

3745-270-03

Dilution prohibited as a substitute for treatment.

- (A) Except as provided in paragraph (B) of this rule, no generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility ~~must~~shall in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with rules 3745-270-40 to 3745-270-49 of the Administrative Code, to circumvent the effective date of a prohibition in rules 3745-270-20 to 3745-270-39 of the Administrative Code, to otherwise avoid a prohibition in rules 3745-270-20 to 3745-270-39 of the Administrative Code, or to circumvent a land disposal prohibition imposed by Section 3004 of RCRA.
- (B) Dilution of wastes that are hazardous only because ~~they~~the wastes exhibit a characteristic in treatment systems which include land-based units which treat wastes subsequently discharged to a water of the United States pursuant to a permit issued under Section 402 of the Clean Water Act (CWA), or which treat wastes in a CWA-equivalent treatment system, or which treat wastes for purposes of pretreatment requirements under Section 307 of the CWA is not impermissible dilution for purposes of this rule unless a method other than DEACT has been specified in rule 3745-270-40 of the Administrative Code as the treatment standard, or unless the waste is a D003 reactive cyanide wastewater or nonwastewater.
- (C) Combustion of the EPA hazardous waste numbers listed in the appendix to this rule is prohibited, unless the waste, at the point of generation, or after any bona fide treatment such as cyanide destruction prior to combustion, can be demonstrated to comply with one or more of the following criteria (unless otherwise specifically prohibited from combustion):
- (1) The waste contains hazardous organic constituents or cyanide at levels exceeding the constituent-specific treatment standard in rule 3745-270-48 of the Administrative Code;
 - (2) The waste consists of organic, debris-like materials (e.g., wood, paper, plastic, or cloth) contaminated with an inorganic metal-bearing hazardous waste;
 - (3) The waste, at point of generation, has reasonable heating value such as greater than or equal to five thousand British thermal units (Btu) per pound;
 - (4) The waste is co-generated with wastes for which combustion is a required method of treatment;
 - (5) The waste is subject to federal ~~and/or~~ state requirements necessitating reduction of organics (including biological agents); or

- (6) The waste contains greater than one per cent total organic carbon.
- (D) It is a form of impermissible dilution, and therefore prohibited, to add iron filings or other metallic forms of iron to lead-containing hazardous wastes in order to achieve any land disposal restriction treatment standard for lead. Lead-containing wastes include D008 wastes (wastes exhibiting a characteristic due to the presence of lead), all characteristic wastes containing lead as an underlying hazardous constituent, listed wastes containing lead as a regulated constituent, and hazardous media containing any of the aforementioned lead-containing wastes.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

Effective: 9/29/2021

Five Year Review (FYR) Dates: Exempt

CERTIFIED ELECTRONICALLY

Certification

09/14/2021

Date

Promulgated Under: 119.03
Statutory Authority: 3734.12
Rule Amplifies: 3734.12
Prior Effective Dates: 12/30/1989, 02/11/1992, 12/07/2000, 12/07/2004,
03/17/2012

3745-270-03

APPENDIX

1

Appendix to rule 3745-270-03 of the Administrative Code

Metal Bearing Waste Prohibited from Dilution in a Combustion Unit
According to paragraph (C) of rule 3745-270-03 of the Administrative Code *

EPA hazardous waste number	Waste Description
D004	Toxicity characteristic for arsenic
D005	Toxicity characteristic for barium
D006	Toxicity characteristic for cadmium
D007	Toxicity characteristic for chromium
D008	Toxicity characteristic for lead
D009	Toxicity characteristic for mercury
D010	Toxicity characteristic for selenium
D011	Toxicity characteristic for silver
F006	Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum
F007	Spent cyanide plating bath solutions from electroplating operations
F008	Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process
F010	Quenching bath residues from oil baths from metal treating operations where cyanides are used in the process
F011	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations
F012	Quenching waste water treatment sludges from metal heat treating operations where cyanides are used in the process
F019	Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum car washing when such phosphating is an exclusive <u>exclusive</u> conversion coating process

EPA hazardous waste number	Waste Description
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments
K003	Wastewater treatment sludge from the production of molybdate orange pigments
K004	Wastewater treatment sludge from the production of zinc yellow pigments
K005	Wastewater treatment sludge from the production of chrome green pigments
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated)
K007	Wastewater treatment sludge from the production of iron blue pigments
K008	Oven residue from the production of chrome oxide green pigments
K061	Emission control dust/sludge from the primary production of steel in electric furnaces
K069	Emission control dust/sludge from secondary lead smelting
K071	Brine purification muds from the mercury cell processes in chlorine production, where separately prepurified brine is not used
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting
K106	Sludges from the mercury cell processes for making chlorine
P010	Arsenic acid H_3AsO_4
P011	Arsenic oxide As_2O_5
P012	Arsenic trioxide
P013	Barium cyanide
P015	Beryllium
P029	Copper cyanide $Cu(CN)$
P074	Nickel cyanide $Ni(CN)_2$
P087	Osmium tetroxide
P099	Potassium silver cyanide
P104	Silver cyanide
P113	Thallic oxide
P114	Thallium (I) selenite

EPA hazardous waste number	Waste Description
P115	Thallium (I) sulfate
P119	Ammonium vanadate
P120	Vanadium oxide V ₂ O ₅
P121	Zinc cyanide
U032	Calcium chromate
U145	Lead phosphate
U151	Mercury
U204	Selenious acid
U205	Selenium disulfide
U216	Thallium (I) chloride
U217	Thallium (I) nitrate
<p>Footnotes:</p> <p>* A "combustion unit" is defined as any thermal technology subject to rules 3745-57-40 to 3745-57-51 and 3745-68-40 to 3745-68-52 of the Administrative Code, and/or rules 3745-266-100 to 3745-266-112 of the Administrative Code.</p>	

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]