

OHIO COASTAL MANAGEMENT PROGRAM
POLICY 31 – HAZARDOUS, SOLID AND INFECTIOUS WASTE MANAGEMENT

IT IS THE POLICY OF THE STATE OF OHIO TO ENSURE THAT THE GENERATION OF SOLID, INFECTIOUS AND HAZARDOUS WASTES IS REDUCED AS MUCH AS POSSIBLE BY:

- A. ADMINISTERING A PERMIT PROGRAM FOR THE SITING OF NEW FACILITIES AND THE MODIFICATION, REVISION AND OPERATION OF EXISTING FACILITIES (O.R.C. CHAPTER 3734);**

- B. COMPLIANCE MONITORING AND ENFORCEMENT OF REQUIREMENTS OF O.R.C. CHAPTER 3734, DEVELOPED PURSUANT TO AND IN ACCORDANCE WITH PROVISIONS OF THE FEDERAL RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) AND THE FEDERAL COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (CERCLA) (O.A.C. 3745-50 THROUGH 59; 3745-65 THROUGH 69; 3745-273; AND 3745-279);**

- C. ESTABLISHING LONG-RANGE SOLID AND HAZARDOUS WASTE MANAGEMENT PLANS (O.R.C. 3734); AND**

- D. ENCOURAGING THE ADOPTION OF POLLUTION PREVENTION PRACTICES THAT EMPHASIZE A PREFERENCE FOR SOURCE REDUCTION AND ENVIRONMENTALLY SOUND RECYCLING OVER TREATMENT AND DISPOSAL.**

Authorities And Administration

A. through C.

Hazardous Waste Management

"Hazardous waste" means any waste or combination of wastes in solid, liquid, semisolid or contained gaseous form that in the determination of the Director, Ohio EPA, because of its quantity, concentration or physical or chemical characteristics, may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

- (2) Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of or otherwise managed.

"Hazardous waste" includes any substance identified by regulation as hazardous waste under the Resource Conservation and Recovery Act of 1976 (RCRA) 42 U.S.C.A. 6921 as amended, and does

not include any substance that is subject to the Atomic Energy Act of 1954, 42 U.S.C.A. 2011 (O.R.C. 3734.01(J)).

Ohio EPA regulates the management, transportation, treatment, storage and disposal of hazardous waste under authority of O.R.C. Chapter 3734, in part as a means of enforcing RCRA. Specific criteria for management of hazardous waste are specified in O.A.C. 3745-50 through 3745-59, 3745-65 through 3745-69, 3745-273, and 3745-279. These rules are implemented and enforced by Ohio EPA's Division of Hazardous Waste Management with headquarters personnel in Columbus and field staff located in five district offices.

Generators of hazardous waste must provide for the proper management, transportation, treatment and disposal of the wastes. "Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in O.A.C. 3745-51 or whose act first causes a hazardous waste to become subject to the hazardous waste rules (O.A.C. 3745-50-10). The "cradle-to-grave" tracking of the movement and disposition of hazardous wastes is documented by a paperwork system that requires a manifest to accompany each waste load leaving a generator facility and requires entries at each point in the process leading up to final disposal of the waste. Generators are required to maintain these manifests, and the regulatory agencies can cross-reference manifest records to verify proper handling of the wastes (O.R.C. 3734.12 et seq.). Generator standards for the management of hazardous wastes are contained in O.A.C. 3745-52.

Each hazardous waste storage, treatment and disposal facility must operate in conformance with regulations that include specifications for day-to-day operations, financial responsibility, and the eventual closure of the facility and post-closure care. Storage, treatment or disposal of hazardous waste at nonpermitted facilities is prohibited. Decisions on siting for new hazardous waste treatment, storage and disposal facilities and certain modifications to such facilities are made by the Ohio Hazardous Waste Facility Board (HWFB). Other modifications may be approved by the Director of Ohio EPA. The terms "storage," "treatment," "disposal" and "facility" are defined in O.R.C. 3734.01 and O.A.C. 3745-50-10. Rules governing the operation of permitted hazardous waste facilities are specified in O.A.C. 3745-54-01 through O.A.C. 3745-59-50.

Remedial Response to Previously Improperly Disposed Hazardous Wastes

Ohio EPA has completed preliminary assessments at each abandoned hazardous waste site and is in the process of establishing priorities for corrective action. Corrective action at these sites involves a thorough study to characterize the nature of the problem and to evaluate alternatives for remedial action. After a remedial action plan is selected, Ohio EPA works with responsible parties to ensure that a proper cleanup is completed and that continuing environmental monitoring and maintenance of the site is secure. Requirements governing the investigation, cleanup and acquisition of abandoned hazardous waste sites are specified in O.R.C. 3734.19 through 3734.24; funding mechanisms are provided by O.R.C. 3734.25 through 3734.28. These provisions are implemented by Ohio EPA's Division of Emergency and Remedial Response (DERR).

Solid and Infectious Waste Management

"Solid wastes" means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, tires, combustible and noncombustible material, street dirt, and debris. "Solid wastes" does not include any material that is an infectious waste or a hazardous waste (O.R.C. 3734.01(E)). (Construction and demolition wastes are defined and regulated separately under O.A.C. 3714.)

"Infectious wastes" includes cultures and stocks of infectious agents and associated biologicals; laboratory wastes that have or may have been in contact with such agents; pathological wastes; waste materials from rooms of humans or enclosures of animals that have been isolated due to communicable disease; blood specimens and products; contaminated carcasses, body parts, and bedding of animals intentionally exposed to infectious agents; sharp wastes used in treatment, diagnosis, or inoculation of humans or animals exposed to infectious agents (O.R.C. 3734.01(R)).

Existing solid waste landfills must operate in accordance with established rules that include requirements for daily cover of materials, minimization of nuisance conditions and other requirements to ensure that the facility does not cause an environmental problem (O.A.C. 3745-27). In addition, residual solid waste landfills must operate in accordance with O.A.C. 3745-30.

Ohio EPA's Division of Solid and Infectious Waste Management (DSIWM) regulates the disposal of solid waste and transport and treatment of infectious waste through permitting, registrations, licensing, monitoring, oversight of construction operations and closure and post-closure care pursuant to regulations specified in O.A.C. 3745-27, 3745-31 and 3745-37. Licensing systems for solid and infectious waste disposal facilities may be administered by the Board of Health of the health district in which the facility is located if Ohio EPA has determined that the board substantially complies with O.R.C. Chapter 3734. Decisions regarding siting of new solid and infectious waste facilities are the responsibility of Ohio EPA's Division of Solid and Infectious Waste Management with support from the Division of Drinking and Ground Waters.

Long-Range and Pollution Prevention Planning

Ohio EPA has adopted a State Solid Waste Management Plan in conjunction with the Solid Waste Advisory Council (O.R.C. 3734.50). The primary goals of this plan, completed in 1989, are to reduce the state's reliance upon landfills and to establish objectives for solid waste reuse, reduction, recycling and minimization. Boards of County Commissioners must establish single or joint county solid waste management districts (O.R.C. 3734.52). District committees must prepare, adopt and submit a solid waste management plan to Ohio EPA in compliance with agency standards (O.R.C. 3734.54 and 3734.55).

Hazardous waste generators and permitted facilities are required to certify that waste minimization programs and reports are in process (O.A.C. 3745-52-41, 3745-54-73 and 3745-54-

75). Annual waste minimization reports are required, and waste minimization requirements are included in hazardous waste permit terms and conditions (O.R.C. Chapter 3734).

Underground injection facilities' owners and operators are required to prepare waste minimization plans for industrial wastes disposed at their facilities. Each owner or operator of a class I injection well facility, as defined in O.A.C. 3745-34-04, must prepare and adopt a waste minimization and treatment plan to identify specific technically and economically feasible measures that will be taken to prevent or reduce releases into the environment of the industrial waste and other wastes generated at the facility. For an injection well facility located on the premises of the industrial facility generating the wastes disposed of at the injection facility, the plan must also address the industrial waste and other wastes generated at that industrial facility. The plan must cover a three-year planning period (O.R.C. Chapter 6111.045).

D. Ohio EPA incorporates pollution prevention requirements into enforcement cases to achieve environmental improvements rather than solely imposing penalties. Settlement offers may include reduced monetary penalties in exchange for development of waste minimization or pollution prevention plans or the installation of source reduction processes.

Ohio EPA has received federal funding to develop projects to identify pollution prevention opportunities for Ohio businesses in the Lake Erie Basin. These efforts focus on providing technical assistance to help minimize the amount of waste generated and measuring the results of these activities. Site visits are provided to help companies implement pollution prevention programs, and presentations and training events are provided to educate Ohio businesses and organizations about pollution prevention. An Internet site has been developed that provides practical pollution prevention information that companies can use to reduce waste and improve operations. Low interest capital improvement loans are provided through the Pollution Prevention Loan Program, jointly administered through Ohio EPA and the Ohio Department of Development.

Ohio EPA is also working to integrate pollution prevention into the agency's standard operations. These changes will enable each part of the agency to more effectively encourage and educate companies on the economic and environmental benefits of pollution prevention in their inspection, enforcement and permitting processes. The focus of this effort is to modify existing programs to encourage pollution prevention rather than pollution control.