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State of Ohio Environmental Protection Agency

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P.O. Box 1049
Columbus, OH 43216-1049

May 8, 2008

Mr. Thomas Fox, Planning Office Engineer
Ohio Department of Transportation, District 6
400 East William Street
Delaware, OH 43015

Re: ODOT District 6 Headquarters
CESQG
U.S. EPA ID#: OHD981201254
Delaware County, CDO

Dear Mr. Fox:

On May 1, 2008, I conducted a compliance evaluation inspection of ODOT's District 6 facility located at 400 East William Street in Delaware, Ohio. J.R. Maynard, Regan Morrison, and Dave Durrett assisted me with my inspection. The purpose of the inspection was to determine ODOT's compliance with Ohio's hazardous waste laws and rules as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). At the time of the inspection, ODOT was operating as a conditionally exempt small quantity generator (CESQG) of hazardous waste, a used oil generator, and a small quantity handler of universal waste at this location.

During the inspection, I found the following violation of Ohio's hazardous waste rules.

OAC Rule 3745-273-13(D)(1), Waste management standards for small quantity handlers of universal waste: A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

At the time of my inspection, ODOT was not accumulating some of the universal waste lamps in the stockroom in containers or packages that were closed.

During the inspection, ODOT placed the universal waste lamps in closed packages. The violation was abated at that time.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

ODOT District 6 was also inspected for compliance with the environmental covenants issued on August 10, 2005. Three units at the facility (designated Areas A, B, and C) underwent closure activities in late 1994. As part of the closure activities, ODOT entered into environmental covenants for Areas A and B. Thus, Areas A and B may only be used for certain industrial activities. On May 1, 2008, I verified that ODOT was in compliance with its environmental covenants and has not built anything on either Area.

General Comments

1. As discussed during the inspection, ODOT is currently looking to contract with a company to launder its used shop towels. Please note that if you have the shop towels laundered, they are not hazardous waste. However, when you send them for laundering they cannot contain free liquids and you must send them to a dry cleaner or a commercial laundry that is subject to regulation under the Clean Water Act.
2. As discussed during the inspection, ODOT is currently in the process of closing its hazardous waste generator storage pad and accumulation tank. Although, you are not required to notify Ohio EPA when you close a tank or storage pad, Ohio EPA recommends that a generator who conducts closure for a storage area or tank keep all documentation on file for the life of the facility. You will also want to keep information on file about how you managed the tank and all decontamination equipment used to prep the tank for closure, etc.

Additional information about generator closure is available in Ohio EPA's *Closure Plan Review Guidance*, Chapter 1, Section 1.10, available at: <http://www.epa.state.oh.us/dhwm/cprg.html>. I have also included a copy of the relevant pages.

3. As discussed during the inspection, unused ground water monitoring wells need to be sealed in accordance with Ohio EPA standards. J.R. and Dave thought that ODOT's wells have been sealed, but were going to check on the specifics. The following documents include guidance for properly sealing unused wells. There is also a requirement to file a well sealing report with the Ohio Department of Natural Resources (ODNR).

- OAC Rule OAC Rule 3745-09-03 discusses the sealing of monitoring wells. It is available at: http://www.epa.state.oh.us/ddagw/Documents/rules/Final/3745-09-03_effective_5-1-03.pdf.

- Other wells, including dry holes and test wells, are included under OAC Rule 3745-9-10, Abandoned Well Sealing, available at: http://www.epa.state.oh.us/ddagw/Documents/rules/Final/3745-09-10_effective_5-1-03.pdf.

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- Ohio EPA's Technical Guidance for Ground Water Investigations, Chapter 9: Sealing Abandoned Wells and Boreholes, available at:
<http://www.epa.state.oh.us/ddagw/tgmweb.htm>.

- State of Ohio Technical Guidance for Sealing Unused Wells, available at:
<http://www.epa.state.oh.us/ddagw/Documents/wellsealguid.pdf>.

Please let me know that status of the eight ground water monitoring wells at the site. If they have been sealed properly, please submit documentation to me for my files. Page 9-6 of Ohio EPA's Technical Guidance for Ground Water Investigations, Chapter 9 includes information that should be documented and reported to Ohio EPA.

Enclosed you will find a copy of the checklists that I completed as a result of the inspection. Should you have any questions, please feel free to call me at (614) 728-3887. You can find copies of the rules and other information on the division's web page at:
<http://www.epa.state.oh.us/dhwm/>.

Sincerely,



Melissa Musko
Environmental Specialist
Division of Hazardous Waste Management
Central District Office

Enclosure

c: Thom Slack, Deputy Director of Planning, ODOT District 6 HQ
J.R. Maynard, Safety Officer, ODOT District 6 HQ
Tammy McConnell, DHWM/CO
CDO File

MM/nsm ODOT.NOV.RTCletter.050108

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.



Ohio Environmental Protection Agency
**RCRA SUBTITLE C SITE
IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to
tammy.mcconnell@epa.state.oh.us or mail it to Tammy
McConnell, Central Office

2. Site EPA ID No.	EPA ID Number: OHD981201254								
3. Site Name	Name: ODOT District 6 Headquarters				Website: www.dot.state.oh.us/dist6 (Optional)				
4. Site Location Information	Street Address: 400 East William Street								
	City, Town, or Village: Delaware				State: OH				
	County Name: Delaware				Zip Code: 43015				
5. Site Land Type (check only one)	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input checked="" type="checkbox"/>	Other <input type="checkbox"/>	
6. NAICS code(s) www.census.gov/epcd/www/naics.html	54138		811111		811121				
7. Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Tom			MI: A	Last Name: Fox				
	Phone Number: 740-833-8347				Phone Number Extension:				
	E-Mail Address: Tom.Fox@dot.state.oh.us								
	Fax Number: 740-833-8093				Fax Number Extension:				
	Street or P.O. Box:								
	City, Town or Village:			State:		Country:		Zip Code:	
8. 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:				Date Became Owner (mm/dd/yyyy):				
	Ohio Department of Transportation								
	Owner Type:	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input checked="" type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box: 400 East William Street								
	City, Town or Village: Delaware				Owner Phone #: 1-800-372-7714				
	State: OH				Country: USA		Zip Code: 43015		
	Name of Site's Operator:				Date Became Operator (mm/dd/yyyy):				
	Ohio Department of Transportation								
	Owner Type:	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input checked="" type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box: 400 East William Street								
City, Town or Village: Delaware				Operator Phone #: 1-800-372-7714					
State: OH				Country: USA		Zip Code: 43015			
9. Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
10A. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)									
<input type="checkbox"/> Not Regulated				<input checked="" type="checkbox"/> Conditionally Exempt Small Quantity Generator					
<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11				<input type="checkbox"/> United States Importer of Hazardous Waste					
<input type="checkbox"/> Large Quantity Generator (LQG)				<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator					
<input type="checkbox"/> Small Quantity Generator (SQG)									
<input type="checkbox"/> Hazardous Waste Transporter				<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace					
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste				<input type="checkbox"/> Small Quantity On-Site Burner Exemption					
<input type="checkbox"/> Recycler of Hazardous Waste				<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption					
<input type="checkbox"/> Underground Injection Control Facility									

10B. Universal Waste Activities (Indicate types of universal waste managed (check all boxes that apply))			
<input checked="" type="checkbox"/> Small Quantity Handler of Universal Waste		<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	
<input type="checkbox"/> Destination Facility for Universal Waste			
Check all boxes below that apply for each of the three types of facilities above		10C. Used Oil Activities (Indicate Type(s) of Activity(ies))	
	Managed	<input checked="" type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Batteries	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Pesticides	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
Lamps	<input checked="" type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner	
11. 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 if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRA Info source record, you do not need to list them all. Instead just indicate the date of the most recent source record.			
D001	D035	F001	F003
			F005
12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.			
Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives: Regan Morrison, J.R. Maynard, Dave Durrett
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments: Also inspected compliance with environmental covenants issued August 10, 2005.
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
13. Name of Inspector(s)		Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh.mm)
Melissa Musko, DHWM/CDO			5/1/2008 10:00am
14. OPTIONAL CERTIFICATION: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.			
Signature of Owner, Operator, or an Authorized Representative		Name and Title (Print)	Date (mm/dd/yyyy)

PROCESS DESCRIPTION SECTION

Give a general process description (include all processes at the facility)

At District 6 Headquarters, ODOT operates a variety of support processes for the district's highway control and maintenance functions. A test lab is maintained on site for testing of asphalt used in paving projects. A garage is used to service ODOT's vehicles and other equipment, while a body shop is available for body work and painting of state vehicles and equipment. Other shops on site include a carpentry shop, a plumbing shop, and a welding shop.

WASTE ACTIVITIES AND P2 SUMMARY SECTION

For each of the processes listed above that generate a waste give the following information: (1) name of process generating waste, (2) name or description of waste generated (e.g. sludge, solvent, ash, used oil, spent lamps, etc.), (3) EPA waste codes, if applicable, (4) quantity generated per month, (5) type of accumulation (container, tank, etc.) (6) waste accumulation location in facility, (7) type of on-site treatment (if used), (8) name of off-site management facility and type of waste management activity occurring there, (9) Current P2 activities, and (10) P2 opportunities.

At the time of the May 2008 inspection, ODOT was operating as a conditionally exempt small quantity generator (CESQG) of hazardous waste, a small quantity handler of universal waste, and a used oil generator.

Hazardous waste currently generated at this facility includes waste paint and spent paint gun cleaner (F003, F005, D001, D035). This waste is generated in the body shop along with spent paint booth filters and used shop towels. Paint gun cleaner is generated every 3 to 4 months, about 5 gallons at a time, and accumulated in the 55-gallon satellite accumulation drum used for waste paint. Once full (the drum is filled about once every two years), it is picked up by Environmental Specialists and managed as hazardous waste. Paint booth filters have been tested and were found to be nonhazardous. ODOT is currently looking to contract with a company to launder its used shop towels. If laundered, the rags would not be considered hazardous waste.

The use of TCE and alternative solvents has been eliminated in the asphalt testing lab. A parts washer and bake-off ovens are used to clean sample pans and other testing equipment in the lab. The parts washer is serviced by Environmental Specialists and the solvent is managed in a reuse program, so it is not hazardous waste. Black beauty is also used in the lab for sandblasting, but it is also nonhazardous.

In the garage, ODOT has two mineral spirits parts washers that are serviced by Environmental Specialists and a steam cleaning unit for some parts cleaning. Any sludges that are removed from the units are managed as hazardous waste by Environmental Specialists.

Used oil, used oil filters, and antifreeze are also generated in the garage. The used oil is burned in a 350,000 BTU space heater unit on site. Prior to burning, the used oil is collected in either the burner feed tank or in an underground storage tank behind the garage. Oil filters are drained into a portable oil tank and then crushed in a crushing unit. They are then recycled as scrap metal. Aerosol cans are also emptied and managed as scrap metal. Used antifreeze is sent off site for reclamation. Spent lead acid battery cores are exchanged when new batteries are purchased through state term contract. The spent batteries are sent off site for reclamation.

Finally, ODOT accumulates spent fluorescent bulbs in the stockroom. They are accumulated in their original cartons and managed as universal waste (by Air Cycle).

Environmental Covenants:

Three units at the facility (designated Areas A, B, and C) underwent closure activities in late 1994. As

part of the closure activities, ODOT entered into environmental covenants for Areas A and B, issued on August 10, 2005. Thus, Areas A and B may only be used for certain industrial activities. Area A was an outside, uncovered lot used to store hazardous waste for approximately 15 years (from 1972 to 1987). Area B was used to store hazardous waste generated in an old test lab; the unit was used from 1985 to 1987.

**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤100Kg. (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:

WASTE EVALUATION

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Yes No N/A

GENERATOR CLASSIFICATION

2. Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")] Yes No N/A

NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). If so, complete the Small Quantity Generator Requirements checklist.

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3. Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)] Yes No N/A

TREATMENT OF HAZARDOUS WASTE

4. Does the generator treat hazardous waste in a:

a. Container that meets 3745-66-70 to 3745-66-77?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
c. Drip pads that meet 3745-69-40 to 3745-69-45?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
d. Containment building that meets 3745-256-100 to 3745-256-102?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>

NOTE: Complete appropriate checklist for each unit.
NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.
NOTE: If waste is treated to meet LDRs, use LDR checklist.

REMARKS



**USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

NOTE: A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.

PROHIBITIONS

1. Does the generator manage used oil in a surface impoundment or waste pile? If yes: Yes No N/A
- a. Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)] Yes No N/A
2. Is used oil used as a dust suppressant? [3745-279-12(B)] Yes No N/A
3. Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)? Yes No N/A

NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., if generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).

GENERATOR STANDARDS

4. Does the generator mix hazardous waste with used oil? If so, Yes No N/A
- a. Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)] Yes No N/A

NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.

5. Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)] Yes No N/A

NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.

6. Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)] Yes No N/A
7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] Yes No N/A
8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] Yes No N/A

9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]
- a. Stopped the release? Yes No N/A
- b. Contained the release? Yes No N/A
- c. Cleaned up and properly managed the used oil and other materials? Yes No N/A
- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes No N/A

ON-SITE BURNING IN SPACE HEATER

10. Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so: Yes No N/A
- a. Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators? Yes No N/A
- b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour? Yes No N/A
- c. Are the combustion gases from heater vented to the ambient air? Yes No N/A

GENERATOR TRANSPORTATION

11. If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24] Yes No N/A
- a. Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24] Yes No N/A
- b. Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24] Yes No N/A

NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).

COLLECTION CENTERS AND AGGREGATION POINTS

12. Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30] Yes No N/A
13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes No N/A
14. Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32] Yes No N/A

NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.

Keyword: UsedOilChecklistforGenerators.Oct.2007.doc

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 ___ RMK# ___
2. Did the SQUWH dilute or treat universal waste, except when responding to releases as provided in 3745-273-17 or managing specific wastes as provided in 3745-273-13? [3745-273-11(B)] Yes No N/A ___ RMK# ___

WASTE MANAGEMENT & LABELING/MARKING

UNIVERSAL WASTE BATTERIES

3. Are battery(ies) that show evidence of leakage, spillage or damage that could cause leaks contained? [3745-273-13(A)(1)] Yes ___ No N/A ___ RMK# 1
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 ___ RMK# 1
5. Does the SQUWH conduct any of the following activities:
- a. Sort batteries by type? Yes ___ No N/A ___ RMK# 1
 - b. Mix battery types in one container? Yes ___ No N/A ___ RMK# 1
 - c. Discharge batteries to remove the electric charge? Yes ___ No N/A ___ RMK# 1
 - d. Regenerated used batteries? Yes ___ No N/A ___ RMK# 1
 - e. Disassemble them into individual batteries or cells? Yes ___ No N/A ___ RMK# 1
 - f. Remove batteries from consumer products? Yes ___ No N/A ___ RMK# 1
 - g. Remove the electrolyte from the battery? Yes ___ No N/A ___ RMK# 1
- If so, are the casings of the batteries breached, not intact, or open (except to remove the electrolyte)? [3745-273-13(A)(2)] Yes No ___ N/A RMK# 1

6. If the electrolyte is removed or other waste generated, has it been determined whether it is a hazardous waste? [3745-273-13(A)(3)] Yes No N/A RMK# 1
- a. If the electrolyte or other waste is characteristic, is it managed in compliance with 3745-50 through 3745-69? [3745-273-13(A)(3)(a)] Yes No N/A RMK# 1
- 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 RMK# 1
7. Are the battery(ies) of container(s) 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 RMK# 1

UNIVERSAL WASTE LAMPS

8. Does the SQGUHW contain lamps in containers or packages that are structurally sound, adequate to prevent breakage, and are 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 RMK# 2
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 RMK#
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 RMK#

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 3745-52-34). Crushed lamps must be transported by a registered hazardous waste transporter to a permitted hazardous waste facility under a hazardous waste manifest.

ACCUMULATION TIME

11. Is the waste accumulated for less than one year? Yes No N/A RMK#
[3745-273-15(A)] If not:
- a. Was 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 RMK#

NOTE: *Accumulation is defined as date generated or date received from another handler.*

12. Is the length of time the universal waste is stored documented by one of the following: [3745-273-15(C)] Yes No N/A RMK#
- a. Marking or labeling the container with the earliest date when the universal waste became a waste or was received? [3745-273-15(C)(1)] Yes No N/A RMK#
- b. Marking or labeling individual item(s) of universal waste with the earliest date that it became a waste or was received? [3745-273-15(C)(2)] Yes No N/A RMK#
- c. Maintaining an inventory system on-site that identifies the date the universal waste became a waste or was received? [3745-273-15(C)(3)] Yes No N/A RMK#
- d. Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers became a universal waste or was received? [3745-273-15(C)(4)] Yes No N/A RMK#
- e. Placing the universal waste in a specific accumulation area and identifying the earliest start date or date received? [3745-273-15(C)(5)] Yes No N/A RMK#
- f. Any other method, which clearly demonstrates, the length of time the universal waste has been accumulated from the date it became a waste or was received? [3745-273-15(C)(6)] Yes No N/A RMK#

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 RMK#

RESPONSE TO RELEASES

14. Are releases of universal waste and other residues immediately contained? [3745-273-17(A)] Yes No N/A RMK#
15. Is the material released characterized? [3745-273-17(B)] Yes No N/A RMK#
16. If the material released is a hazardous waste, is 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 Chapter 3745-52) [3745-273-17 (B)] Yes No N/A RMK#

OFF-SITE SHIPMENTS

NOTE: *If a SQUWH self-transport waste, then they must comply with the Universal Waste transporter requirements.*

17. Are universal wastes sent to either another handler, destination facility or foreign destination? [3745-273-18(A)] Yes No N/A RMK#

NOTE: *SQUWHs are prohibited to send waste to any other facility.*

18. If the universal waste meets the definition of hazardous material under 49 CFR 171-180, are DOT requirements met with regard to package, labels, placards and shipping papers? [3745-273-18(C)] Yes No N/A RMK#
19. Prior to shipping universal waste off-site, does the receiver agree to receive the shipment? [3745-273-18(D)] Yes No N/A RMK#
20. If the universal waste shipped off-site is rejected by another handler or destination facility does the originating handler do one of the following:
- a. Receive the waste back? [3745-273-18(E)(1)] Yes No N/A RMK#
- b. Agree to where the shipment will be sent? [3745-273-18(E)(2)] Yes No N/A RMK#

21. If a handler rejects a partial or full load from another handler, does the receiving handler contact the originating handler and discuss one of the following: Yes ___ No N/A RMK# ___
- a. Sending the waste back to the originating handler? [3745-273-18(F)(1)] Yes ___ No ___ N/A RMK# ___
- b. Sending the shipment to a destination facility? (If both the originating and receiving handler agree) [3745-273-18(F)(2)] Yes ___ No ___ N/A RMK# ___
22. If the handler received a shipment of hazardous waste that was not universal waste, did the SQUWH immediately notify Ohio EPA? [3745-273-18(G)] Yes ___ No N/A RMK# ___
23. If the handler received a shipment of nonhazardous, non-universal waste, was the waste managed in accordance with applicable law? [3745-273-18(H)] Yes ___ No N/A RMK# ___

EXPORTS

24. Is waste being sent to a foreign destination? If so: Yes ___ No N/A ___ RMK# ___
- a. Does the small quantity handler comply with primary exporter requirements in OAC 3745-52-53, 3745-52-56, and 3745-52-57? [3745-273-20(A)] Yes ___ No N/A RMK# ___
- b. Is waste exported only upon consent of the receiving country and in conformance with U.S. EPA's "Acknowledgment of Consent" as defined in 3745-52-50 to -52-57? [3745-273-20(B)] Yes ___ No N/A RMK# ___
- c. Is a copy of U.S. EPA's "Acknowledgment of Consent" provided to the transporter? [3745-273-20(C)] Yes ___ No N/A RMK# ___

REMARKS

1. ODOT is managing its lead acid batteries under the lead acid battery rule in OAC Rule 3745-266-80. There weren't any batteries on site at the time of my inspection. However, the spent lead acid battery cores are exchanged when new batteries are purchased through a state contract. The spent batteries are sent off site for reclamation.
2. At the time of my inspection, ODOT was not accumulating some of the universal waste lamps in the stockroom in containers or packages that were closed. During the inspection, ODOT placed the universal waste lamps in closed packages. The violation was abated at that time.



period for the hazardous waste disposal unit was performed in accordance with specifications in the approved post-closure plan. All certifications must be signed by both the owner/operator and an independent registered professional engineer licensed, or otherwise authorized to practice, in the state of Ohio (see ORC Section 4733.18).

Review of Post-Closure Certification

The certification of completion of the post-closure care period focuses on whether the post-closure activities were performed in accordance with the approved post-closure plan not whether the post-closure care period should continue. Verification of this certification can be accomplished in a manner very similar to the verification process used to accept closure certifications.

Permit Withdrawal

Once a permitted hazardous waste management unit has completed closure and post-closure, if necessary, and Ohio EPA has accepted the certification(s) from the facility, then the owner/operator should submit a permit modification requesting the closed unit be removed from the permit. Permit modifications removing units that have closed are not granted by Ohio EPA until certification of closure is received and accepted.

When Ohio EPA has accepted the final facility closure certification and post-closure certification, if necessary, and has determined that the facility has fulfilled their corrective action obligations under OAC Rules 3745-54-100 and 3745-54-101, then the owner/operator should submit a permit withdrawal request in accordance with OAC Rule 3745-50-47.

Ohio EPA charges each owner/operator a hazardous waste permit fee for each type of hazardous waste management unit on a graduated scale, according to OAC Rule 3745-50-36. Obviously, since fees are assessed for each type of RCRA unit, it is imperative that the owner/operator submit permit modification or withdrawal requests in a timely manner to avoid additional charges for units with certified closures. The fee system is detailed in OAC Chapter 3745-50.

1.10 Generator Closure

Because generator management⁸ practices vary from facility to facility, how a generator will meet the closure performance standard will also vary. OAC Rule 3745-52-34 requires that the generator meet the closure performance standard of OAC Rule 3745-66-11, as well as the applicable disposal or decontamination requirements of OAC Rule 3745-66-14. However, OAC Rule 3745-52-34 also specifically exempts certain generators from the rule requirements regarding time allowed for closure, having a written closure plan, certification of closure, cost estimates for closure, and financial assurance for closure. Further OAC Rule 3745-52-34 does not impose an obligation or duty on Ohio EPA to approve the closure measures either before or after the generator closure activity takes place.

The generator closure process is self-implementing. Generators should be aware of the closure performance standard, the requirements of OAC Rule 3745-52-34 and make a good faith effort to meet that standard. The law then presumes that the standard has been met. There is no pre-existing legal requirement that a generator submit a certification as a step in the process of

⁸ Certain generators who treat or store hazardous waste are subject to closure, but when a generator handles other regulated materials, they may be subject to the Cessation of Regulated Operations (CRO) Rule under OAC Rule 3745-352. Visit DHWM's web-site for more information on complying with the Generator Requirements and the CRO Rules.

demonstrating that the closure performance standard is met. Ohio EPA would have the burden of demonstrating that the generator did not in fact meet the closure performance standard.

Ohio EPA recommends that generator accumulation areas (particularly hazardous waste accumulation areas which are comprised of or are located directly on soil) be closed as soon as possible in order to avoid future problems. If a generator decides not to close an accumulation area when it is no longer used to store hazardous waste, any future contamination, which occurs in that area, may be attributed to the accumulation of hazardous waste. The longer a generator waits to close a hazardous waste accumulation area, the more complicated the closure may become due to the possibility of contamination spreading into or out of the unit. Therefore, in the best interest of the generator and the environment, the accumulation area should be closed as soon as possible when hazardous wastes are no longer managed in the area.

If a generator has conducted activities that would constitute treatment, storage or disposal practices in the accumulation area without a hazardous waste permit, the generator closure rules do not apply to the closure of the accumulation area because of the unlawful treatment, storage and/or disposal of hazardous waste. Under such circumstances, the generator would be subject to and may be required to close the hazardous waste management unit in accordance with the requirements of OAC Chapter 3745-66. A generator that needs information regarding formal closure should consult later chapters of this guidance document and his/her DO DHWM contact.

Requirements for Generator Closure⁹

Container Storage Areas - *Impermeable Surface (sealed pads)*

- (a) If the container pad has not had any leaks or releases to it from containers of hazardous waste, and this fact can be corroborated by inspection logs for the life of the pad as a hazardous waste accumulation area, then this type of pad can be closed with a signed statement by the generator of the facility stating there have not been any releases of hazardous waste to this pad. The log and statement would be reviewed by the inspector and documented on the generator closure portion of the Large Quantity Generator (LQG) checklist.
- (b) If there have been leaks or releases to the pad, or it cannot be corroborated that no leaks, spills or releases have occurred, then the generator should compile detailed documentation of the decontamination and/or removal process(es) that were conducted to meet the closure performance standard. The generator can then provide a statement that the closure performance standard was met per the procedures mentioned directly above in (a).

Container Storage Areas - *Potentially Permeable Surface (e.g. Concrete Pads)*

- (a) If the generator provides documentation equivalent to that described above in (a) for impermeable surfaces, then the accumulation area may be closed using those same procedures. To satisfy any doubts the inspector has, sufficient photo and written documentation (including but not limited to physical descriptions and drawings of the accumulation area) attesting to the structure's pre-accumulation

⁹

All final generator closure decisions are left to the inspector's best professional judgment. This guidance is to assist inspectors on how to handle different generator closure situations.

condition should be available to compare with the physical description after the generator has finished accumulating hazardous waste in that area. This can be done either by the inspector during an inspection or done by the generator prior to storing any hazardous waste on the pad.

- (b) If a spill occurred in the accumulation area and there were no constituents of concern released that could potentially permeate the pad/floor (e.g., concrete pad), then the generator can follow the guidance described above in (b) for impermeable surfaces.

Container Storage Area with Permeable Surface or Located on Soil

If a generator has stored containers of hazardous waste on either one of these types of accumulation areas, it is recommended that the generator close the unit per applicable portions of this guidance document and maintain detailed documentation that the closure performance standard was met.

Tank Systems

Generators storing in tank systems must meet the closure requirements of OAC Rule 3745-66-97(A) and (B). This may include following the decontamination (see Section 3.10, Decontamination Efforts) procedures in this guidance document as a means of meeting the closure performance standard in OAC Rule 3745-66-11(A) and (B) and demonstrating compliance with the Disposal or Decontamination of Equipment, Structures and Soils requirement in OAC Rule 3745-66-14.

Generators utilizing hazardous waste tank systems that do not have adequate secondary containment are recommended to follow the closure procedures listed above for containment areas to close out the pad/foundation/soil on which the tank system is located. If the generator does have adequate secondary containment in the form of a liner or vault, the requirements to close these structures would be to follow the requirements presented above in (a) and (b) for impermeable surfaces. Closure of tanks with double walls would not need to follow the guidance presented above for containment areas as long as the secondary containment was never breached.

Prior to determining that the closure performance standard has been met, generators utilizing hazardous waste tank systems that have secondary containment installed during the life of the system are recommended to properly assess the area that may have been exposed to possible releases from the tank system prior to installing the secondary containment. If the generator's findings sufficiently demonstrate that there were not any releases from the tank system, then only the installed secondary containment and tank system would have to be closed in accordance with the tank closure requirements.

However, if the generator demonstrates that not all contaminated soils can be practicably removed or decontaminated or meet risk goals found in later chapters of this guidance document, then OAC Rule 3745-66-97(B) requires a generator to perform closure and post-closure in accordance with requirements that apply to landfills in OAC Rule 3745-68-10. Guidance for this type of closure and post-closure can be found in Chapter 5, Components for Waste in Place Closure Plans, Post-Closure Plans and Certifications.



10/10/10