notification begins in 2021 and every 4 years thereafter
Changing Permissions

• To add/update a permission to an existing RCRAInfo Industry account:
  – Login, click on your name, select Profile
  – Click on tab labeled My Site Permissions
  – Mark the box for the facility you want to change
  – Click on Modify Permissions for Selected Sites
  – Change the Permissions and click Send Request
Ohio EPA Resources

• Ohio EPA’s Notification of Regulated Waste Activity web page for myRCRAid info and link to Industry app login

• Registration help and general e-Manifest info http://epa.ohio.gov/derr/National-e-Manifest-System

• Send Industry app questions for Ohio EPA to RCRARInfoIndustry@epa.ohio.gov
U.S. EPA Resources

• **RCRAInfo Web** for public lookup of RCRA ID info and manifests

• U.S. EPA’s public e-Manifest web page [https://www.epa.gov/e-manifest](https://www.epa.gov/e-manifest)

• Sign up for U.S. EPA’s e-Manifest listserv [eManifest-subscribe@lists.epa.gov](mailto:eManifest-subscribe@lists.epa.gov)

• Send e-Manifest questions for U.S. EPA to [eManifest@epa.gov](mailto:eManifest@epa.gov)
https://rcrainfo.epa.gov/rcrainfoprod
Questions?