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## Ohio-Specific Universal Wastes

### Hazardous Ink Wastes

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THIS POLICY DOES NOT HAVE THE FORCE OF LAW

Hazardous Waste Program

*At the close of 2017, Ohio EPA's rules regarding Ohio-specific universal waste (UW) became effective. These rules reclassified hazardous non-empty aerosol containers, hazardous antifreeze and hazardous paint and paint-related wastes enabling them to be managed as a UW in Ohio. Ohio's UW rules can be found in **Chapter 3745-273** of the Ohio Administrative Code (OAC). Ohio-Specific UW eligibility is found in OAC rule **3745-273-89**. Ink and ink-related waste were not specifically included in the definitions of Paint or Paint-related waste.*

*However, inks that become a waste and items contaminated by waste inks that may be characterized as either a listed and/or a characteristic hazardous waste are a UW paint or paint-related waste in Ohio.*

UW are not fully regulated as hazardous waste within the confines of the State of Ohio for handlers and transporters. UW is a unique category of hazardous waste eligible to be managed under less burdensome requirements. However, a destination facility (i.e., permitted hazardous waste facility) will give prior approval before accepting this UW from a handler or transporter because the destination facility must manage the UW in full compliance with the hazardous waste rules. The destination facility will need to know how this waste was generated, why it is hazardous and what hazardous constituents are in the waste so that they will be able to treat it to comply with the land disposal restriction rules, **Chapter 3745-270**. Therefore, the destination facility will likely request and need this information from the UW handler that shipped the UW in order to properly manage the UW.

### Ink Questions & Answers

1. Is "ink" regulated as a "Paint" for the purposes of the UW rules?

**Answer:** Yes. Ink that meets the strict definition of "Paint" in OAC rule 3745-273-09 (see below) can be managed as a UW. Ink is a mixture of pigment, binder and suitable liquid which forms an adhering coating on a surface for decorating or conveying an image or design, and therefore, can meet the distinguishing criteria of the definition of "Paint" under the UW rules.

***Per OAC rule 3745-273-09, "Paint" means a pigmented or unpigmented powder coating, or a pigmented or unpigmented mixture of binder and suitable liquid resulting from commercial, industrial, mining, agricultural, and post-consumer activities that upon drying forms an adhering coating on the surface that the paint is applied. Powder coating is a surface coating that is applied as a dry powder and is fused into a continuous coating film through the use of heat.***

2. Are the individual ingredients used to make ink, such as powdered pigments, fillers, and solvents, considered ink wastes and eligible to be classified as a UW?

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**Answer:** No. The individual ingredients used to make ink are not included in the scope of the UW rules or the definition of paint.

3. Do ink and ink-related wastes include overprint coatings such as water-based, solvent-based, UV cured, and varnishes?

**Answer:** Yes, since overprint coating, solvent-based, UV cured, and varnishes are identical to inks with the only difference being they do not contain pigments, then they would meet the definition of paint and therefore could be managed as a UW. However, water-based solvents that are not a hazardous waste would not need to be managed as a hazardous or UW.

4. Can ink waste and materials contaminated with ink waste that are not classified as a hazardous waste be managed as a nonhazardous waste or do all inks have to be managed under the UW rules?

**Answer:** If the ink generated is known to be a nonhazardous waste, the ink can be managed as a nonhazardous waste; it is not required to be managed as UW if it is nonhazardous. The UW rules are an optional streamlined regulatory program for the management of certain types of hazardous wastes. The generator of the hazardous waste has the choice to manage the waste under the UW rules or the full hazardous waste requirements.

However, if the generator does not want to determine if the ink waste is a hazardous waste, the generator can assume that the waste is hazardous and manage it according to the UW rules.

5. How do I determine if my waste ink and other wastes contaminated with ink are classified as a hazardous waste?

**Answer:** In very general terms, a waste is often defined as a hazardous waste if it is ignitable, corrosive, reactive, toxic or is designated as a “listed” hazardous waste in the hazardous waste rules. The definition of these terms can be found in *OAC chapter 3745-51*. For a detailed explanation as to how to evaluate your waste to determine if it is a hazardous waste, please, see Chapter One of *Ohio EPA’s Generator Handbook*.

6. What are the collection and management requirements for ink being managed as a UW?

**Answer:** The collection and management requirements are all provided in the UW rules which can be found in *OAC chapter 3745-273*.

The following is a general bullet list of some of the collection and management requirements; it is not a comprehensive list:

- Container and tank storage: structurally sound unit, compatible with the waste, not damaged or leaking, keep container closed.
- Tank storage: Comply with tanks requirements, see OAC rule 3745-273-33 (G)(4).
- Container and Tank labeling: Label unit with words that identify the contents of the container or tank; no specific terminology is required by the UW rules. However, using “Universal Waste – Waste Ink” or “Waste Ink” would be acceptable.
- Storage time limit: One-year storage time limit; starts when UW is first placed in a container or tank. The date in which the container is first filled must be tracked.
- NO Satellite accumulation: For UWs any area is an accumulation area (except for aerosol containers which may have a satellite area) and are not eligible to be managed as satellite accumulation areas.
- Training: Employees handling UW need to be trained regarding the UW rules.
- Releases: Spills of UW must be cleaned up and damaged containers or tanks must be removed from service.
- Transportation: In Ohio, hazardous waste manifest is not required; transport according to U. S. Dept. of Transportation rules.

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7. Does the ink have to be recycled for it to be considered a UW? If the ink was incinerated or disposed in some other manner, is it still classified as a UW?

**Answer:** UWs may be recycled or disposed. The recycling (i.e., use, reuse or reclamation) of UW is encouraged, but not required under the UW rules. UWs must be shipped to either another UW handler or a destination facility. A destination facility is a facility that treats, disposes or recycles a UW in a manner not allowed under the UW handler requirements.

Be aware that OAC rules 3745-273-11 and 3745-273-31 may cause a bit of confusion since the rules specify that a handler cannot dispose of a UW. When written this rule was to indicate that a handler cannot dispose of UW on-site at the handler's facility.

8. Does the ink waste stream include solvents that are used to clean ink from the press or application unit such as an inkjet head?

**Answer:** Yes, cleaning solvent contaminated with ink is eligible to be managed as a universal paint-related waste. The paint-related waste may be reclaimed, on-site, by the generator of the solvent or sent to a destination facility for reclamation or energy recovery. However, it is not eligible to be reclaimed by another handler.

9. How is UW ink classified if it is sent out of state for disposal or recycling?

**Answer:** Ohio-specific UW destined for interstate transportation must be managed in accordance with the receiving and pass-through states hazardous waste requirements. An Ohio-specific UW destined for treatment or disposal will likely be defined as a hazardous waste in other states and subject to their full hazardous waste requirements. The easiest solution for this situation is to use a hazardous waste manifest and LDR paperwork for the Ohio-specific UW to the out-of-state destination facility and note on the manifest, in box 14, that the waste is classified and managed as a UW while in Ohio.

10. How does a UW generator document that the ink was sent off-site for disposal or recycling in Ohio? Do they have to use a manifest?

**Answer:** Only a large quantity handler of UW (i.e., a person who manages  $\geq 11,000$  lbs. of UWs at any one-time) is required to document their off-site shipments of UW. The information that must be maintained is basic shipping information including name and address of receiving facility, quantity and type of UW shipped, and the date of the shipment. The documentation must be kept for three years. The format in which the large quantity handler maintains this information is the handler's choice. A small quantity handler of UW is not required to keep records of UW shipments.

11. Is a UW generator required to inform the destination facility about why the waste would be hazardous and the constituents for the waste that must be treated?

**Answer:** Under the UW rules, a UW handler is not required to evaluate a UW to determine if the UW is a hazardous waste or identify the hazardous constituents for which the waste needs treated for the purposes of the land disposal restrictions program. However, the originating handler shall ensure that the receiving handler or destination facility agrees to receive the shipment. Once the UW arrives at a destination facility the UW is subject to the **full hazardous waste rules**. The destination facility that treats the UW needs to know whether the waste is hazardous waste and the hazardous constituents for which the waste must be treated.

To obtain the needed information, the destination facility may require the UW handler to provide waste information similar to the information needed to complete a waste profile to determine the land disposal

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restriction prior to acceptance and disposal. The destination facility may request the handler to test the waste; or the destination facility may test the waste as part of the disposal cost.

12. If I already have a hazardous waste identification number, do I need to re-notify Ohio EPA that I am a large quantity handler of UW?

**Answer:** No, but you can update your *notification information* (Ohio EPA Form 9029) if your generator status changes because this former hazardous waste is now managed as a UW so that Ohio EPA has complete and correct information regarding the facility.

13. Is ink and ink-related waste managed as a UW in Ohio, but shipped out of Ohio to a state which does not recognize ink/ink-related waste as a UW for disposal or recycling, required to be reported on the generator's biennial hazardous waste report?

**Answer:** No. How a receiving state defines and regulates an Ohio-specific UW neither changes the UW classification in Ohio nor the UW rules applicable to the Ohio generator.

### Contact

For more information, please review our *Universal Waste* web page. If you have more questions, contact the Hazardous Waste Compliance and Inspection Support Unit of the *Division of Environmental Response and Revitalization* at 614-644-2924.