Eval 006
Enf. 006
3 violations RTC'd

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

January 24, 2013

Mr. Rob Zimmer
Environmental Health & Safety Director
Rubber-Seal
5751 N. Webster St
Dayton, Ohio 45414

RE: Compliance Evaluation Inspection – OHD987036464

Dear Mr. Zimmer:

Thank you for assisting Jeff Smith and I during the inspection of Teknol, Inc. on Friday, January 11, 2013. Jim Neumann assisted us during our initial inspection on Monday, January 7, 2013. The purpose of the inspection was to determine Teknol's compliance with Ohio's Hazardous Waste Laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

Based on the inspections, Teknol is in violation of the following hazardous waste regulations:

1. **OAC 3745-52-34(A)(2) Accumulation time of hazardous waste:** The date upon which each period of accumulation and/or treatment begins is clearly marked and visible for inspection on each container.

   Teknol failed to comply with this regulation by not having six (6) hazardous waste containers properly marked with their accumulation date. **Therefore, Teknol is in violation of OAC 3745-52-34(A)(2).**

   Teknol corrected the violation by the January 11, 2013 inspection. **Teknol is no longer in violation of OAC 3745-52-34(A)(2).**

2. **OAC 3745-52-34(C)(1)(a) Accumulation time of hazardous waste:** Requires a generator to comply with paragraph (A) of Rule 3745-66-73 of the Administrative Code, which states, "A container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste."

Teknol failed to comply with this regulation by having several satellite containers not properly closed. **Therefore, Teknol is in violation of OAC 3745-52-34(C)(1)(a).**

By the January 11, 2013 inspection, Teknol had properly closed all satellite containers. **Teknol is no longer in violation of OAC 3745-52-34(C)(1)(a).**

3. **OAC 3745-65-35 Required aisle space:** The owner or operator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of the above-mentioned purposes.

   Teknol failed to maintain proper aisle space around hazardous waste containers in the storage area. **Therefore, Teknol is in violation of OAC 3745-65-35.**

   Teknol corrected the violation by the January 11, 2013, inspection. **Teknol is no longer in violation of OAC 3745-65-35.**

Throughout the Facility, Teknol maintains several containers of rags used for solvent clean-up. The rags are placed into 55-gallon containers that are left open to prevent a buildup of vapors. Once the containers are filled, they are disposed as non-hazardous waste. There seems to be a potential for some rags saturated with solvent waste being placed into the containers. The Paint Filter Liquids Test is one way for Teknol to determine whether the solvent saturated rags would contain free-liquids, thus requiring management as a hazardous waste. I have enclosed a copy of US EPA's SW846 Method 9095B Paint Filter Liquids Test for your review. I also included a copy of the Fall 2010 Notifier, which has information on solvent-contaminated rags on Page 2.

During the inspection, we discussed the Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP helps facilities identify and implement pollution prevention measures. If you would like additional information on OCAPP or to schedule an on-site assessment, please contact Dave Foulkes at (614) 644-3118. OCAPP's on-site pollution prevention assistance page can be accessed using this web address: http://www.epa.ohio.gov/ocapp/p2/onsiteasst.aspx

Enclosed are copies of the checklists completed as a result of the inspection, the Paint Filter Test and Notifier mentioned above, and information on aerosol can recycling. If you have any questions, please either email me at cathy.altman@epa.ohio.gov or call me at (937) 285-6093.

Sincerely,

Cathy L Altman

Cathy L. Altman
Environmental Specialist 2
Division of Materials and Waste Management

CA/tb

cc: DMWM Data Entry/Facility File

Send to Central Office ☐	Ohio Environmental Protection Agency **RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM**	For Ohio EPA use only

Completed verification forms required to be submitted to CO should be e-mailed to brad.hauser@epa.state.oh.us.

Site EPA ID No.
Site Name

EPA ID Number: **OHD987036464**

Name: **Teknol, Inc** | Website: (Optional)

Site Location Information

Street Address: **5751 N. Webster Street**

City, Town, or Village: **Dayton** | State: OH

County Name: **Montgomery** | Zip Code: **45414**

Site Land Type (check only one)

Private	County	District	Federal	Indian	Municipal	State	Other
☒	☐	☐	☐	☐	☐	☐	☐

NAICS code(s) www.census.gov/epcd/www/naics.html

32551

Facility Representative

Additional names can be recorded in number 12

First Name: **Rob** | MI: | Last Name: **Zimmer**

Title: **Environmental Health & Safety Director**

Phone Number: **937-890-6547** | Phone Number Extension:

E-Mail Address: **robz@rubber-seal.net**

Only provide address information if it is different than the site address

Fax Number: **937-280-0090** | Fax Number Extension:

Street or P.O. Box:

City, Town or Village:

State: | Zip Code:

Legal Owner And Operator of the Site.
List Additional Owners and/or Operators in the Comment Section or on another copy of this form page

Name of Site's Legal Owner: **Teknol Inc**

Date Became Owner (mm/dd/yyyy):

Owner Type:	Private	County	District	Federal	Indian	Municipal	State	Other
	☒	☐	☐	☐	☐	☐	☐	☐

Street or P.O. Box: **5751 N. Webster Street**

City, Town or Village: **Dayton** | Owner Phone #: **937-890-6547**

State: **Ohio** | Country: **USA** | Zip Code: **45414**

Name of Site's Operator: **Teknol Inc**

Date Became Operator (mm/dd/yyyy):

Operator Type:	Private	County	District	Federal	Indian	Municipal	State	Other
	☒	☐	☐	☐	☐	☐	☐	☐

Street or P.O. Box:

City, Town or Village: | Operator Phone #:

State: | Country | Zip Code:

VIOLATIONS CITED? ☒ Yes ☐ No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

☐ Not a HW Generator	☐ UNKNOWN: Cited for violation of 3745-52-11	☒ Large Quantity Generator (LQG)
	☐ Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). *Check the box for the applicable generator status and provide a comment.*	☐ Small Quantity Generator (SQG) ☐ Conditionally Exempt Small Quantity Generator ☐ U.S. Importer of Hazardous Waste ☐ Mixed Waste (Hazardous and Radioactive) Generator

TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)

- ☐ Hazardous Waste Transporter
- ☐ Hazardous Waste Transfer Facility
- ☐ Treater, Storer or Disposer of Hazardous Waste
- ☐ Recycler of Hazardous Waste
- ☐ 72-Hour Recycler
- ☐ Exempt Boiler and/or Industrial Furnace
  - ☐ Small Quantity On-Site Burner Exemption
  - ☐ Smelting, Melting, Refining Furnace Exemption
- ☐ Underground Injection Control Facility
- ☐ Receives Hazardous Waste from Off-site

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED (CHECK ALL BOXES THAT APPLY)

- ☒ Small Quantity Handler of Universal Waste
- ☐ Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)
- ☐ Destination Facility for Universal Waste

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES

- ☐ Batteries
- ☐ Pesticides
- ☐ Mercury containing equipment
- ☒ Lamps

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S)

- ☐ Used Oil Generator
- ☐ Used Oil Transporter
- ☐ Used Oil Transfer Facility
- ☐ Used Oil Processor
- ☐ Used Oil Re-refiner
- ☐ Off-Specification Used Oil Burner
- ☐ Used Oil Fuel Marketer who directs shipment of Off-Spec Used Oil
- ☐ Used Oil Fuel Marketer who first claims the Used Oil meets the specifications

Eligible Academic Entities with Laboratories: Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-216. Check the box(es) below to indicate the laboratory type.

- ☐ College or University
- ☐ Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university
- ☐ Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page or list them in the comments if more space is needed. If the waste codes are the same as listed in the most recent RCRAInfo source record, you do not need to list them. Instead just indicate the date of the most recent source record.

D001 **D035** **F003** **F005**

COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.

Announced	☐ Yes	☒ No	Additional Facility Representatives: **Jim Neumann, Vice President**
Tanks	☐ Yes	☒ No	
Containers	☒ Yes	☐ No	

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Cathy Altman	**Jeff Smith**	**01/7/2013, 1/11/2013 10:00 AM**

***Comments*:**

LARGE QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS DESCRIPTION SUMMARY

CESQG: ≤100 Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.
SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.
LQG: ≥ 1,000 Kg. (~300 gallons) of waste in a calendar month or ≥1 Kg. of acutely hazardous waste in a calendar month.
NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

GENERAL REQUIREMENTS

1.	Have all wastes generated at the facility been adequately evaluated? [3745-52-11]		Yes	☒	No	☐	N/A ☐
2.	Are records of waste determination being kept for at least 3 years? [3745-52-40(C)]		Yes	☒	No	☐	N/A ☐
3.	Has the generator obtained a U.S. EPA identification number? [3745-52-12]		Yes	☒	No	☐	N/A ☐
4.	Were annual reports filed with Ohio EPA on or before March 1st? [3745-52-41(A)]		Yes	☒	No	☐	N/A ☐
5.	Are annual reports kept on file for at least 3 years? [3745-52-40(B)]		Yes	☒	No	☐	N/A ☐
6.	Has the generator transported or caused to be transported hazardous waste to **other** than a facility authorized to manage the hazardous waste? [ORC 3734.02(F)]		Yes	☐	No	☒	N/A ☐
7.	Has the generator disposed of hazardous waste **on-site without a permit** or at another facility **other** than a facility authorized to dispose of the hazardous waste? [ORC 3734.02(E)&(F)]		Yes	☐	No	☒	N/A ☐
8.	Does the generator accumulate hazardous waste?		Yes	☒	No	☐	N/A ☐
NOTE: If the LQG does not accumulate or treat hazardous waste, it is not subject to 52-34 standards. All other requirements still apply, e.g., annual reports, manifest, marking, record keeping, LDR, etc.							
9.	Has the generator accumulated hazardous waste on-site in excess of 90 days without a permit or an extension from the director ORC §3734.02(E)&(F)?		Yes	☐	No	☒	N/A ☐
NOTE: If F006 waste is generated and accumulated for > 90 days and is recycled see 3745-52-34(G)&(H).							
10.	Does the generator treat hazardous waste in a: [ORC 3734.02(E)&(F)]						
	a.	Container that meets 3745-66-70 to 3745-66-77?	Yes	☐	No	☐	N/A ☒
	b.	Tank that meets 3745-66-90 to 3745-66-100 except 3745-66-97(C)?	Yes	☐	No	☐	N/A ☒
	c.	Drip pads that meet 3745-69-40 to 3745-69-45?	Yes	☐	No	☐	N/A ☒
	d.	Containment building that meets 3745-256-100 to 3745-256-102?	Yes	☐	No	☐	N/A ☒
NOTE: Complete appropriate checklist for each unit.							
NOTE: If waste is treated to meet LDRs, use LDR checklist.							
11.	Does the generator export hazardous waste? If so:		Yes	☐	No	☒	N/A ☐
	a.	Has the generator notified U.S. EPA of export activity? [3745-52-53(A)]	Yes	☐	No	☐	N/A ☒
	b.	Has the generator complied with special manifest requirements? [3745-52-54]	Yes	☐	No	☐	N/A ☒
	c.	For manifests that have not been returned to the generator: has an exception report been filed? [3745-52-55]	Yes	☐	No	☐	N/A ☒
	d.	Has an annual report been submitted to U.S. EPA? [3745-52-56]	Yes	☐	No	☐	N/A ☒
	e.	Are export related documents being maintained on-site? [3745-52-	Yes	☐	No	☐	N/A ☒

		57(A)]	
MANIFEST REQUIREMENTS			
12.		Have all hazardous wastes shipped off-site been accompanied by a manifest? (U.S. EPA Form 8700-22) [3745-52-20(A)(1)]	Yes ☒ No ☐ N/A ☐
13.		Have items (1) through (20) of each manifest been completed? [3745-52-20(A)(1)]&[3745-52-27(A)]	Yes ☒ No ☐ N/A ☐
NOTE: U.S. EPA Form 8700-22(A) (the continuation form) may be needed in addition to Form 8700-22. In these situations items (21) through (35) must also be completed. [3745-52-20(A)(1)]			
14.		Does each manifest designate at least one facility which is permitted to handle the waste? [3745-52-20(B)]	Yes ☒ No ☐ N/A ☐
NOTE: The generator may designate on the manifest one alternate facility to handle the waste in the event of an emergency which prevents the delivery of waste to the primary designated facility. [3745-52-20(C)]			
15.		If the transporter was unable to deliver a shipment of hazardous waste to the designated facility, did the generator designate an alternate TSD facility or give the transporter instructions to return the waste? [3745-52-20(D)]	Yes ☐ No ☐ N/A ☒
16.		Have the manifests been signed by the generator and initial transporter? [3745-52-23(A)(1)&(2)]	Yes ☒ No ☐ N/A ☐
NOTE: Remind the generator that the certification statement they signed indicates: 1) they have properly prepared the shipment for transportation and 2) they have a program in place to reduce the volume and toxicity waste they generate.			
17.		If the generator received a rejected load or residue and accumulated the waste on-site, did the generator sign item 18c or 20 of the manifest? [3745-52-34(M)]	Yes ☐ No ☐ N/A ☒
18.		If the generator did not receive a return copy of each completed manifest within 35 days of the waste being accepted by the transporter, did the generator contact the transporter and/or TSD facility to check on the status of the waste? [3745-52-42(A)(1)]	Yes ☐ No ☐ N/A ☒
19.		If the generator has not received the manifest within 45 days, did the generator file an exception report with Ohio EPA? [3745-52-42(A)(2)]	Yes ☐ No ☐ N/A ☒
20.		Are signed copies of all manifests and any exception reports being retained for at least three years? [3745-52-40]	Yes ☒ No ☐ N/A ☐
NOTE: Waste generated at one location and transported along a publicly accessible road for temporary consolidated storage or treatment on a contiguous property also owned by the same person is not considered "on-site" and manifesting and transporter requirements must be met. To transport "along" a public right-of-way the destination facility has to act as a transfer facility or have a permit because this is considered to be "off-site." For additional information see the definition of "on-site" in OAC rule 3745-50-10.			
PERSONNEL TRAINING			
21.		Does the generator have a training program which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to their positions? [3745-65-16(A)(2)]	Yes ☒ No ☐ N/A ☐
22.		Does the personnel training program, at a minimum, include instructions to ensure that facility personnel are able to respond effectively to emergencies involving hazardous waste by familiarizing them with emergency procedures, emergency equipment and emergency systems (where applicable)? [3745-65-16(A)(3)]	Yes ☒ No ☐ N/A ☐
NOTE: For facility employees that receive emergency response training pursuant to OSHA regulations, the facility is not required to provide separate emergency response training, provided that the overall facility training meets all the requirements of OAC 3745-65-16(A). [3745-65-16(A)(4)]			
23.		Is the personnel training program directed by a person trained in hazardous waste management procedures? [3745-65-16(A)(2)]	Yes ☒ No ☐ N/A ☐
24.		Do new employees receive training within six months after the date of hire (or assignment to a new position)? [3745-65-16(B)]	Yes ☒ No ☐ N/A ☐
25.		Does the generator provide annual refresher training to employees? [3745-65-16(C)]	Yes ☒ No ☐ N/A ☐
26.		Does the generator keep records and documentation of:	
	a.	Job titles? [3745-65-16(D)(1)]	Yes ☒ No ☐ N/A ☐

	b.	Job descriptions? [3745-65-16(D)(2)]	Yes ☒ No ☐ N/A ☐
	c.	Type and amount of training given to each person? [3745-65-16(D)(3)]	Yes ☒ No ☐ N/A ☐
	d.	Completed training or job experience required? [3745-65-16(D)(4)]	Yes ☒ No ☐ N/A ☐
27.		Are training records for current personnel kept until closure of the facility and are training records for former employees kept for at least three years from the date the employee last worked at the facility? [3745-65-16(E)]	Yes ☒ No ☐ N/A ☐
CONTINGENCY PLAN			
28.		Does the owner/operator have a contingency plan to minimize hazards to human health or the environment from fires, explosions or any unplanned release of hazardous waste? [3745-65-51(A)]	Yes ☒ No ☐ N/A ☐
29.		Does the plan describe the following:	
	a.	Actions to be taken in response to fires, explosions or any unplanned release of hazardous waste? [3745-65-52(A)]	Yes ☒ No ☐ N/A ☐
	b.	Arrangements with emergency authorities? [3745-65-52(C)]	Yes ☒ No ☐ N/A ☐
	c.	A current list of names, addresses and telephone numbers (office and home) of all persons qualified to act as emergency coordinator? [3745-65-52(D)]	Yes ☒ No ☐ N/A ☐
	d.	A list of all emergency equipment, including: location, a physical description and brief outline of capabilities? [3745-65-52(E)]	Yes ☒ No ☐ N/A ☐
	e.	An evacuation plan for facility personnel where there is possibility that evacuation may be necessary? [3745-65-52(F)]	Yes ☒ No ☐ N/A ☐
NOTE: If the facility already has a "Spill Prevention, Control and Countermeasures Plan" under 40 CFR Part 112 or 40 CFR Part 1510, or some other emergency plan, the facility can amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with OAC requirements. The facility may develop one contingency plan which meets all regulatory requirements. Ohio EPA recommends that the plan be based on the "National Response Team's Integrated Contingency Plan Guidance (One Plan)." [3745-65-52(B)]			
30.		Is a copy of the plan (plus revisions) kept on-site and been given to all emergency authorities that may be requested to provide emergency services? [3745-65-53(A)&(B)]	Yes ☒ No ☐ N/A ☐
31.		Has the generator revised the plan in response to rule changes, facility, equipment and personnel changes, or failure of the plan? [3745-65-54]	Yes ☒ No ☐ N/A ☐
32.		Is an emergency coordinator available at all times (on-site or on-call)? [3745-65-55]	Yes ☒ No ☐ N/A ☐
NOTE: The emergency coordinator shall be thoroughly familiar with: (a) all aspects of the facility's contingency plan; (b) all operations and activities at the facility; (c) the location and characteristics of waste handled; (d) the location of all records within the facility; (e) facility layout; and (f) shall have the authority to commit the resources needed to implement provisions of the contingency plan.			
EMERGENCY PROCEDURES			
33.		Has there been a fire, explosion or release of hazardous waste or hazardous waste constituents since the last inspection? If so:	Yes ☐ No ☒ N/A ☐
	a.	Was the contingency plan implemented? [3745-65-51(B)]	Yes ☐ No ☐ N/A ☒
	b.	Did the facility follow the emergency procedures in 3745-65-56(A) through (H)?	Yes ☐ No ☐ N/A ☒
	c.	Did the facility submit a report to the Director within 15 days of the incident as required by 3745-65-56(I)?	Yes ☐ No ☐ N/A ☒
NOTE: OAC 3745-65-51(B) requires that the contingency plan be implemented immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents, which could threaten human health and the environment.			
PREPAREDNESS AND PREVENTION			
34.		Is the facility operated to minimize the possibility of fire, explosion, or any unplanned release of hazardous waste? [3745-65-31]	Yes ☒ No ☐ N/A ☐

35.	Does the generator have the following equipment at the facility, if it is required due to actual hazards associated with the waste:		
	a.	Internal communications or alarm system? [3745-65-32(A)]	Yes ☒ No ☐ N/A ☐
	b.	Emergency communication device? [3745-65-32(B)]	Yes ☒ No ☐ N/A ☐
	c.	Portable fire control, spill control and decon equipment? [3745-65-32(C)]	Yes ☒ No ☐ N/A ☐
	d.	Water of adequate volume/pressure per documentation or facility rep? [3745-65-32(D)]	Yes ☒ No ☐ N/A ☐
NOTE: Verify that the equipment is listed in the contingency plan.			
36.	Is emergency equipment tested (inspected) as necessary to ensure its proper operation in time of emergency? [3745-65-33]		Yes ☒ No ☐ N/A ☐
37.	Are emergency equipment tests (inspections) recorded in a log or summary? [3745-65-33]		Yes ☒ No ☐ N/A ☐
38.	Do personnel have immediate access to an internal alarm or emergency communication device when handling hazardous waste (unless the device is not required under 3745-65-32)? [3745-65-34(A)]		Yes ☒ No ☐ N/A ☐
39.	If there is only one employee on the premises, is there immediate access to a device (eg., phone, hand held two-way radio) capable of summoning external emergency assistance (unless not required under 3745-65-32)? [3745-65-34(B)]		Yes ☒ No ☐ N/A ☐
40.	Is adequate aisle space provided for unobstructed movement of emergency or spill control equipment? [3745-65-35]		Yes ☐ No ☒ N/A ☐
41.	Has the generator attempted to familiarize emergency authorities with possible hazards and facility layouts? [3745-65-37(A)]		Yes ☒ No ☐ N/A ☐
42.	Where authorities have declined to enter into arrangements or agreements, has the generator documented such a refusal? [3745-65-37(B)]		Yes ☐ No ☐ N/A ☒
SATELLITE ACCUMULATION AREA REQUIREMENTS			
43.	Does the generator ensure that satellite accumulation area(s):		
	a.	Are at or near a point of generation? [3745-52-34(C)(1)]	Yes ☒ No ☐ N/A ☐
	b.	Are under the control of the operator of the process generating the waste? [3745-52-34(C)(1)]	Yes ☒ No ☐ N/A ☐
	c.	Do not exceed a total of 55 gallons of hazardous waste per waste stream? [3745-52-34(C)(1)]	Yes ☒ No ☐ N/A ☐
	d.	Do not exceed one quart of acutely hazardous waste at any one time? [3745-52-34(C)(1)]	Yes ☐ No ☐ N/A ☒
	e.	Containers are closed, in good condition and compatible with wastes stored in them? [3745-52-34(C)(1)(a)]	Yes ☐ No ☒ N/A ☐
	f.	Containers are marked with words "Hazardous Waste" or other words identifying the contents? [3745-52-34(C)(1)(b)]	Yes ☒ No ☐ N/A ☐
44.	Is the generator accumulating hazardous waste(s) in excess of the amounts listed in the preceding question? If so:		Yes ☐ No ☒ N/A ☐
	a.	Did the generator comply with 3745-52-34(A)(1) through (4) or other applicable generator requirements within three days? [3745-52-34(C)(2)]	Yes ☐ No ☐ N/A ☒
	b.	Did the generator mark the container(s) holding excess with the accumulation date when the 55 gallon (one quart) limit was exceeded? [3745-52-34(C)(2)]	Yes ☐ No ☐ N/A ☒
NOTE: The satellite accumulation area is limited to 55 gallons of hazardous waste accumulated from a distinct point of generation in the process under the control of the operator of the process generating the waste (less then 1 quart for acute hazardous waste). There could be individual waste streams accumulated in an area from different points of generation.			

USE AND MANAGEMENT OF CONTAINERS IN <90 DAY ACCUMULATION AREAS			
45.	Has the generator marked containers with the words "Hazardous Waste?" [3745-52-34(A)(3)]		Yes ☒ No ☐ N/A ☐
46.	Is the accumulation date on each container? [3745-52-34(A)(2)]		Yes ☐ No ☒ N/A ☐
47.	Are hazardous wastes stored in containers which are:		
	a.	Closed (except when adding/removing wastes)? [3745-66-73(A)]	Yes ☒ No ☐ N/A ☐
	b.	In good condition? [3745-66-71]	Yes ☒ No ☐ N/A ☐
	c.	Compatible with wastes stored in them? [3745-66-72]	Yes ☒ No ☐ N/A ☐
	d.	Handled in a manner which prevents rupture/leakage? [3745-66-73(B)]	Yes ☒ No ☐ N/A ☐
NOTE: Record location on process summary sheets, photograph the area, and record on facility map.			
48.	Is the container accumulation areas(s) inspected weekly? [3745-66-74]		Yes ☒ No ☐ N/A ☐
	a.	Are inspections recorded in a log or summary? [3745-66-74]	Yes ☒ No ☐ N/A ☐
49.	Are containers of ignitable or reactive wastes located at least 50 feet (15 meters) from the facility's property line? [3745-66-76]		Yes ☒ No ☐ N/A ☐
50.	Are containers of incompatible wastes stored separately from each other by means of a dike, berm, wall or other device? [3745-66-77(C)]		Yes ☐ No ☐ N/A ☒
51.	If the generator places incompatible wastes, or incompatible wastes and materials in the same container, is it done in accordance with 3745-65-17(B)? [3745-66-77(A)]		Yes ☐ No ☐ N/A ☒
52.	If the generator places hazardous waste in an unwashed container that previously held an incompatible waste, is it done in accordance with 3745-65-17(B)? [3745-66-77(B)]		Yes ☐ No ☐ N/A ☒
NOTE: OAC 3745-65-17(B) requires that the generator treat, store, or dispose of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials so that it does not create undesirable conditions or threaten human health or the environment.			
53.	If the generator has closed a <90 day accumulation area does the closure appear to have met the closure performance standard of 3745-66-11? [3745-52-34(A)(1)]		Yes ☐ No ☐ N/A ☒
NOTE: Please provide a description of the unit and documentation provided by the generator for the file to demonstrate that closure was completed in accordance with the closure performance standards. If the generator has closed a <90 day tank, closure must also be completed in accordance with OAC 3745-66-97 (except for paragraph C of this rule). [3745-52-34]			
PRE-TRANSPORT REQUIREMENTS			
54.	Does the generator package/label its hazardous waste in accordance with the applicable DOT regulations? [3745-52-30, 3745-52-31 and 3745-52-32(A)]		Yes ☒ No ☐ N/A ☐
55.	Does each container ≤119 gallons have a completed hazardous waste label? [3745-52-32(B)]		Yes ☒ No ☐ N/A ☐
56.	Before off-site transportation, does the generator placard or offer the appropriate DOT placards to the initial transporter? [3745-52-33]		Yes ☒ No ☐ N/A ☐

SMALL QUANTITY UNIVERSAL WASTE HANDLER REQUIREMENTS – BATTERIES AND LAMPS			
Large Quantity Universal Waste Handler (LQUWH) = 5,000 Kg or more			
Small Quantity Universal Waste Handler (SQUWH) = 5,000 Kg or less			
PROHIBITIONS			
1.	Did the SQUWH dispose of universal waste? [3745-273-11(A)]		Yes ☐ No ☒ N/A ☐
2.	Did the SQUWH dilute or treat universal waste, except when responding to releases as provided in OAC rule 3745-273-17 or managing specific wastes as provided in OAC rule 3745-273-13? [3745-273-11(B)]		Yes ☐ No ☒ N/A ☐
WASTE MANAGEMENT AND LABELING/MARKING			
UNIVERSAL WASTE BATTERIES			
3.	Are batteries that show evidence of leakage, spillage or damage that could cause leaks contained? [3745-273-13(A)(1)]		Yes ☐ No ☐ N/A ☒
4.	If batteries are contained, are the containers closed and structurally sound, compatible with the contents of the battery and lack evidence of leakage, spillage or damage that could cause leakage? [3745-273-13(A)(1)]		Yes ☐ No ☐ N/A ☒
5.	Are the casings of the batteries breached, not intact, or open (except to remove the electrolyte)? [3745-273-13(A)]		Yes ☐ No ☒ N/A ☐
6.	If the electrolyte is removed or other wastes generated, has it been determined whether the electrolyte or other wastes exhibit a characteristic of hazardous waste? [3745-273-13(A)(3)]		Yes ☐ No ☐ N/A ☒
	a.	If the electrolyte or other waste is characteristic, is it managed in compliance with OAC Chapters 3745-50 through 3745-69? [3745-273-13(A)(3)(a)]	Yes ☐ No ☐ N/A ☒
	b.	If the electrolyte or other waste is not hazardous, is it managed in compliance with applicable law? [3745-273-13(A)(3)(b)]	Yes ☐ No ☐ N/A ☒
7.	Are the batteries or containers of batteries labeled with the words "Universal Waste - Batteries" or "Waste Battery(ies)" or "Used Battery(ies)?" [3745-273-14(A)]		Yes ☐ No ☐ N/A ☒
UNIVERSAL WASTE LAMPS			
8.	Does the SQUWH contain lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with contents of the lamps? Are containers or packages closed and do they lack evidence of leakage, spillage or damage that could cause leakage? [3745-273-13(D)(1)]		Yes ☒ No ☐ N/A ☐
9.	Are lamps that show evidence of breakage, leakage or damage that could cause a release of mercury or hazardous constituents into the environment immediately cleaned up? Are they placed into a container that is closed, structurally sound, compatible with the contents of the lamps, and lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or hazardous waste constituents to the environment? [3745-273-13(D)(2)]		Yes ☒ No ☐ N/A ☐
*NOTE: **Treatment (such as crushing) by a UWH is prohibited under this rule unless the facility is permitted for such activities [3745-273-31(B)].** A generator crushing lamps must manage lamps according to hazardous waste rules (OAC Chapter 3745-52). Lamp crushing is a form of generator treatment (OAC rule 3745-52-34). Crushed lamps must be transported by a registered hazardous waste transporter to a permitted hazardous waste facility using a hazardous waste manifest.*			
10.	Are the lamps or containers or packages of lamps labeled with the words "Universal Waste - Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)?" [3745-273-14(E)]		Yes ☒ No ☐ N/A ☐

ACCUMULATION TIME			
11.	Is the waste accumulated for less than one year? [3745-273-15(A)]		Yes ☒ No ☐ N/A ☐
	a.	If not, is the waste accumulated over one year in order to facilitate proper recovery, treatment or disposal? (Burden of proof is on the handler to demonstrate) [3745-273-15(B)]	Yes ☐ No ☐ N/A ☒
NOTE: Accumulation is defined as date generated or date received from another handler.			
12.	Is the handler able to demonstrate the length of time the universal waste has been accumulated? [3745-273-15(C)]		Yes ☒ No ☐ N/A ☐
EMPLOYEE TRAINING			
13.	Are employees who handle or have the responsibility for managing universal waste informed of waste handling/emergency procedures, relative to their responsibilities? [3745-273-16]		Yes ☒ No ☐ N/A ☐
RESPONSE TO RELEASES			
14.	Are releases of universal waste and other residues immediately contained? [3745-273-17(A)]		Yes ☐ No ☐ N/A ☒
15.	Is the material released characterized? [3745-273-17(B)]		Yes ☐ No ☐ N/A ☒
16.	If the material released is a hazardous waste, was it managed as required in OAC Chapters 3745-50 through 3745-69? (If the waste is hazardous, the handler is considered the generator of the waste and is subject to OAC Chapter 3745-52) [3745-273-17(B)]		Yes ☐ No ☐ N/A ☒
OFF-SITE SHIPMENTS			
NOTE: If a SQUWH self-transports waste, then the handler must comply with the UW transporter requirements.			
17.	Are universal wastes sent to either another handler, destination facility or foreign destination? [3745-273-18(A)]		Yes ☒ No ☐ N/A ☐
18.	Is the handler aware of DOT requirements for packaging and shipping? If no, make aware of 49 CFR 171-180.		Yes ☒ No ☐ N/A ☐
19.	Prior to shipping universal waste off-site, does the originating handler ensure that the receiver agrees to receive the shipment? [3745-273-18(D)]		Yes ☒ No ☐ N/A ☐
20.	Has the originating handler ever had an off-site shipment rejected by another handler or destination facility?		Yes ☐ No ☒ N/A ☐
	a.	If yes, did the originating handler receive the waste back or agree to where the shipment was sent? [3745-273-18(E)(2)]	Yes ☐ No ☐ N/A ☒
21.	If a handler rejects a partial or full load from another handler, does the receiving handler contact the originating handler and discuss and do <u>one of the following</u>:		Yes ☐ No ☐ N/A ☒
	a.	Send the waste back to the originating handler or send the shipment to a destination facility (If both the originating and receiving handler agree)? [3745-273-18(F)(2)]	Yes ☐ No ☐ N/A ☒
22.	If the handler received a shipment of hazardous waste that was not a universal waste, did the SQUWH immediately notify Ohio EPA? [3745-273-18(G)]		Yes ☐ No ☐ N/A ☒
EXPORTS			
23.	Is waste being sent to a foreign destination? If so:		Yes ☐ No ☐ N/A ☒
	a.	Does the small quantity handler comply with primary exporter requirements in OAC rules 3745-52-53, 3745-52-56, and 3745-52-57? [3745-273-20(A)]	Yes ☐ No ☐ N/A ☒
	b.	Is waste exported only upon consent of the receiving country and in conformance with the U.S. EPA "Acknowledgment of Consent" as defined in OAC rules 3745-52-50 to 3745-52-57? [3745-273-20(B)]	Yes ☐ No ☐ N/A ☒
	c.	Is a copy of the U.S. EPA "Acknowledgment of Consent" provided to the transporter? [3745-273-20(C)]	Yes ☐ No ☐ N/A ☒

GENERATOR LDR CHECKLIST DOES NOT APPLY TO CESQGS					
GENERAL REQUIREMENTS					
1.	If LDRs do not apply, does the generator have a statement that lists how the HW was generated, why LDRs don't apply and where the HW went? [3745-270-07(A)(7)]				Yes ☐ No ☐ N/A ☒
2.	Did the generator determine if the HW/soil must be treated to meet the LDR treatment standard prior to disposal? Generator knowledge or testing may be used. [3745-270-07(A)(1)] If not,				Yes ☒ No ☐ N/A ☐
	a.	Did the generator send the waste to a permitted HW TREATMENT facility? [3745-270-07(A)(1)]			Yes ☒ No ☐ N/A ☐
NOTE: This is done by determining if the HW /soil contains levels of constituents greater than the levels given in its LDR treatment standard in 3745-270-40. However, if a specific treatment method is given in 3745-270-40 for the HW, no determination is required [3745-270-07(A)(1)(b)]. If soil, generator can choose to have soil treated to LDR levels given in 3745-270-49 (alternative treatment levels for soils).					
3.	Does the generator have documentation of how he determined whether the HW/soil meets or does not meet the LDR treatment standard in 2, above? [3745-270-07(A)(6)(a) or 3745-270-07(A)(6)(b)]				Yes ☒ No ☐ N/A ☐
4.	Does the generator keep the documentation required in #2, above, on-site for at least three years from the last date the HW/soil was sent on-site/off-site for treatment/disposal? [3745-270-07(A)(8)]				Yes ☒ No ☐ N/A ☐
5.	Does the generator generate a listed HW that exhibits a characteristic? If yes,				Yes ☒ No ☐ N/A ☐
	a.	Did the generator determine if the listed HW exhibits a characteristic that is not treated under the LDR treatment standard for the listed HW? [3745-270-09(A)]			Yes ☒ No ☐ N/A ☐
FOR EXAMPLE: F006 that exhibits the characteristic for silver or K062 that is corrosive, D002. Review LDR treatment standard in 3745-270-40 to determine what constituents the listed HW is treated for.					
6.	Did the generator determine if its characteristic HW contains underlying hazardous constituents that need to be treated? [3745-270-09(A)]				Yes ☒ No ☐ N/A ☐
NOTE: This is done by evaluating which underlying hazardous constituents (UHC) are in the HW at levels above the universal treatment standards given in 3745-270-48. This requirement does not apply to high total organic carbon (i.e., contains >10% TOC) D001 wastes or listed HWs.					
NOTE: Written documentation of this determination is not required.					
7.	Did the generator treat his HW /soil on-site <u>to meet</u> the LDR treatment standard?				Yes ☐ No ☒ N/A ☐
NOTE: If "Yes" see question #16.					
8.	Did the generator send a one-time LDR notification form to the TSD with the first shipment to that facility? [3745-270-07(A)(2)]				Yes ☒ No ☐ N/A ☐
	a.	If the generator chose not to make the determination of whether his waste must be treated, did he send a notice to the TSD facility with each shipment? [3745-270-07(A)(2)] If so, did the notice include:			Yes ☐ No ☐ N/A ☒
		i	Applicable HW codes?		Yes ☐ No ☐ N/A ☒
		ii	Manifest number of the first shipment to the TSD?		Yes ☐ No ☐ N/A ☒
		iii	A statement that conveys that the HW may or may not be subject to the LDR treatment standards and the TSD must make that determination."?		Yes ☐ No ☐ N/A ☒
9.	Did the generator resubmit the LDR notification form to the TSD when the HW changed or the generator used a new TSD? [3745-270-07(A)(2)]				Yes ☒ No ☐ N/A ☐
10.	Does the generator have a copy of the LDR notification form/notice on file? [3745-270-07(A)(2)]				Yes ☒ No ☐ N/A ☐
	a.	Is the form/notice kept on file for three years after last HW shipped? [3745-270-07(A)(8)]			Yes ☒ No ☐ N/A ☐

NOTIFICATION FORM				
11.	Does the LDR Notification form contain the following information:			
	a.	Manifest number of the first waste shipment to the TSD? [3745-270-07(A)(2)]		Yes ☒ No ☐ N/A ☐
	b.	Applicable waste codes (includes characteristic codes for a listed HW if applicable)? [3745-270-07(A)(2)]		Yes ☒ No ☐ N/A ☐
	c.	A statement that conveys that the HW is subject to LDRs and must be treated to meet LDR treatment requirements? [3745-270-07(A)(2)]		Yes ☒ No ☐ N/A ☐
	d.	A designation whether the HW is a wastewater or non-wastewater? [3745-270-07(A)(2)]		Yes ☒ No ☐ N/A ☐
NOTE: A wastewater contains <1% by wt. total suspended solids(TSS) and <1% by wt. TOC. If you doubt the HW is a wastewater or non-wastewater, the HW can be tested using for example, Standard Methods (SM) 160.2 for TSS, SW-846 method 9060a for TOC.				
	e.	Designation of the waste subcategory when applicable? [3745-270-07(A)(2)]		Yes ☒ No ☐ N/A ☐
NOTE: Subcategories are found on the LDR treatment standards table under the applicable waste code. Not all HWs have subcategories				
	f.	A listing of the underlying hazardous constituents for which a characteristic waste must be treated? [3745-270-07(A)(2)]		Yes ☐ No ☐ N/A ☒
NOTE: Not required if the waste is high TOC D001 or the TSD tests its treatment residues for all underlying hazardous constituents.				
	g.	If the HW is F001-F005 or F039, did the generator note on the LDR form what solvents or constituents, respectively, the waste contains and must be treated for? [3745-270-07(A)(2)]		Yes ☒ No ☐ N/A ☐
NOTE: Not required if the TSD tests its treatment residues for all underlying hazardous constituents.				
PROHIBITED DILUTION				
12.	Is the HW treated by burning? If "No" go to #15.			Yes ☒ No ☐ N/A ☐
13.	Is the HW a metal-bearing HW?			Yes ☐ No ☒ N/A ☐
NOTE: Generally, metal-bearing HWs contain heavy metals above TCLP levels or were listed due to the presence of metals. A list of the restricted metal-bearing HWs are given in the Appendix to 3745-270-03.				
14.	a.	Metal-bearing HWs cannot be incinerated, combusted or, blended and burned for fuel unless **one** of the following conditions apply. [3745-270-03(c)]		
		i.	Contains > 1% TOC?	Yes ☐ No ☐ N/A ☒
		ii.	Contains organic constituents or cyanide at levels greater than the UTS levels?	Yes ☐ No ☐ N/A ☒
		iii.	Is made up of combustible material e.g., paper, wood, plastic?	Yes ☐ No ☐ N/A ☒
		iv.	Has a reasonable heating value (e.g., > 5000 Btu)?	Yes ☐ No ☐ N/A ☒
		v.	Co-generated with a HW that must be combusted?	Yes ☐ No ☐ N/A ☒
	b.	If all responses to 14 a.i. through 14 a.v. are "No", HW is being improperly treated by dilution, violation of 3745-270-03(C). Is HW being treated by dilution?		Yes ☐ No ☐ N/A ☒
15.	Was the HW treated by wastewater treatment?			Yes ☐ No ☒ N/A ☐
	a.	Is a LDR treatment method, other than DEACT or a numerical value, specified for the waste? [3745-270-03(B) and 3745-270-40(A)(3)]		Yes ☐ No ☐ N/A ☒

NOTE: If "Yes", HW is improperly being treated by dilution.			
	b.	Does the waste carry the D001 code and contain ≥10% TOC?	Yes ☐ No ☐ N/A ☒
	c.	Does the wastewater treatment process include a process to separate/recover the organic phase of the waste?	Yes ☐ No ☐ N/A ☒
NOTE: If the answers to b & c are "yes" and "no", respectively, waste is improperly being treated by dilution and generator is in violation of [3745-270-03(B)] and 3745-270-40(A)(3)].			
NOTE: A list of separation/recovery processes are given in 3745-270-42 under RORG.			
GENERATOR TREATMENT			
16.		Does the generator treat to meet LDRs on-site?	Yes ☐ No ☒ N/A ☐
		Did the generator treat his hazardous waste/soil on-site in a tank, container, drip pad or containment building to meet the LDR treatment standard?	Yes ☐ No ☒ N/A ☐

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: Teknol, Inc	**Facility Type:** LGQ	**Date of Inspection:** 01/7/2013, 1/11/2013	**EPA ID #:** OHD987036464

Waste Generated				***On- or Off-Site Management***		***P2 Activities***	
	Process/Activity Generating Waste (e.g. plating bath, machining, baghouse, painting, general maintenance, etc)	**Waste Description** (e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic.	**QTY Generated per Month, Type of Accumulation** (container, tank, etc) and location of waste accumulation area	**Type of On-Site Treatment** (recycle, wwt, etc)	**Name, state, and type of activity occurring at the off-site facility.**	**Current P2 Activities**	**P2 Opportunities**
1	Paint, adhesive, sealant production	Spent solvents: Toluene, acetone, methanol, MEK, Xylene D001, D035, F003, F005	Approximately 5-7 55-gallon drums a month	None	Rineco 1007 Vulcan Road Benton, AR 72015	None	None
2	Lamps	Universal waste lamps	Varies	None	Rineco 1007 Vulcan Road Benton, AR 72015	Sent for recycling	None

REMARKS/GENERAL INFORMATION

General Process Information: Teknol manufactures various types of paints, varnishes, adhesives, and sealants for the automotive repair industry.

METHOD 9095B

PAINT FILTER LIQUIDS TEST

1.0 SCOPE AND APPLICATION

1.1 This method is used to determine the presence of free liquids in a representative sample of waste.

1.2 The method is used to determine compliance with 40 CFR 264.314 and 265.314.

2.0 SUMMARY OF METHOD

2.1 A predetermined amount of material is placed in a paint filter. If any portion of the material passes through and drops from the filter within the 5-min test period, the material is deemed to contain free liquids.

3.0 INTERFERENCES

3.1 Filter media were observed to separate from the filter cone on exposure to alkaline materials. This development causes no problem if the sample is not disturbed.

3.2 Temperature can affect the test results if the test is performed below the freezing point of any liquid in the sample. Tests must be performed above the freezing point and can, but are not required to, exceed room temperature of 25 °C.

4.0 APPARATUS AND MATERIALS

4.1 Conical paint filter -- Mesh number 60 +/- 5% (fine meshed size). Available at local paint stores such as Sherwin-Williams and Glidden.

4.2 Glass funnel -- If the paint filter, with the waste, cannot sustain its weight on the ring stand, then a fluted glass funnel or glass funnel with a mouth large enough to allow at least 1 in. of the filter mesh to protrude should be used to support the filter. The funnel should be fluted or have a large open mouth in order to support the paint filter yet not interfere with the movement, to the graduated cylinder, of the liquid that passes through the filter mesh.

4.3 Ring stand and ring, or tripod.

4.4 Graduated cylinder or beaker -- 100-mL.

5.0 REAGENTS

5.1 None.

6.0 SAMPLE COLLECTION, PRESERVATION, AND HANDLING

A 100-mL or 100-g representative sample is required for the test. If it is not possible to obtain a sample of 100 mL or 100 g that is sufficiently representative of the waste, the analyst may use larger size samples in multiples of 100 mL or 100 g, i.e., 200, 300, 400 mL or g. However, when larger samples are used, analysts shall divide the sample into 100-mL or 100-g portions and test each portion separately. If any portion contains free liquids, the entire sample is considered to have free liquids. If the sample is measured volumetrically, then it should lack major air spaces or voids.

7.0 PROCEDURE

7.1 Assemble test apparatus as shown in Figure 1.

7.2 Place sample in the filter. A funnel may be used to provide support for the paint filter. If the sample is of such light bulk density that it overflows the filter, then the sides of the filter can be extended upward by taping filter paper to the inside of the filter and above the mesh. Settling the sample into the paint filter may be facilitated by lightly tapping the side of the filter as it is being filled.

7.3 In order to assure uniformity and standardization of the test, material such as sorbent pads or pillows which do not conform to the shape of the paint filter should be cut into small pieces and poured into the filter. Sample size reduction may be accomplished by cutting the sorbent material with scissors, shears, a knife, or other such device so as to preserve as much of the original integrity of the sorbent fabric as possible. Sorbents enclosed in a fabric should be mixed with the resultant fabric pieces. The particles to be tested should be reduced smaller than 1 cm (i.e., should be capable of passing through a 9.5 mm (0.375 inch) standard sieve). Grinding sorbent materials should be avoided as this may destroy the integrity of the sorbent and produce many "fine particles" which would normally not be present.

7.4 For brittle materials larger than 1 cm that do not conform to the filter, light crushing to reduce oversize particles is acceptable if it is not practical to cut the material. Materials such as clay, silica gel, and some polymers may fall into this category.

7.5 Allow sample to drain for 5 min into the graduated cylinder.

7.6 If any portion of the test material collects in the graduated cylinder in the 5-min period, then the material is deemed to contain free liquids for purposes of 40 CFR 264.314 and 265.314.

8.0 QUALITY CONTROL

8.1 Duplicate samples should be analyzed on a routine basis.

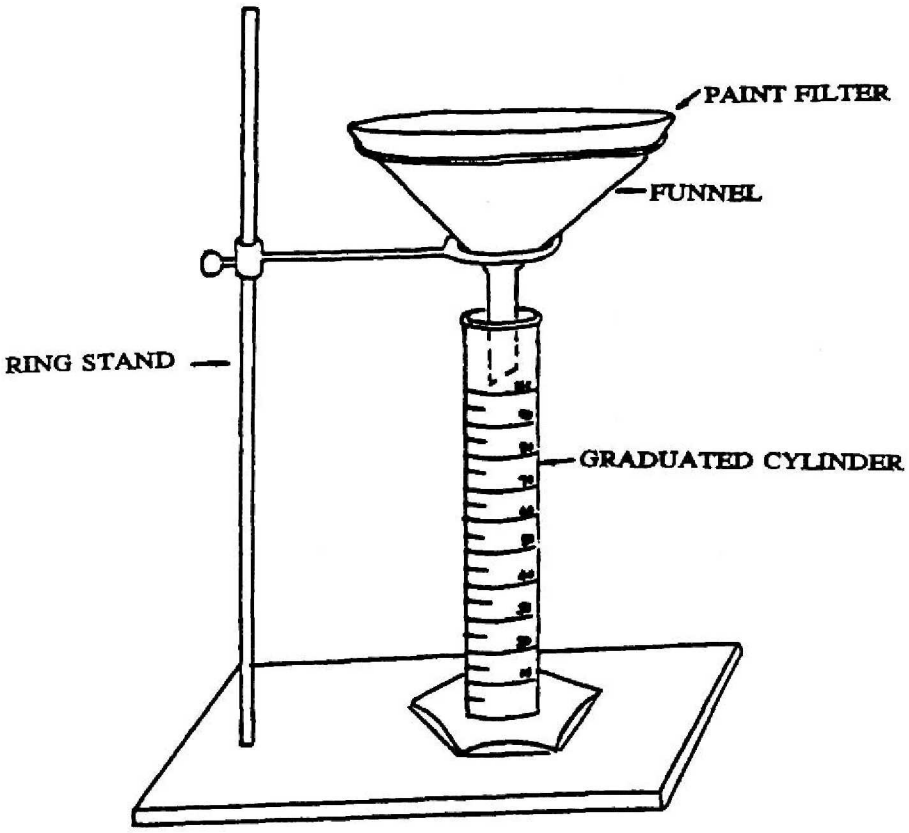
9.0 METHOD PERFORMANCE

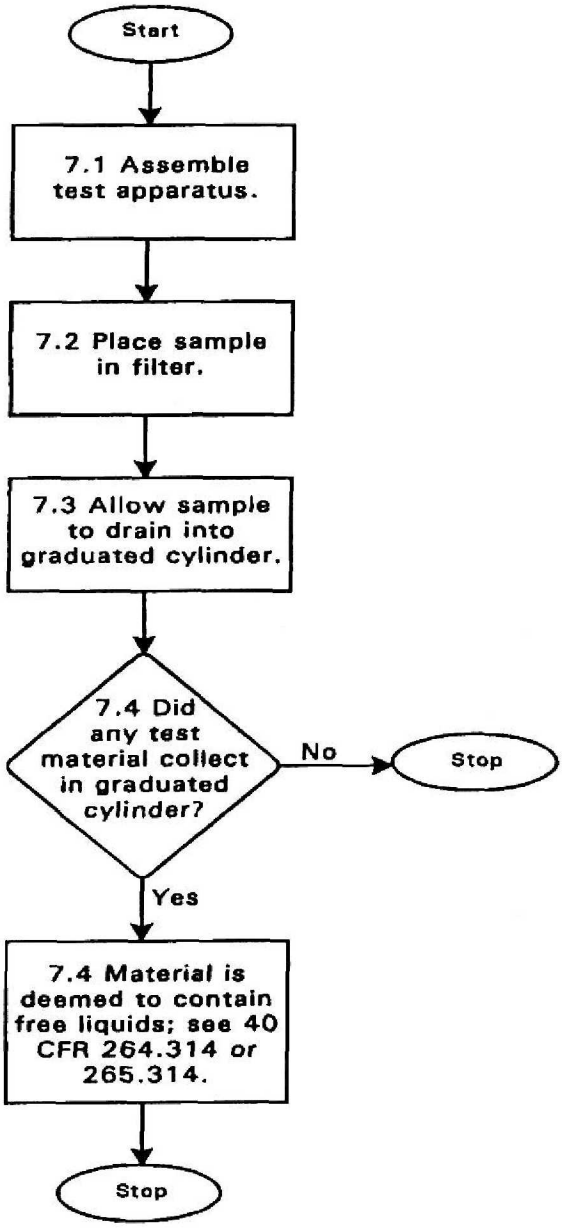
9.1 No data provided.

10.0 REFERENCES

10.1 None provided.

FIGURE 1
PAINT FILTER TEST APPARATUS




Start
7.1 Assemble test apparatus.
7.2 Place sample in filter.
7.3 Allow sample to drain into graduated cylinder.
7.4 Did any test material collect in graduated cylinder?
No
Stop
Yes
7.4 Material is deemed to contain free liquids; see 40 CFR 264.314 or 265.314.
Stop

Environmental
Protection Agency
Division of Hazardous Waste Management

Notifier

Ohio/Federal Program Differences

By Karen Hale

Although Ohio runs a federally authorized hazardous waste program which requires general equivalency with RCRA, there are times when the state & federal programs differ on a particular issue. These differences may be simply because Ohio has yet to adopt a new federal requirement or possibly that Ohio adopted a more stringent requirement as directed by the State's General Assembly. In other situations, Ohio may simply have a different interpretation of a requirement than our federal counterparts. While every effort is made to strive for consistency in state and federal program perspectives, complete equivalency is not always possible for the reasons noted above. This article highlights a few of the notable program differences between the agencies.

Hazardous Waste Disposal

As a conditionally exempt small quantity generator (CESQG) in Ohio, one of the few hazardous waste requirements you must follow is to make sure your hazardous waste is delivered to a facility permitted to store, treat or dispose of hazardous wastes. Although U.S. EPA allows CESQGs to dispose of their hazardous waste with their regular trash, in Ohio, it is illegal for a CESQG (or any other hazardous waste generator) to do so. This is one of the major regulatory differences between Ohio EPA's hazardous waste rules and U.S. EPA's hazardous waste rules.

Organic Air Emission Standards - AA, BB, CC

Ohio EPA has not yet adopted a major set of hazardous waste rules that you may be required to comply with under the federal hazardous waste program. The rules are the organic air emission standards for process vents, equipment leaks and tanks, surface impoundments and containers. These rules are often referred to as AA, BB and CC due to their location in the federal hazardous waste rules (40 CFR part 264 subparts AA, BB and CC, and 40 CFR part 265 subparts AA, BB and CC).

The rule requires large quantity generators (LQGs) and owner/operators of treatment, storage and disposal facilities (TSDs) to monitor and control air emission releases from volatile organic hazardous wastes. These requirements do not apply to small quantity generators (SQGs) or CESQGs.

The CC standards impact a large number of TSD facilities and LQGs that generate or manage organic hazardous wastes. If the hazardous waste contains more than 500 ppm volatile organics, the CC standards apply to the management of that waste in containers, tanks and surface impoundments.

F006, F019 and other listed wastewater treatment sludges

Ohio EPA and U.S. EPA differ in their interpretations of the listings for F006 and F019 and the application of the mixture rule. Ohio requires hazardous waste characterization for wastewater treatment sludges from commingled wastewaters. U.S. EPA's interpretation is that wastewater treatment sludges from commingled wastewaters may be listed hazardous waste even if one of the wastewaters is from a process not described in the listing. If you generate wastewater treatment sludges, for example from electroplating or chemical conversion coating of aluminum processes, be aware of U.S. EPA's interpretation, found in U.S. EPA memoranda, dated September 13, 1999 and November 21, 1994. If a facility fails to manage wastewater treatment sludges as hazardous consistent with U.S. EPA's interpretation, it may be subject to federal enforcement.

Solvent-Contaminated Rags and Wipers

Ohio EPA's policy for management of solvent-contaminated rags and wipers differs from U.S. EPA guidance. In Ohio, solvent-contaminated rags and wipers contaminated with a solvent constituent that appears in the listing descriptions for hazardous wastes F001 to F005 are not classified as listed hazardous waste, except in situations where the rag or wiper is used to clean up a spill of listed hazardous waste solvent.

U.S. EPA differentiates whether the solvent contaminated rag or wiper would be a listed hazardous waste based on whether the solvent was placed on the rag or wiper prior to use or sprayed on a surface and wiped off.

Even though Ohio EPA no longer considers solvent-contaminated rags and wipers as listed hazardous waste, if you generate solvent-contaminated rags or wipers and do not have them laundered, you will still need to evaluate this waste stream to determine whether, for purposes of storage, transportation and disposal, they would be a characteristic hazardous waste.

Laundered rags are not regulated, provided they do not contain free liquids and are sent to a commercial laundry subject to regulation under the Clean Water Act or a dry cleaner for cleaning and reuse.

Annual Reporting

In Ohio, LQGs and facilities with a permit to treat, store or dispose of hazardous wastes must file a Hazardous Waste Annual Report (AR) no later than March 1 of each year. The AR summarizes the amount of hazardous waste generated and the management activities conducted at the facility in the previous calendar year. To fulfill the federal biennial report requirement, AR data collected for odd-numbered years are forwarded to U.S. EPA. Facilities do not need to file a separate biennial report.

72 hour rule

Ohio recently adopted a state-specific rule that, if the hazardous wastes are not stored for longer than 72 hours prior to recycling, allows recyclers to store hazardous wastes, generated from off-site facilities, without

a permit. The recycler must meet storage, container management, manifesting, financial assurance, site security, contingency plan and closure requirements.

U.S. EPA does not have an equivalent rule, but the issue has been discussed in letters of interpretation and the *Federal Register*. If certain conditions are met, two other authorized states have rules that allow limited storage, without obtaining a permit, prior to recycling.

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This article has been updated by the Winter 2005 article, "Aerosol Can Questions" - including a flow chart to help you determine if your aerosol can is empty

Regulatory Status of Aerosol Cans:

A little can, a lot to think about

An aerosol can is comprised of two parts - the contents (liquid and propellant) and the metal can (container). The container is empty when the contents are removed through normal use. If the can contains a compressed gas propellant that is a hazardous waste, the internal pressure of the can must also reach atmospheric pressure. Puncturing, draining and crushing aerosol cans by mechanical means designed to do such, is a method normally used to empty cans and to attain atmospheric pressure within the can. This procedure is not hazardous waste treatment regardless of whether the can or the contents will be recycled.

If your business accumulates aerosol cans containing significant amounts of hazardous liquid prior to being emptied, you may or may not need to manage them according to the applicable generator regulations. Whether or not you must manage them as hazardous waste depends on how the cans and the hazardous liquid will ultimately be recycled. Ohio EPA encourages businesses to recycle both the aerosol can and its contents if possible. If you puncture and drain cans on site, do it in a safe and environmentally-sound manner.

According to Ohio Administrative Code (OAC) rules 3745-51-01(C)(4), (5) and (7), a material is "recycled" if it is used, reused or reclaimed; a material is "reclaimed" if it is processed to recover a usable product or if it is regenerated; and a material is "used" or "reused" if it is either: (a) employed as an ingredient, including use as an intermediate in an industrial process to make a product. . .or (b) used in a particular function or application as an effective substitute for a commercial product.

There are five ways an aerosol can and its contents can be managed properly. Those ways are described below.

Aerosol can and contents are both recycled (i.e.: used, reused, or reclaimed (sent for distillation))

Materials that are recycled as scrap metal are considered hazardous waste, but are exempt from regulation. Aerosol cans that do not contain a significant amount of liquid (e.g., a can that has been punctured and drained) would meet the definition of scrap metal (OAC rule 3745-51-01(C)(9)). If cans are to be recycled, they would be exempt from regulation under OAC rule 3745-51-04(A)(13). The scrap metal exclusion attaches to the waste at the point of generation. Materials that are recycled as scrap metal are not subject to OAC chapter 3745-52.

If the liquid in an aerosol can cannot be used for its intended purpose, seek ways to reclaim it. Aerosol can contents are considered commercial chemical products. According to OAC rule 3745-51-02(C)(3), commercial chemical products that are reclaimed are not wastes, and therefore, not hazardous wastes. If you use or reclaim the liquid and recycle the cans as scrap metal, the aerosol cans are not subject to the hazardous waste regulations.

As a generator of aerosol cans that, including the contents, are to be recycled by being used, reused, or reclaimed, you do not need to determine if the can or its contents are hazardous waste and you do not need to manage the cans as hazardous waste, prior to or after puncturing. In addition, you do not need to quantify, store, label, transport or otherwise manage the cans according to the hazardous waste rules.

Aerosol can is recycled, contents are used in fuel blending or used in a manner constituting disposal

Although materials that are recycled as scrap metal are not subject to Ohio OAC chapter 3745-52, this exclusion is negated when the contents are burned for energy recovery, used to produce a fuel or contained in fuels (OAC rule 3745-51-02(E)(2)(b)). The cans may still be recycled as scrap metal, however, you will be required to quantify, store, label, transport or otherwise manage the cans according to the hazardous waste rules prior to puncturing. After puncturing, cans do not need to be managed as hazardous waste, although the removed contents would. A business may operate a satellite accumulation area to accumulate aerosol cans at or near the point of generation prior to puncturing them. See OAC rule 3745-52-34 (C) for more information about satellite accumulation areas. An exception to this includes liquid used for fuel, that is normally used as a fuel. (See the Division of Hazardous Waste Management's guidance on Satellite Accumulation at: *http://www.epa.state.oh. us/dhwm/satelli4.htm* for more information.)

Aerosol can is recycled, contents are disposed

If the contents will be disposed of, determine if the contents are hazardous waste pursuant to OAC rule 3745-52-11. The contents may be a listed or characteristic

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This article has been updated by the Winter 2005 article, "Aerosol Can Questions" - including a flow chart to help you determine if your aerosol can is empty

Regulation of aerosol cans

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hazardous waste. If the contents of the can meet the definition of reactivity, one of the characteristics of hazardous waste, then the waste carries the D003 waste code. It is DHWM's position that partially filled or empty aerosol cans do not categorically exhibit the reactivity characteristic simply because they are sealed containers that can burst when heated.

If contents are hazardous, the cans containing hazardous waste must be managed in accordance with all applicable hazardous waste regulations prior to puncturing. After puncturing, cans do not need to be managed as hazardous waste since they are being recycled. Only the contents that have been removed must be managed as hazardous waste. A satellite accumulation area can be operated to accumulate aerosol cans at or near the point of generation prior to puncturing.

Aerosol can is disposed, contents are reclaimed

If the can will be disposed of, determine whether it is a hazardous waste. Scrap metal that is not recycled is subject to the hazardous waste regulations - if it is hazardous. This requires making a hazardous waste determination pursuant to OAC rule 3745-52-11 and, if hazardous, managing the can in accordance with all applicable hazardous waste regulations.

As stated above, the liquid contents of aerosol cans are considered commercial chemical products. According to OAC rule 3745-51-02(C)(3), commercial chemical products that are reclaimed are not wastes, so they cannot be hazardous wastes. Therefore, manage the cans as hazardous waste prior to puncturing; but after puncturing, only the can would be managed as if it is hazardous. It is not necessary to manage the liquid contents as hazardous waste when contents are reclaimed. In addition, you do not need to quantify, store, label, transport or otherwise manage the liquid contents according to the hazardous waste rules.

Aerosol can and contents are both disposed

If the can and its contents will be disposed of, determine whether either of the components are a hazardous waste. Aerosol cans that leave a facility containing significant amounts of liquid, sometimes a result of defective or clogged nozzles, are not eligible for the scrap metal exclusion if the contents are hazardous waste. Evaluate the material remaining in cans with significant amounts of liquid to determine whether or not the contents are hazardous. Ohio EPA suggests using both generator knowledge of the cans and their contents and verifying if the cans are empty according to Resource Conservation and Recovery Act (RCRA) regulations (see OAC rule 3745-51-07). A facility must manage the cans containing hazardous waste in accordance with all applicable hazardous waste regulations. Therefore, scrap metal that is not recycled would be subject to the hazardous waste regulations if it is determined to be hazardous pursuant to OAC rule 3745-52-11. Please also note that liquids are prohibited in landfills.

If a business generates hazardous wastes, all of Ohio's applicable hazardous waste requirements must be met. Ohio's hazardous waste rules are located in OAC Chapters 3745-49 through 3745-279. The rules can be accessed on DHWM's main Web site two ways: go to the list of rules directly *(http://www.epa.state.oh.us/dhwm/dhwmrules/index1.htm)* or go to DHWM's main Web page *(www.epa.state.oh.us/dhwm)*, select "Laws and Regulations," and then select "Ohio Administrative Code."

Commonly Asked Question:

1. If a facility buys one unit to puncture, drain and crush aerosol cans and places it in a centralized location, is this location considered an accumulation area subject to hazardous waste management and closure requirements?

The answer is no as long as the cans will be recycled as scrap metal. Aerosol cans that do not contain significant amounts of liquid would meet the definition of scrap metal and, if they are to be recycled, would be exempt from regulation under OAC rule 3745-51-04(A)(13). The centralized location is not a hazardous waste accumulation area because hazardous wastes that are recycled as scrap metal are exempt from hazardous waste rules. Hazardous waste closure requirements are not applicable for the same reasons and do not have to be managed according to OAC chapter 3745-52.

If the cans will not be recycled, then the hazardous waste regulations apply to the generator of the cans and the facility performing the puncturing, draining and crushing of the cans, including the centralized location of the machine.

If you need more information or have questions about Ohio's regulation of aerosol cans, please contact the Division of Hazardous Waste Management at (614) 644-2917.

This article has been updated by the Winter 2005 article, "Aerosol Can Questions" - including a flow chart to help you determine if your aerosol can is empty

Notifier - Winter 2006

Aerosol Can Questions

by Rose McLean and Jeff Mayhugh

This article is intended to clarify two questions that we frequently receive about the regulatory status of aerosol cans: When are aerosol cans considered empty? If aerosol cans have not been punctured, must they be managed as hazardous waste (when the can is not being reclaimed, reused or recycled)?

The main focus of both these questions hinges on what you plan to do with the "empty" can. You may want to refer back to the *Winter 2002 Notifier* newsletter for more information about management requirements.

First, understand that you are required to evaluate both the contents and the can itself. When evaluating the contents, there is a two-pronged test to determine if the can is empty:

- it must be emptied of all waste using practices commonly employed to remove materials from that type of container, that is, pouring, pumping and aspirating; (the easiest way to do this is to use a can puncturing device)
- contain less than or equal to 2.5 centimeters of liquid residue or no more than three percent by weight of the total capacity of the container remains.

If the aerosol can did not contain a material that would be a hazardous waste now that it will be disposed of, then the material remaining in the can is not subject to any hazardous waste rules, including the *RCRA empty* rule (which determines when a container is empty). If the aerosol can contains a hazardous waste, either *listed* or *characteristic*, then its contents will be subject to the hazardous waste rules. However, the can itself must be evaluated regardless of its contents.

When are aerosol cans considered empty?

To answer that, you must first determine what the aerosol can contained. The definition of an empty aerosol can depends on the can's original contents and the planned method of disposal. The best way to manage aerosol cans is to recycle both the can and the contents so as to avoid having to make an empty container determination (and eliminating the need to read any further).

Are you planning to throw the can away?

If so, here are the management topics that affect you:

- If the aerosol can contains only a hazardous compressed gas, such as butane used to calibrate your air monitoring equipment, then the can is empty once it reaches atmospheric pressure [see Ohio Administrative Code (OAC) rule *3745-51-07(B)(2)*]. Once the can is empty, any hazardous waste remaining in it is not subject to Ohio's hazardous waste rules. However, since you are disposing of the container, you would still be required to *evaluate* the shell (can) prior to disposal. If the shell is hazardous, then you must manage it according to the applicable hazardous waste *regulations*. Please note that you can use *generator knowledge* to determine whether the shell is hazardous.

- If the aerosol can contained a product such as paint or solvent, and you have emptied it according to normal methods of emptying an aerosol can, then the can is not empty until no more than 2.5 centimeters of liquid residue remains on the bottom of the container or no more than three percent by weight of the total capacity of the container remains [see OAC rule *3745-51-07(B)(2)*]. Since the aerosol can houses two substances, the liquid product and the compressed gas propellant, the container is not empty until both materials meet the requirements for empty containers (both bullet items). Once both materials meet these requirements, then you must evaluate the shell (can) prior to disposal. Evaluate the shell (can) according to OAC rule *3745-52-11*.

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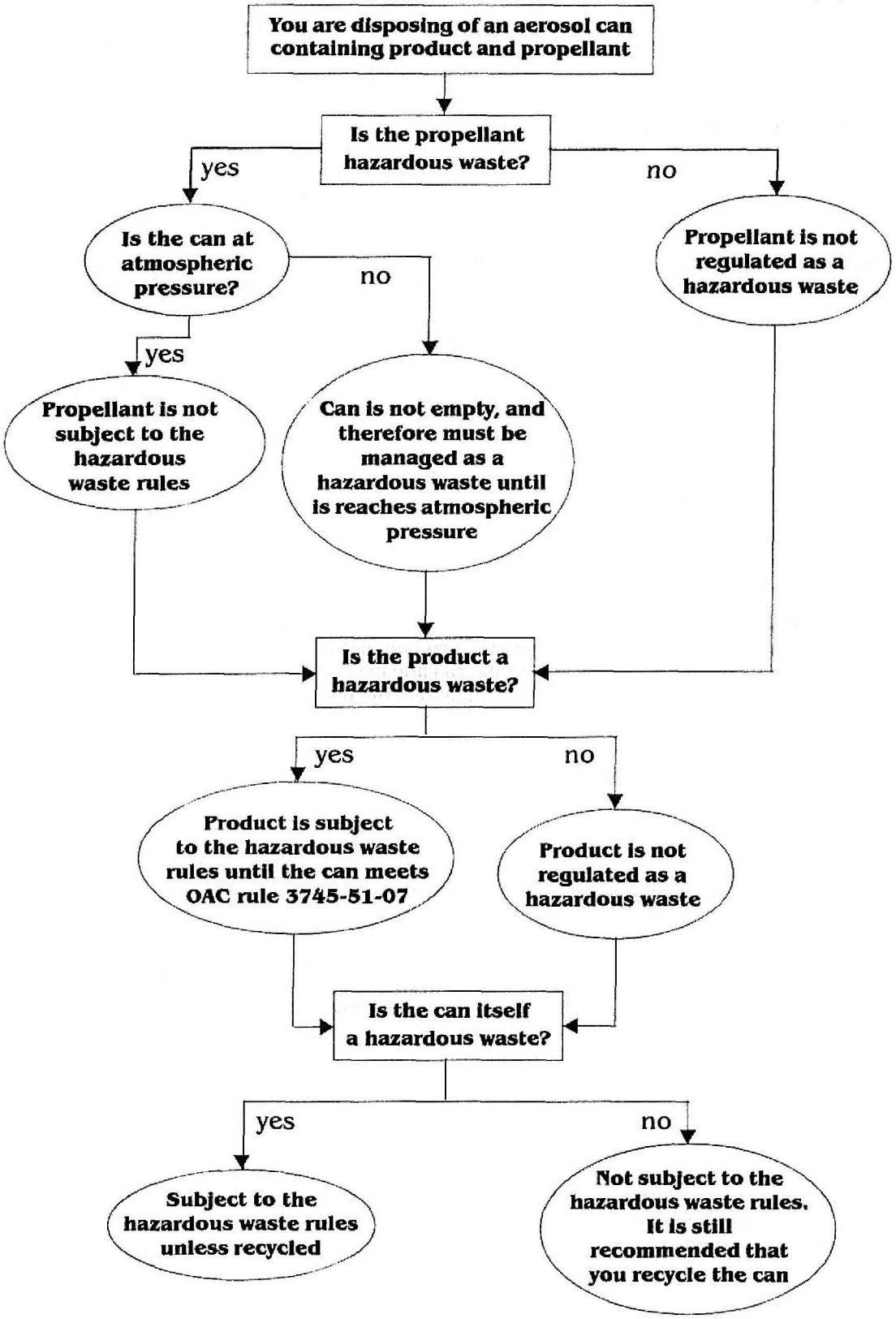
Example of How to Determine if Your Aerosol Can is Empty



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Are you planning to recycle the can?

If so, here are the management topics that affect you:

• If the aerosol can contained only a compressed gas, such as the previous example, then the can is empty once it reaches atmospheric pressure. Once that occurs, then it no longer contains a hazardous waste. Since you are recycling the container, it is not subject to hazardous waste rules.

• If the aerosol can contained a product such as paint or solvent, then once it no longer contains a significant amount of liquid, it meets the definition of scrap metal and would be exempt from regulation under OAC rule *3745-51-04(A)13*).

According to U.S. EPA, aerosol cans that have been punctured so that most of the remaining liquid may drain from the can (for instance, at either end of the can), and drained (for example, with punctured end down), would not contain significant liquids (view the U.S. EPA *letter*). However, although recommended, there is no specific regulation requiring that aerosol cans be punctured. That is unless you maintain a can puncturing unit at your facility, wherein puncturing would be considered "a practice commonly employed to remove materials from aerosol cans," and therefore, your aerosol cans must be punctured in order to be considered empty. In addition, many scrap metal recyclers require that cans be punctured.

If aerosol cans are not empty and have not been punctured, must they be managed as hazardous waste (can and contents if they are not being reclaimed, reused or recycled)?

The best way to manage aerosol cans is to recycle both the can and the contents. When managed this way, they are not subject to the hazardous waste rules.

If you intend to throw away non-empty aerosol cans, you must evaluate the contents to determine if they are hazardous. If the contents are hazardous waste, either *listed* or *characteristic*, then they will be subject to the *hazardous waste rules*. In addition, the can itself must be evaluated regardless of its contents. If the shell (can) is listed or characteristic, then it must be managed according to the hazardous waste rules.

New Option for CESQGs in Northeast Ohio

by Pam Allen

Are you a conditionally exempt small quantity generator (CESQG) in Northeast Ohio?

If so, you may have a new option for managing your hazardous waste, universal waste and used oil. The BIZMAT℠ center is open for business and is accepting certain wastes from CESQGs in Summit, Cuyahoga, Stark, Portage, Medina and Wayne counties. The majority of the material brought to the center will be recycled.

BIZMAT℠ is operating as a two-year pilot program and is managed by the Ohio Organization for Recycling and Reuse (OORR), a non-profit organization. Heritage Environmental Services oversees the daily operations.

As participants, CESQGs will be able to bring their waste to BIZMAT. The cost to dispose of as much as 220 pounds of material is $95; $75 of that fee will go toward paying the operating costs for the center and $20 will go into a fund established to help businesses finance brownfield restoration projects.

Additional information is available at *www.bizmatcenter.org*.