



Ohio Administrative Code

Rule 3745-270-03 Dilution prohibited as a substitute for treatment.

Effective: September 29, 2021

(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 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 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 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."]