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**RESPONSES TO U.S. EPA COMMENTS ON THE  
OPERABLE UNIT 2 (OU 2) ACTIVE FLYASH PILE  
CONTROLS REMOVAL ACTION WORK PLAN**

04-29-92

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ENCLOSURE

**OPERABLE UNIT 2 (OU 2)  
ACTIVE FLYASH PILE CONTROLS  
REMOVAL ACTION WORK PLAN**

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1 ► COMMENT:

**U. S. EPA Comment #1: It is stated that flyash is not a solid waste, flyash is a state-regulated solid waste and should be managed as such. Although flyash is specifically exempted from hazardous waste regulations of the Resource Conservation and Recovery Act (RCRA) (40 CFR 261.2 (b), the Ohio Administrative Code (OAC) 3745-27-01 defines flyash as a solid waste that is not specifically exempted from state regulations under OAC 3745-27-03. Therefore, any remedial actions should be consistent with the OAC regulations.**

RESPONSE:

The reference to OAC 3745-27-02 is an error. The reference will be changed to OAC 3745-27-01 (III). By definition, OAC 3745-27-01 (III) exempts "non-toxic" flyash from classification as solid waste. The actual language of the definition reads: "Solid wastes means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or materials 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 waste does not include any material that is an infectious waste or a hazardous waste."