safety-kleen ®

May 28, 1999

Mr. Satish Kastury
Florida Department of Environmental Protection
Division of Waste Management
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RE: Safety-Kleen's Continued Use Program

Dear Mr. Kastury:

Thank you for the opportunity to meet with John Ruddell and yourself on May 24, 1999 to discuss Safety-Kleen's Continued Use program. As promised during the meeting, we are submitting additional regulatory background information regarding this program. By way of this correspondence, Safety-Kleen Corp. is requesting concurrence with our regulatory interpretation that the Continued Use material is not subject to regulation under the Definition of Solid Waste.

Background and Program Overview

Historically, Safety-Kleen has used the mineral spirits waste returned from our customers parts washer drums to wash the drums prior to their refilling with recycled product. Safety-Kleen has many years of experience demonstrating the efficacy of using this material to wash drums. Upon the request of customers and with a thorough researching of RCRA and state implementing regulations, Safety-Kleen has developed a Continued Use program involving this drum cleaning operation.

Parts washer solvent is the primary material that is bulked at the branch level and the only material allowed in this program. When the 16 and 30-gallon drums of parts washer solvent are returned from customers, they are emptied, washed, and re-filled with fresh solvent. The branch-based Continued Use program was initiated almost two years ago in Indiana branches and involves a change to our existing drum washing operation. The Continued Use drum washing program provides for the removal of parts washer solutions from certain customers as a product to be exclusively used at our branches for the cleaning of the drums. A copy of this product's Material Safety Data Sheet (MSDS), schematic

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drawing showing the flow of materials through the through the Continued Use cleaning system, and system engineering drawings were distributed at our May 24 meeting.

The cleaning system includes a vat to contain Continued Use material that will be added to the return and fill dock. The vat has a cone-shaped bottom to prevent solids from settling out of the material and is preferentially piped to the drum washer unit. The vat also contains a rough screen to protect the pump system from any foreign objects. It is typical that pumping systems have such screens. This screen will not provide any reclamation value to the Continued Use product prior to its use in the drum washer. Additionally, the material going through this screen is a product, not a waste, therefore, no waste treatment occurs as a result of the screening.

To qualify for Safety-Kleen's Continued Use program, customers must not put materials (e.g., paper and rags) into the solvent that are required to be removed prior to placement in the Continued Use cleaning system. Customers who add such materials will be counseled and if their performance does not improve they will be removed from the program.

During the drum washing operation, if the Continued Use vat is empty, the Safety-Kleen Material Handler will activate an electrical valve switch, which allows washing material (waste material) to be pumped off the bottom of the waste wet dumpster directly into the drum washer. This has been the approach for cleaning drums prior to the installation of the Continued Use vat.

Under the Continued Use program, Safety-Kleen will ensure that used cleaning solutions will be transported in compliance with all applicable DOT shipping papers and packaging requirements. The material will not be speculatively accumulated, nor reclaimed prior to our use for drum washing.

Once we have used the solutions for cleaning, the material will become Safety-Kleen generated waste and sent for recycling at one of our chemical recycling plants. There is no net change in material flowing through our branch for this operation, but rather the branch will be bringing in more material as a product and shipping more material from the branch as branch-generated waste. Any spills of Continued Use product will be handled as any product spill, with spill residues being considered Safety-Kleen generated waste.

The volume of material necessary to clean a drum has been established by a Safety-Kleen engineering study that evaluated time, flow rate, and pressure. This study was used to determine the amount of cleaning solution that is required to clean a drum. The resultant volume, multiplied by the number of drums to be cleaned, provides each branch with their "capacity" for the branch-based drum washing Continued Use program. Branch capacity and sales level is monitored through our computer Branch Automation Program. The system tracks Continued Use material into our system and controls the volume of a particular branch's sales of this program. This provides a system of centrally controlled

checks and balances to assure that a particular branch does not have excess drum cleaning material.

Regulatory Background

The regulatory provision that governs what is a waste and what is not is found in the Definition of Solid Waste (40 CFR 261). The parts washer solvent that would be initially used by our customers will be "used or reused as an effective substitute for commercial products" [40 CFR 261.2(e)(1)] at a Safety-Kleen facility for cleaning operations. The preamble to the Definition of Solid Waste, dated January 4, 1985 (50 FR 619) discusses the use of substitutes for commercial products by stating,

> " When secondary materials are directly used as substitutes for commercial products, we [the Agency] also believe these materials are functioning as raw materials and therefore are outside of RCRA's jurisdiction and thus, are not wastes."

Page 637 of the preamble also states,

> When secondary materials are directly used (or, in the case of previously used materials, reused)... they function as raw materials in normal manufacturing operations or as products in normal commercial applications. We [the Agency] reiterate these positions in the final regulation. These direct-use recycling situations represent exceptions to the general principle that accumulated hazardous secondary materials are hazardous wastes.
>
> The final rule consequently states that secondary materials used as ingredients or used directly as commercial products are not wastes and are outside the Agency's RCRA jurisdiction. They thus are not subject to RCRA Subtitle C regulations when generated, transported, or used...

The discussion on page 624 of the preamble, addresses "continued-use" when distinguishing between spent materials from those that are still fit for use,

> "...where solvents used to clean circuit boards are no longer pure enough for that continued use, but are still pure enough for use as metal degreasers. These solvents are not spent materials when used for metal degreasing. The practice is simply continued use of a solvent. (This is analogous to using/reusing a secondary material as an effective substitute for commercial products.)"

In conclusion, the cleaning solutions will be considered a waste when they are no longer suitable to use for their original intended purpose (cleaning). The material will be Safety-Kleen generated waste after final use at one of our facilities.

Material Specification

Safety-Kleen provides customers with the mineral spirits-based parts cleaning solutions for their cleaning operations. The branch has comprehensive knowledge of the material that is returned from our customers because of the many years of providing this service and that the used mineral spirits is feed for our production of recycled mineral spirits products.

The cleaning of the emptied parts washer drums does not require a high specification material. We have had many years of experience of using material as it is returned from our customers, directly for the cleaning of emptied mineral spirits 16 and 30-gallon containers. The efficacy for this operation is demonstrated by the many years of its use. The specification for Continued Use includes requirements that the customer is a closed loop mineral spirits customer and that all material can be used in the Continued Use drum cleaning operation. Some customers' parts cleaning operations, or specific parts washers themselves, may not be suitable for being in the Continued Use program. This determination is made on a customer-by-customer basis.

Regulatory Concurrence

A letter of regulatory concurrence from U.S. EPA was distributed during our May 24 meeting. Similar letters of concurrence have been obtained from several states. Copies of the letters from California, Colorado, Indiana, Florida, Kentucky, Ohio, and Texas are enclosed.

While we know that requirements for waste determinations are self-implementing, Safety-Kleen requests a letter of regulatory concurrence from the Florida Department of Environmental Protection. We request that the Florida DEP provide a letter of regulatory concurrence that the Continued Use material would not be classified as a waste and under certain conditions is not subject to hazardous waste requirements.

As discussed, Safety-Kleen would welcome the opportunity to have representatives see a Continued Use system, once they are installed at our Florida branches. Please let us know if this fits into the schedule for the August quarterly or October annual workshops.

We were happy to hear that our Continued Use program coincides with the Department's goals of limiting the number of Florida's small quantity generators. Safety-Kleen would welcome the opportunity to assist the department in reaching out to provide information to certain customer groups.

Thank you again for the opportunity to discuss our program. Please contact Lin Longshore 803-933-6511 or myself if you have any questions 847-468-2245.

Sincerely,

Catherine A. McCord, Director
Business and Environmental Management

cc: John Ruddell

Attachments

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April 25, 1997

via Federal Express

Ms. Michele Anders, Chief
Generator and Recycling Branch
U.S. Environmental Protection Agency
Office of Solid Waste
401 M Street, S.W.
Washington, D.C. 20460

RE: Written Confirmation of Regulatory Interpretation of 40 CFR 261.2(e)(1)

Dear Ms. Anders:

Safety-Kleen is submitting the following information as Confidential Business Information and has been labeled as such pursuant to 40 CFR Part 2, Subpart B, Section 2.203(b).

The purpose of this letter is to follow up on an April 16 telephone conversation with Mr. Jeff Hannaple about a regulatory interpretation and to request that the interpretation Mr. Hannaple provided be confirmed in writing. The regulatory interpretation was provided in response to Safety-Kleen's request on how used parts washing solvent that was used for drum washing would be regulated, if it was used for the drum washing activity prior to any reclamation.

As previously discussed, Safety-Kleen collects used solvents from customers' parts cleaning operations and consolidates such materials at one of our branch collection facilities for shipment to one of our recycle centers. It is our intent to use a certain quantity of this material for washing drums prior to re-filling them with product. The quantity of solvent used in this manner will be dictated by the volume needed to wash a drum and the total number of drums used to service our customers. None of the solvent used in this manner will be reclaimed prior to its use as drum wash. Safety-Kleen will establish criteria for the amount and type of material to be used for this purpose.

Safety-Kleen believes that the parts washer solvent to be used in this manner is excepted from the definition of solid waste because it will be "used or reused as an effective substitute for [1] commercial product[s]..." (40 CFR 261.2(e)(1)). The preamble to the Definition of Solid Waste, dated January 4, 1985 (50 FR 619), discusses the use of substitutes for commercial products in the following manner:

> "When secondary materials are directly used as substitutes for commercial products, we [the Agency] also believe these materials are functioning as raw materials and therefore are outside of RCRA's jurisdiction and thus, are not wastes."

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> The final rule consequently states that secondary materials used as ingredients or used directly as commercial products are not wastes and are outside the Agency's RCRA jurisdiction. They thus are not subject to RCRA Subtitle C regulations when generated, transported, or used..."

See also attached guidance from the RCRA/Superfund Hotline.

The discussion on page 624 of the preamble, addresses "continued-use" when distinguishing between spent materials from those that are still fit for use,

> "...where solvents used to clean circuit boards are no longer pure enough for that continued use, but are still pure enough for use as metal degreasers. These solvents are not spent materials when used for metal degreasing. The practice is simply continued use of a solvent. (This is analogous to using/reusing a secondary material as an effective substitute for commercial products.)"

We request that EPA confirm in writing that the solvent Safety-Kleen intends to use for drum wash in the manner described above is not a solid waste pursuant to 40 CFR 261.2(e)(1) and thus not a hazardous waste when it is being used as an effective substitute for a commercial product.

Please contact me at (847) 468-2245, if you have any questions.

Sincerely,

Catherine A. McCord, Manager
Environment and Business Integration

Attachment

cc: Jeff Hannaple

ment must be installed ...h special leak detection and collection syste..., many existing tank systems may not have nism to detect and contain releases. Do the new July 14, 1986 regulations have any leak testing requirements for exi systems prior to installation of secondary containment?

Yes. The new hazardous waste tank regulations do provide for leak testing in existing tank systems prior to in of secondary containment. 40 *CFR* 264.193(i) and 265.193(i) require all existing tank systems to be evaluated in some manner. Non-enterable underground tanks must be tested for leaks at least annually. All other tank aboveground and enterable underground tanks) under interim status must be leak-tested, inspected internally, or for cracks, leaks, corrosion and erosion at least annually. Other permitted tanks must be either leak-tested an placed on a schedule for overall integrity assessments. The frequency of assessments would depend on the m construction of the tank, the age of the system, the type of waste stored or treated, the type of corrosion or ero tection, and the rate of corrosion or erosion of the tank. The annual leak testing requirement also applies to all equipment. In addition, § 264.191 and § 265.191 require the owner/operator of an existing tank system that does a secondary containment system meeting the requirements of §§ 264.193 and 265.193 to obtain a written assess attests to the tank system's integrity by January 12, 1988. All assessments must be certified by an independent, registered professional engineer and must be kept on file at the facility.

[December 1986; Regulatory Cross References: 264.193(i), 265.193(i), 264.191, 265.191]

RCRA-78 Existing Units, Replacement Units, and Minimum Technology Standards

The owner/operator of an existing landfill unit which is holding F006 waste, wants to remove all the waste from t in order to stabilize it. Once the waste is stabilized, it will be put back in the same landfill and the landfill will then Will this action change the status of the landfill from an existing unit to a replacement unit? If the landfill was then c a replacement unit, would it have to meet minimum technology requirements under Section 3004(u) of RCRA t stabilized waste is replaced?

A unit is considered a replacement if it is taken out of service and all or substantially all waste is removed from it reused. If the removal, stabilization, and replacement of the waste is part of closure, and no new waste is being ad landfill, then EPA does not consider that the unit has been "reused." Therefore, the landfill would retain its st existing unit and would not have to meet minimum technology standards prior to replacing the waste.

[Ed. Note: On January 29, 1992 (57 *FR* 3462), EPA promulgated liner and leak detection system standards for landfills, surface impoundments, and waste piles, effective July 29, 1992. As part of that rulemaking, EPA codified a definition of "replacement unit" that is essentially the same as the one described here.]

[December 1986; Regulatory Cross References: 260.10 "replacement unit," 264.301, 264.310, 265.301(a), 265.310]

RCRA-79 Land Disposal Definition

How is land disposal defined regarding the Section 3004(d) RCRA land disposal restrictions?

Land disposal is defined to include, but not be limited to, any placement of hazardous waste in a landfill, surface imp waste pile, injection well, land treatment facility, salt dome formation, or underground mine or cave (Section 3004(k) EPA also considers placement of hazardous wastes in concrete vaults or bunkers intended for disposal purposes as waste management subject to the land disposal restrictions. However, EPA does not consider open detonation, w include open burning, as methods constituting land disposal and has concluded that the land disposal restrictions pro applicable to open detonation and open burning [51 *FR* 40580].

[December 1986; Regulatory Cross Reference: 268.2(c)]

RCRA-80 Lab Packs and the Land Disposal Prohibitions

Are lab packs containing wastes restricted from land disposal included in the land disposal restrictions?

Neither the legislative history nor the statute indicates that lab packs can be excluded from the land disposal if they contain restricted wastes. If a lab pack contains these restricted wastes, the entire lab pack is subject disposal restrictions [51 *FR* 40585].

[December 1986; Regulatory Cross Reference: 268.1(a)]

RCRA-81 Definition of Solid Waste

A generator generates a 5% solution of sodium hydroxide from his metal cleaning operation. Another facility can use the waste as a substitute for a commercial product in their process of cleaning out tanks, except the waste is too dilute to be effective. If the generator adds 5% sodium hydroxide to his waste to make a 10% solution, would this material be a so

According to § 261.2(e)(1)(ii), materials are not solid waste when they can be shown to be recycled by being used reused as effective substitutes for commercial products. The waste is employed in a particular function or application an effective substitute for a commercial product (40 *CFR* 261.1(c)(5)(ii)). Since it would function as a product in a norm commercial use, it would not be a solid waste and is not subject to RCRA Subtitle C regulations when generated, tra ported or used (unless accumulated speculatively).

[May 1987; Regulatory Cross References: 261.2(e)(1)(ii), 261.1(c)(5)(ii)]

RCRA-82 Disposal Prior to November 19, 1980

A tank owner closed a tank which contained waste solvent in 1977. The waste solvent was an unlisted, ignitable waste (D0 which was pumped out of the tank. Some ignitable residues remained in the tank. The tank was sealed and has not been u since 1977. Is the tank a RCRA disposal facility?

The preamble of the May 19, 1980 *Federal Register* (40 *CFR* 264 and 265, page 33170) specifically states that the re latory scheme of Subtitle C is prospective, i.e., it applies to hazardous waste management which takes place after effective date of the Subtitle C regulations. Inactive (either closed or abandoned) disposal facilities could be subjec RCRA Section 7003 enforcement authorities and CERCLA. If the tank was closed in accordance with existing indu practices, it would be an inactive disposal facility not subject to RCRA Subtitle C regulation unless the waste in the t is subsequently managed in a manner that would constitute treatment, storage or disposal.

[May 1987; Regulatory Cross Reference: 265.197]

RCRA-83 Hazardous Waste Tanks

An existing above-ground hazardous waste tank is moved to another location at the same facility. Does it become subjec new tank standards when it is moved? What would the situation be if the tank was underground?

For both above-ground and underground tanks, the tank would be classified as a new tank after being moved and reinst (see 50 *FR* 25446, July 14, 1986). The tank would be subject to the requirements for new tank systems. The tank w have to be reinstalled with secondary containment meeting the requirements specified in §§ 264.193(a) or 265.193.

[May 1987; Regulatory Cross References: 264.190, 265.190]

RCRA-84 Applicability of Contingent Closure and Post-Closure Plans for Tanks

Section 264.197(c)(1) and (2) requires that, unless a tank has secondary containment, a contingent plan for closure as a landfill a contingent post-closure plan must be prepared. 40 *CFR* 264.193(a)(3) requires that an existing tank be retrofitted with secon containment by the time it reaches 15 years of age. If the owner of an existing tank is planning to install secondary contain before the tank reaches 15 years of age, is the owner/operator required to prepare the contingent plans?

Yes. The contingent closure and contingent post-closure plans are required for all tanks not having secondary containr even if the owner/operator is planning on installing secondary containment. The plans would be required until the secon containment meeting the requirements of §§ 264.193 or 265.193 is installed.

[May 1987; Regulatory Cross References: 264.197(c), 264.193(a); 265.197(c), 265.193(a)]

RCRA-85 Dissolved vs. Entrained Metals Subject to the Land Disposal Restrictions

The land disposal restrictions in RCRA Section 3004(d) require that the California List wastes be banned from land dis by July 8, 1987. Concentrations of nickel greater than 134 mg/l are subject to the ban. Is hazardous wastewater conta nickel dispersed by agitation, but not chemically in solution, included in the restriction?

Yes. It does not matter whether the nickel is chemically or physically contained in the wastewater. The ban applies total concentration of nickel in the filtrate as determined by subjecting a representative sample of wastewater to the Filter Liquids Test. If the facility were to settle out the pieces of nickel and lower the concentration of nickel belo mg/l, the wastewater would no longer be subject to the ban. Until treatment standards are finalized, this method of lo the concentration is allowable.

[July 1987; Regulatory Cross Reference: 268.32]

RCRA-86 Domestic Sewage Exclusion

A RCRA hazardous waste is transported by truck accompanied by a Uniform Hazardous Waste Manifest to a publicly treatment works (POTW). Does the domestic sewage exclusion apply to this hazardous waste if it mixes with domestic s prior to treatment? Is the sludge generated from treating the RCRA hazardous waste and the domestic sewage a haz waste due to the "Derived-From Rule" (40 *CFR* 261.3(c) and (d))?

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 21 1998

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Ms. Catherine A. McCord
Manager, Environment and Business Integration
Safety-Kleen
1000 North Randall Road
Elgin, Illinois 60123-7857

Dear Ms. McCord:

Thank you for your April 25, 1997 letter to Michele Anders requesting a written confirmation of the regulatory status of used parts washing solvent that is to be used for drum wash at Safety-Kleen's facilities without first being reclaimed. You asked whether the used parts washing solvent would be excluded from the definition of solid waste pursuant to 40 CFR §261.2(e)(1) when it is used as an effective substitute for a commercial product. Based on the information that you provided, it is the Agency's understanding that Safety-Kleen intends to collect used parts washing solvents from its customers. Some of the used parts washing solvent from designated customers would be used for drum washing at Safety-Kleen facilities. This used solvent designated for drum washing would be consolidated, but would not be reclaimed, prior to its use for drum washing. The solvents designated for drum washing would also be segregated (i.e., always in separate containers or tanks) from the other used solvents collected from Safety-Kleen's customers.

Because the material (i.e., used solvent continuing to be employed in solvent uses) remains a product, your question about the applicability of 40 CFR §261.2(e)(1) is moot. That regulatory section is intended to apply to secondary materials, which is not the case for used solvents that are not yet "spent."

The Agency has previously stated that when a used solvent is employed for another solvent use, this continued use indicates that the solvent remains a product. The used solvent in this case is a material continuing to be used as a solvent, the purpose for which it is intended, rather than a spent material being reused. Consequently, the used solvent to be employed for drum washing would not be considered a solid waste and would not be subject to the Resource Conservation and Recovery Act ("RCRA") Subtitle C hazardous waste regulations when generated, transported, or used. 50 Fed. Reg. 614, 624 (1985). Accordingly, used parts washing solvents that are collected and consolidated by Safety-Kleen and then used for drum washing without first being reclaimed would not be a RCRA solid waste.

In the case of shipments of used solvents in tanker trucks, if any part of a shipment of solvent is reclaimed, burned for energy recovery, or otherwise defined as solid or hazardous waste (as opposed to being directly used only for drum wash), the entire shipment must be managed according to the

applicable RCRA Subtitle C regulations. In situations in which used solvents collected from multiple sources are handled in separate drums or containers on the same truck, each container must be handled according to the applicable regulations (depending on how the solvent is to be used or managed), including hazardous waste manifest requirements. After the solvents have been used for drum washing, any residual solvents would be subject to a hazardous waste determination and must be managed according to the applicable RCRA Subtitle C requirements.

Furthermore, the Agency is aware of the potential for the "continued use" policy to be abused, and thus, notes that the continued use must be legitimate for the used solvents to be excluded from regulation as a solid waste. The Agency would consider the continued use of the used solvents for drum washing to be legitimate in situations in which: 1) the used solvents are effective for the drum-washing operation, especially if the used solvents substitute for solvents that would otherwise have to be purchased (if the used solvents would not be an effective washing agent for the drums, using the used solvents in lieu of other effective drum-washing agents would not be considered legitimate), 2) the used solvents are used only for washing drums that actually need it (if the used solvents are used as drum-washing agent when the drums do not need washing, using the used solvents would not be considered legitimate), and 3) the used solvents are not used in excess of what would normally be required to wash drums (if the used solvents are being used in excess of the amount of solvents needed for the drum-washing operation, e.g., more than would be necessary to wash the drums effectively, using the used solvents would not be considered legitimate).

The regulatory interpretation provided above is based on the U.S. EPA's interpretation of federal regulations. Some states in which the continued use of the used parts washing solvent occurs may have different regulatory requirements or interpretations. For case-specific determinations on the status of the continued use of the parts washing solvent for drum wash, please contact the appropriate state regulatory agency or EPA Regional Office.

If you have any questions or would like additional information, please contact Jeff Hannapel at (703) 308-8826.

Sincerely,

for David Bussard
Director, Hazardous Waste Identification Division
Office of Solid Waste

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WASHINGTON, D.C. 20460

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The Agency has previously stated that when a used solvent is employed for another solvent use, this continued use indicates that the solvent remains a product. The used solvent in this case is a material continuing to be used as a solvent, the purpose for which it is intended, rather than a spent material being *reused*. Consequently, the used solvent to be employed for drum washing would not be considered a solid waste and would not be subject to the Resource Conservation and Recovery Act ("RCRA") Subtitle C hazardous waste regulations when generated, transported, or used. 50 Fed. Reg. 614, 624 (1985). Accordingly, used parts washing solvents that are collected and consolidated by Safety-Kleen and then used for drum washing without first being reclaimed would not be a RCRA solid waste.

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applicable RCRA Subtitle C regulations. In situations in which used solvents collected from multiple sources are handled in separate drums or containers on the same truck, each container must be handled according to the applicable regulations (depending on how the solvent is to be used or managed), including hazardous waste manifest requirements. After the solvents have been used for drum washing, any residual solvents would be subject to a hazardous waste determination and must be managed according to the applicable RCRA Subtitle C requirements.

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Sincerely,

Michael P. Flynn

~~David~~ Bussard
Director, Hazardous Waste Identification Division
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Elgin, Illinois 60123-7857

Dear Ms. McCord:

Thank you for your April 25, 1997 letter to Michele Anders requesting a written confirmation of the regulatory status of used parts washing solvent that is to be used for drum wash at Safety-Kleen's facilities without first being reclaimed. You asked whether the used parts washing solvent would be excluded from the definition of solid waste pursuant to 40 CFR §261.2(e)(1) when it is used as an effective substitute for a commercial product. Based on the information that you provided, it is the Agency's understanding that Safety-Kleen intends to collect used parts washing solvents from its customers. Some of the used parts washing solvent from designated customers would be used for drum washing at Safety-Kleen facilities. This used solvent designated for drum washing would be consolidated, but would not be reclaimed, prior to its use for drum washing. The solvents designated for drum washing would also be segregated (i.e., always in separate containers or tanks) from the other used solvents collected from Safety-Kleen's customers.

Because the material (i.e., used solvent continuing to be employed in solvent uses) remains a product, your question about the applicability of 40 CFR §261.2(e)(1) is moot. That regulatory section is intended to apply to secondary materials, which is not the case for used solvents that are not yet "spent."

The Agency has previously stated that when a used solvent is employed for another solvent use, this continued use indicates that the solvent remains a product. The used solvent in this case is a material continuing to be used as a solvent, the purpose for which it is intended, rather than a spent material being *reused*. Consequently, the used solvent to be employed for drum washing would not be considered a solid waste and would not be subject to the Resource Conservation and Recovery Act ("RCRA") Subtitle C hazardous waste regulations when generated, transported, or used. 50 Fed. Reg. 614, 624 (1985). Accordingly, used parts washing solvents that are collected and consolidated by Safety-Kleen and then used for drum washing without first being reclaimed would not be a RCRA solid waste.

In the case of shipments of used solvents in tanker trucks, if any part of a shipment of solvent is reclaimed, burned for energy recovery, or otherwise defined as solid or hazardous waste (as opposed to being directly used only for drum wash), the entire shipment must be managed according to the

applicable RCRA Subtitle C regulations. In situations in which used solvents collected from multiple sources are handled in separate drums or containers on the same truck, each container must be handled according to the applicable regulations (depending on how the solvent is to be used or managed), including hazardous waste manifest requirements. After the solvents have been used for drum washing, any residual solvents would be subject to a hazardous waste determination and must be managed according to the applicable RCRA Subtitle C requirements.

Furthermore, the Agency is aware of the potential for the "continued use" policy to be abused, and thus, notes that the continued use must be legitimate for the used solvents to be excluded from regulation as a solid waste. The Agency would consider the continued use of the used solvents for drum washing to be legitimate in situations in which: 1) the used solvents are effective for the drum-washing operation, especially if the used solvents substitute for solvents that would otherwise have to be purchased (if the used solvents would not be an effective washing agent for the drums, using the used solvents in lieu of other effective drum-washing agents would not be considered legitimate), 2) the used solvents are used only for washing drums that actually need it (if the used solvents are used as drum-washing agent when the drums do not need washing, using the used solvents would not be considered legitimate), and 3) the used solvents are not used in excess of what would normally be required to wash drums (if the used solvents are being used in excess of the amount of solvents needed for the drum-washing operation, e.g., more than would be necessary to wash the drums effectively, using the used solvents would not be considered legitimate).

The regulatory interpretation provided above is based on the U.S. EPA's interpretation of federal regulations. Some states in which the continued use of the used parts washing solvent occurs may have different regulatory requirements or interpretations. For case-specific determinations on the status of the continued use of the parts washing solvent for drum wash, please contact the appropriate state regulatory agency or EPA Regional Office.

If you have any questions or would like additional information, please contact Jeff Hannapel at (703) 308-8826.

Sincerely,

Michael P. Flynn

~~David~~ Bussard
Director, Hazardous Waste Identification Division
Office of Solid Waste

STATE OF COLORADO

Bill Owens, Governor
Jane E. Norton, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION
http://www.cdphe.state.co.us/hm/

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-3300
Fax (303) 759-5355

222 S. 6th Street, Room 232
Grand Junction, Colorado 81501-2768
Phone (970) 248-7164
Fax (970) 248-7198

Colorado Department
of Public Health
and Environment

May 10, 1999

Sean McMahon
Regional Manager, Denver
Safety-Kleen Corp.
3333 Quebec Street, Penthouse A
Denver, Colorado 80207

Dear Mr. McMahon:

Gary Baughman and I appreciated the opportunity to meet you and Catherine McCord on April 22 and to discuss Safety-Kleen's Continued Use Program. We now have a much better understanding of the program and the regulatory status of the solvents used in the program. We have reviewed the August 21, 1998 letter to Catherine McCord from David Bussard of the U.S. EPA (attached) and generally concur with the regulatory interpretation in that letter. We believe that if solvents are managed in the manner you have described for the Continued Use Program that they will qualify for being excluded as an effective substitute for a commercial product in accordance with 6 CCR 1007-3. Section 261.2(e)(1).

The steps that Safety-Kleen has taken to establish criteria for continued use of solvents and segregation of solvents in the continued use program from waste solvents will allow the solvents to not be considered solid wastes. The record keeping and automatic control features of the continued use program are also important for documenting the legitimate continued use of the solvent as an effective substitute for a commercial product.

If you have any questions regarding this matter, please feel free to contact me at (303) 692-3342.

Sincerely,

Frederick R. Dowsett
Compliance Coordinator

cc: Catherine A. McCord, Safety-Kleen
Attachment

AUG 31 1998

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 21 1998

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Ms. Catherine A. McCord
Manager, Environment and Business Integration
Safety-Kleen
1000 North Randall Road
Elgin, Illinois 60123-7857

Dear Ms. McCord:

Thank you for your April 25, 1997 letter to Michele Anders requesting a written confirmation of the regulatory status of used parts washing solvent that is to be used for drum wash at Safety-Kleen's facilities without first being reclaimed. You asked whether the used parts washing solvent would be excluded from the definition of solid waste pursuant to 40 CFR §261.2(e)(1) when it is used as an effective substitute for a commercial product. Based on the information that you provided, it is the Agency's understanding that Safety-Kleen intends to collect used parts washing solvents from its customers. Some of the used parts washing solvent from designated customers would be used for drum washing at Safety-Kleen facilities. This used solvent designated for drum washing would be consolidated, but would not be reclaimed, prior to its use for drum washing. The solvents designated for drum washing would also be segregated (i.e., always in separate containers or tanks) from the other used solvents collected from Safety-Kleen's customers.

Because the material (i.e., used solvent continuing to be employed in solvent uses) remains a product, your question about the applicability of 40 CFR §261.2(e)(1) is moot. That regulatory section is intended to apply to secondary materials, which is not the case for used solvents that are not yet "spent."

The Agency has previously stated that when a used solvent is employed for another solvent use, this continued use indicates that the solvent remains a product. The used solvent in this case is a material continuing to be used as a solvent, the purpose for which it is intended, rather than a spent material being reused. Consequently, the used solvent to be employed for drum washing would not be considered a solid waste and would not be subject to the Resource Conservation and Recovery Act ("RCRA") Subtitle C hazardous waste regulations when generated, transported, or used. 50 Fed. Reg. 614, 624 (1985). Accordingly, used parts washing solvents that are collected and consolidated by Safety-Kleen and then used for drum washing without first being reclaimed would not be a RCRA solid waste.

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applicable RCRA Subtitle C regulations. In situations in which used solvents collected from multiple sources are handled in separate drums or containers on the same truck, each container must be handled according to the applicable regulations (depending on how the solvent is to be used or managed), including hazardous waste manifest requirements. After the solvents have been used for drum washing, any residual solvents would be subject to a hazardous waste determination and must be managed according to the applicable RCRA Subtitle C requirements.

Furthermore, the Agency is aware of the potential for the "continued use" policy to be abused, and thus, notes that the continued use must be legitimate for the used solvents to be excluded from regulation as a solid waste. The Agency would consider the continued use of the used solvents for drum washing to be legitimate in situations in which: 1) the used solvents are effective for the drum-washing operation, especially if the used solvents would not be an effective washing agent for the drums, using the used substitute for solvents that would otherwise have to be purchased (if the used solvents in lieu of other effective drum-washing agents would not be considered legitimate), 2) the used solvents are used only for washing drums that actually need it (if the used solvents are used as drum-washing agents when the drums do not need washing, using the used solvents would not be considered legitimate), and 3) the used solvents are not used in excess of what would normally be required to wash drums (if the used solvents are being used in excess of the amount of solvents needed for the drum-washing operation, e.g., more than would be necessary to wash the drums effectively, using the used solvents would not be considered legitimate).

The regulatory interpretation provided above is based on the U.S. EPA's interpretation of federal regulations. Some states in which the continued use of the used parts washing solvent occurs may have different regulatory requirements or interpretations. For case-specific determinations on the status of the continued use of the parts washing solvent for drum wash, please contact the appropriate state regulatory agency or EPA Regional Office.

If you have any questions or would like additional information, please contact Jeff Hannapel at (703) 308-8826.

Sincerely,

Michael B. Shapiro

David Bussard
Director, Hazardous Waste Identification Division
Office of Solid Waste

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Frank O'Bannon
Governor

John M. Hamilton
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

JUL 18 1997

ENVIRONMENTAL POLICY
AND GOVERNMENT RELATIO

July 14, 1997

Catherine A. McCord, Manager
Environment and Business Integration
Safety-Kleen Corp.
1000 North Randall Road
Elgin, Illinois 60123-7857

Dear Ms. McCord:

Re: Continued Use Program

This is in response to your letter of June 2, 1997, in which you were seeking confirmation of your interpretation of the hazardous waste rules, specifically 40 CFR 261.2(e)(1)(ii). Indiana has incorporated this federal provision in our rules at 329 IAC 3.1-6. Our understanding is that your company intends to directly reuse solvents which have been used by your customers for drum washing prior to filling them with product.

Your review of the applicable regulations and principals as they apply to this situation are consistent with the interpretation of these provisions as applied by this office. Information provided in your letter indicates that these used solvents will be used consistent with their original intended purpose as a cleaning solvent without prior reclamation. These solvents would not be a solid waste and therefore not subject to regulation as a hazardous waste.

Staff consider the documentation of claims that the materials are not solid waste as required by 40 CFR 261.2(f) as an important component of this exemption. Only those solvents which are legitimately reused are exempt. If the quantity of solvents collected from your customers under the exemption exceed that which is necessary for your use this office would consider this a sham situation. Excess solvents collected would be subject to regulation as a hazardous waste.

If you should have a question regarding this matter please contact Mr. Dave Berrey of this Department at 317-232-4417.

Sincerely,

Bruce Palin

Bruce Palin,
Acting Assistant Commissioner
Solid and Hazardous Waste Management

DWB

OhioEPA
State of Ohio Environmental Protection Agency

FEB 16 1998

ENVIRONMENTAL POLICY AND GOVERNMENT RELATIONS

STREET ADDRESS:
1800 WaterMark Drive
Columbus, OH 43215-1099

TELE: (614) 644-3020 FAX: (614) 644-2329

MAILING ADDRESS:
P.O. Box 1049
Columbus, OH 43216-1049

February 2, 1998

Ms. Catherine McCord
Safety-Kleen Corporation
One Brinckman Way
Elgin, IL 60123-7857

Dear Ms. McCord:

This letter is in response to our meeting and your subsequent letter dated January 14, 1998, regarding Safety-Kleen's "Continued Use" program. You would like to know if Ohio EPA's Division of Hazardous Waste Management agrees with your interpretation of regulations with respect to this program.

It is my understanding that Safety-Kleen reuses some of their customers used solvents in their drum washing program in Indiana. These solvents are used to clean scrap metal from drum shredding operations. Safety-Kleen would like to expand a similar program, the Continued Use program to branches across Ohio. The branches would be reusing parts cleaning solutions collected from customers to clean drums. After the solution is reused in the Continued Use program, it will be considered Safety-Kleen generated waste and will be recycled.

In Ohio, materials are not wastes when they can be shown to be recycled by being used or reused as effective substitutes for commercial products as stated in Ohio Administrative Code (OAC) rule 3745-51-02(E)(1)(b). Although, they must not be used in a manner constituting disposal, applied to the land, or accumulated speculatively (OAC 3745-51-02(E)(2)).

Safety-Kleen's use of the cleaning solutions are considered a continued use of the solutions. The parts cleaners are **not considered a spent material.** A "spent material" is defined in OAC rule 3745-51-01(C)(1) as any material that has been used and as a result of contamination can **no longer serve the purpose for which it was produced** without processing. U.S. EPA interprets "the purpose for which it was produced" to include all uses of the products that are similar to the original use of the particular batch of material in question. For example, in 50 FR 624, U.S. EPA discusses the continued use of solvents used to clean printed circuit boards. Although the solvents are not pure enough to be used again on the circuit boards, U.S. EPA agrees that they are still pure enough for similar applications (metal degreasers, etc.). Ohio EPA concurs with this

interpretation. Ohio EPA agrees that by being used in Safety-Kleen's Continued Use program, the cleaning solutions are serving their intended purpose.

Ohio EPA continues to encourage pollution prevention which includes environmentally friendly alternatives. If you have any questions, please contact Jeff Mayhugh or myself at (614) 644-2934.

Sincerely,

Wendy Miller

Wendy A. Miller
Compliance Assurance Section
Division of Hazardous Waste Management

wp61.WAM.lcn.g:sftyklee.

Cal/EPA

Department of Toxic Substances Control

400 P Street, 4th Floor
P.O. Box 806
Sacramento, CA 95812-0806

March 23, 1998

Pete Wilson
Governor

Peter M. Rooney
Secretary for Environmental Protection

Mr. Scott E. Davies, P. G.
Regional Environmental Manager
Safety-Kleen Corporation
8795 Folsom Boulevard, Suite 108
Sacramento, California 95826

"CONTINUED USE PROGRAM" FOR CONTINUING SOLVENT USE AS A SUBSTITUTE FOR A PRODUCT

Dear Mr. Davies:

This letter is to confirm your understanding that solvents employed in Safety-Kleen's proposed "Continued Use Program," may be excluded from the definition of waste pursuant to Health and Safety Code Section (HSC) 25143.2(b)(2). I met with you on February 17, 1998 for a discussion of this subject. The discussion is summarized below.

The "Continued Use Program" will involve a limited number of customers within a Safety-Kleen service center area. These particular customers will relinquish designated solvent to their Safety-Kleen representative[1] who will transport it to the Safety-Kleen service center and add it to the drum-cleaning solvent reservoir.[2] Drum cleaning solvent, whether new solvent or "continued use" solvent used as a safe and effective substitute for a product, is used only once to clean drums before it becomes a regulated hazardous waste.[3]

When used as drum cleaner the "continued use" solvent is used as a safe and effective substitute for a commercial product and is therefore conditionally excluded from classification as waste pursuant to HSC Section 25143.2(b)(2). In Safety-Kleen's proposed "Continued Use Program" the commercial product substituted for is clean drum-washing grade solvent.

---

[1] You indicated that the "continued use" solvent would be handled separately from other materials in order to be shipped using a bill of lading, therefore the "Continued Use" solvent must be in separate containers from waste solvent.

[2] Although the drum cleaning operations of a service center will fluctuate, the quantity of solvent needed will have been anticipated. We would view excessive accumulations in the drum cleaning reservoir as an indication of sham recycling.

[3] You have stated that the "continued use" solvent will be used to clean drums only once. Because the "continued use" solvent must be a safe and *effective* substitute for a product, I have surmised that the product for which it substitutes is also only used once. If the "continued use" solvent does not perform as well as new product for drum cleaning, it is not an effective substitute.

Please note that HSC Sections 25143.9 and 25143.10 apply to the "continued use" operation which qualifies this particular reused solvent to be excluded from the definition of waste.

It was a pleasure meeting with you and Ms. Marty White. If I can be of further assistance to you, please contact me at (916) 324-1806 or write to me at the letterhead address.

Sincerely,

Norman S. Riley, Chief
Resource Recovery Section

cc: Ms. Paula Rasmussen, Chief
State Regulatory Program Division
Department of Toxic Substances Control
245 West Broadway, Suite 425
Long Beach, California 90802

Mr. Larry Marz, Chief
Statewide Compliance Division
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

Mr. Donald A. Johnson, Chief
State Regulatory Branch
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

JAMES E BICKFORD
SECRETARY

PAUL E PATTON
GOVERNOR

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT
14 REILLY RD
FRANKFORT KY 40601-1190

April 6, 1998

Ms. Catherine A. McCord
Manager, Environment and Business Integration
Safety-Kleen Corp.
One Brinckman Way
Elgin, Illinois 60123-7857

Re: Branch-Based Continued Use Program
Request for Additional Information

Dear Ms. McCord:

Thank you for your letter requesting our formal regulatory interpretation regarding the management of spent cleaning solutions, removed from Safety-Kleen's Kentucky customers, as cleaning solutions to clean drums within the Safety-Kleen system.

We appreciate the information you presented to us in the December meeting, but before we could finalize our decision, additional information is needed regarding the following:

1. A demonstration of compliance with 401 KAR 31:010, Section 2 (5) (b). This may include information such as the quantities and percentages of this waste/material used for this purpose, and corresponding record keeping to ensure the compliance with the speculative accumulation requirements.

2. A demonstration of the effectiveness of this substitute material. Provide a detailed comparison of the minimum quantities consumed by the redesigned drum washer using the spent mineral spirit versus that of the virgin product. To further demonstrate the effectiveness of this spent mineral spirit, wipe sample test results of a drum cleaned by a virgin product versus that of a drum washed with the spent material may prove necessary.

3. Spill prevention that is protective of the human health and the environment (KAR 31:010, Section 10 (d)). Provide detailed plans and discussion concerning measures to be taken while the material is being managed at the site. This may include information regarding any secondary containment, precaution taken during the handling of the material, and other relevant information required in the contingency plan.

4. Flow diagram(s) indicating the type of facilities envisioned to manage this material/waste. In this, please clarify if Safety-Kleen will manage this material/waste at its non-permitted storage/treatment facility where the material may commingle with other wastes (hazardous wastes) in the hazardous waste management unit(s), i.e., at the Louisville Eiler Avenue transfer facility.

5. A demonstration of how the unmanifested waste issues should be addressed pursuant to 401 KAR 34:050, Section 7. How would Safety-Kleen ensure that the waste/material it receives is of the same characteristics of the material required to clean the drums. and if not, how would Safety-Kleen manage this waste/material?

6. It is our understanding that the hazardous waste generated by the receiving installation(s) will increase substantially. Please demonstrate how this may or may not conflict with the waste minimization program(s) that receiving branches/facility(s) may have in-place.

7. Is all the hazardous waste generated at the branches/facilities, as a result of this activity, destined for distillation?

8. Please demonstrate how Safety-Kleen intends to be in compliance with applicable air emission standards while managing this material/waste.

This determination may not apply if this above mentioned secondary material is mismanaged contrary to intention of this submittal and may cause it to become a waste that is subject to a hazardous waste determination. In addition, this determination shall not relieve the applicant from obtaining any other permits from any other agency within the Commonwealth.

If you have any questions regarding this correspondence, please do not hesitate to contact George W. Wakim at (502) 564-6716 ext. 674.

Sincerely,

Michael V. Welch, P.E., Manager
Hazardous Waste Branch
Division of Waste Management

MVW/GW

c: Caron Falconer, US EPA Region IV
Abbie Meyer, Hazardous Waste Branch
Ron Gruzesky, Hazardous Waste Branch
Dale Burton, Hazardous Waste Branch
Massoud Shoa, Hazardous Waste Branch
Hannah Helm, Field Operations Branch
Keith Crabtree, Florence Regional Office
Patrick Keely, Safety Kleen
Central Files: Fayette, Boyd, Jefferson, & Henry Counties

Jesse Boulthinghouse
Sen. Com.
JHW

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

February 1, 1999

Mr. Timothy F. Kent
District EHS Manager
Safety-Kleen
One Brinckman Way
Elgin, IL 60123-7857

Re: Safety-Kleen's Continued Use Program
Technical Analysis File Number 1-99

Dear Mr. Kent:

This is in response to your December 18, 1998 letter regarding Safety-Kleen's recycling of solvents through its "Continued Use Program".

According to the information in your letter, the information provided by Ms. Catherine McCord and the information provided in a December 8, 1998 meeting between representatives from Safety-Kleen and the Texas Natural Resource Conservation Commission (TNRCC):

- Safety-Kleen has historically used waste parts washer solvent (mineral spirits) to washout and clean drums in which parts washer solvents arrive at Safety-Kleen sites. Based upon the experience gained in doing so, the results of an engineering study conducted by Safety-Kleen, customer requests and a thorough researching of RCRA rules, Safety-Kleen has developing what it calls the "Continued Use Program";

- The dual objectives of the Continued Use Program are: (1) to provide qualified Safety-Kleen customers with a means by which they can recycle their parts washer solvent and at the same time legitimately exempt the solvent from the definition of a solid waste (thus realizing relief from most regulatory requirements) and (2) to allow Safety-Kleen a legitimate means of meeting the challenge posed by some of its competitors who offer their customers the option of exempting their parts washer solvent from the definition of a solid waste (thus giving them a potential marketing advantage over Safety-Kleen);

- Upon its arrival at a Safety-Kleen site, the first step in the actual physical processing of parts washer solvent in the Continued Use Program occurs when the solvent is emptied from drums which have a capacity from 16 to 30 gallons into a vat that is physically separated from the entry point for solvent which is not from the Continued Use Program;

Re: Safety-Kleen's Continued Use Program
Technical Analysis File Number 1-99

- By contractual agreement with its customers, Safety-Kleen allows only parts washer solvent to enter the Continued Use Program and all customers who wish to participate in it are required to avoid allowing any foreign materials (e.g., paper, rags, metal parts etc.) to contaminate the Continued Use Program solvent. Customers who do not agree to these terms are not allowed to participate in the Continued Use Program. Customers already participating in the Continued Use Program who fail to abide by these terms are removed from the Continued Use Program by Safety-Kleen;

- The solvents from the Continued Use Program and those which are not part of the Continued Use Program sources enter the drum cleaning operation at two physically *separate* points. Solvents which are not part of the Continued Use Program enter the "wet dumpster" portion of the "drum washer/wet dumpster" unit shown in the diagram entitled, "Proposed Alternative Operations" that accompanied your letter.

  Solvent from the Continued Use Program vat is pumped into the drum washer portion of the aforementioned unit and is sprayed by a nozzle into the drum washer to clean the aforementioned drums. The drum washer portion is located *prior* to the wet dumpster portion of the unit. The reusable solvent is transferred from the reuse vat by a submersible pump.

  The vat contains a "gross mesh" screen. Its sole purpose of the screen is to protect the pump. The screen does *not* function as a separation mechanism. The fact that participants in the Continued Use Program are required to keep foreign materials such as paper, rags, metal parts etc. from entering Continued Use Program solvent combined with the fact that the aforementioned screen is essential to the protection of the pump system means that no reclamation occurs at any point in the Continued Use Program until after the cleaning of the aforementioned drums;

- When the quantity of solvent in the Continued Use Program vat falls below a preset level, an electronic sensor automatically shuts off the flow of Continued Use Program solvent to the nozzle and non-Continued Use Program solvent is then pumped from the non-Continued Use Program vat into the nozzle to clean the drums. The segregation of the Continued Use Program solvent and the solvent from the non-Continued Use Program insure that only *after* the drums have been cleaned does the solvent from the Continued Use Program and solvent that is not part of the Continued Use Program come into contact;

Re: Safety-Kleen's Continued Use Program.
Technical Analysis File Number 1-99

- Once the solvent has been used to clean the drums, Safety-Kleen acknowledges that all of it meets the definition of a spent material as defined in 40 Code of Federal Regulations (CFR) Section § 261.1(c)(1)/30 Texas Administrative Code (TAC) § 335.17(a)(1). Furthermore, Safety-Kleen acknowledges that it will be the generator of the spent solvent and all wastes associated with it (e.g., sludges from the reclamation of the spent solvent);

- From the results of its engineering study, Safety-Kleen has determined the volume of parts washer solvent necessary to clean a given size drum. This volume multiplied by the number of drums to be cleaned provides each Safety-Kleen site with the maximum volume of solvent that the site can accept into its Continued Use Program. As an added measure of control, each site's maximum capacity is monitored by Safety-Kleen's Branch Automation Program which tracks the amount of Continued Use Program solvent coming into a given site. This plus the site's own monitoring efforts will insure that the site does not accept more solvent than it can legitimately use to clean the drums that arrive at that site;

- Once cleaned, the drums are then refilled with fresh solvent; and

- Safety-Kleen wishes for the TNRCC to confirm that the portion of parts washer solvent in the Continued Use Program is exempt from being a solid waste pursuant to 40 CFR §261.1(e)(1)/30 TAC §335.1(F)(I).

Based upon the aforementioned information, the TNRCC has concluded that there is no reason at this time to object to Safety-Kleen or its customers exempting from the definition of a solid waste parts washer solvent participating in Safety-Kleen's Continued Use Program provided that the following points (many of which are discussed in an August 21, 1998 letter from Mr. David Bussard of the Environmental Protection Agency (EPA) to Ms. Catherine McCord of regarding Safety-Kleen's Continued Use Program) about Safety-Kleen's Continued Use Program are taken into consideration:

- The solvent in the Continued Use Program would be considered by the TNRCC to be exempt from being a solid waste only if it has the capacity to function effectively as a solvent in the aforementioned drum cleaning operation. The TNRCC would not consider solvent used in the Continued Use Program which had lost all or the great majority of its solvent properties (e.g., through contamination) to be exempt from being a solid waste;

- The solvent in the Continued Use Program must be used only for washing drums that actually need it and only in quantities sufficient to wash the aforementioned drums. The TNRCC would not consider solvent used in excess of that which would normally be required to wash the drums to be exempt from being a solid waste;

Re: Safety-Kleen's Continued Use Program
Technical Analysis File Number 1-99

- Solvent in the Continued Use Program and solvent which is not in the Continued Use Program must be kept physically separated until they exit the drum washer portion of the aforementioned unit. Each container of the two types of solvents must be handled according to the applicable state and federal rules. If any portion of the Continued Use Program solvent is reclaimed, burned for energy recovery or used in a manner which would otherwise cause it to be a solid waste (as opposed to being directly used only for drum wash), then it is a solid waste and must be managed accordingly; and

- The TNRCC wishes to especially emphasize to Safety-Kleen the importance of *properly creating and maintaining the documentation to show that it is complying with all applicable state and federal regulations (including those implied in the aforementioned points) at all times and at all of its sites.*

On behalf of the TNRCC, I wish to thank you, the other representatives of Safety-Kleen (most notably Ms. McCord who met and communicated on several occasions with Mr. Boultinghouse of the Technical Analysis Team) and Safety-Kleen for your efforts to promote and encourage legitimate recycling of parts washer solvents in Texas.

If you have any questions regarding this matter, please contact Mr. Jesse Boultinghouse of the Technical Analysis Team at (512) 239-6832.

Sincerely,

Dorca Zaragoza, Leader
Technical Analysis Team
Waste Evaluation Section
Registration and Evaluation Division

DZ/JKB/tgk

cc: Ms. Catherine McCord, Director, Business and Environmental Management, Safety-Kleen Corporation, 1000 North Randall Road, Elgin, IL 60123

Office of Waste Management
Compliance Assurance and Emergency Response
1356 Hansford Street
Charleston, WV 25301-1401
304-558-5989/Fax 304-558-0256

West Virginia Division of Environmental Protection

Cecil H. Underwood
Governor

Michael P. Miano
Director

April 20, 1999

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Catherine A. McCord
Manager, Environment and Business Integration
1000 North Randall Road
Elgin, Illinois 60123-7857

Dear Ms. McCord:

I have received your letter of April 2, 1999 in which you address a number of concerns regarding Safety-Kleen's Continued Use Program that I raised in our telephone conversation of April 2, 1999. This letter is to grant provisional approval to that program.

Your responses to my questions eased my concerns about the structure of the program and its ability to limit the amount of reused solvent to the quantity necessary to clean the drums. This office will monitor the program for approximately one year, however, to insure that safeguards are indeed working before granting unconditional approval.

Please notify me when Safety Kleen begins the program in West Virginia so that we can begin observing the process.

I hope that this information is helpful to you. If I can be of any further assistance, please contact me at (304) 558-5989.

Sincerely,

H. Michael Dorsey, Assistant Chief
Compliance Assurance and Emergency Response

HMD/kw

cc: Tom Fisher
Stan Moskal
Mike Stratton

AUG 3 1 98

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 21 1998

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Ms. Catherine A. McCord
Manager, Environment and Business Integration
Safety-Kleen
1000 North Randall Road
Elgin, Illinois 60123-7857

Dear Ms. McCord:

Thank you for your April 25, 1997 letter to Michele Anders requesting a written confirmation of the regulatory status of used parts washing solvent that is to be used for drum wash at Safety-Kleen's facilities without first being reclaimed. You asked whether the used parts washing solvent would be excluded from the definition of solid waste pursuant to 40 CFR §261.2(e)(1) when it is used as an effective substitute for a commercial product. Based on the information that you provided, it is the Agency's understanding that Safety-Kleen intends to collect used parts washing solvents from its customers. Some of the used parts washing solvent from designated customers would be used for drum washing at Safety-Kleen facilities. This used solvent designated for drum washing would be consolidated, but would not be reclaimed, prior to its use for drum washing. The solvents designated for drum washing would also be segregated (i.e., always in separate containers or tanks) from the other used solvents collected from Safety-Kleen's customers.

Because the material (i.e., used solvent continuing to be employed in solvent uses) remains a product, your question about the applicability of 40 CFR §261.2(e)(1) is moot. That regulatory section is intended to apply to secondary materials, which is not the case for used solvents that are not yet "spent."

The Agency has previously stated that when a used solvent is employed for another solvent use, this continued use indicates that the solvent remains a product. The used solvent in this case is a material continuing to be used as a solvent, the purpose for which it is intended, rather than a spent material being *reused*. Consequently, the used solvent to be employed for drum washing would not be considered a solid waste and would not be subject to the Resource Conservation and Recovery Act ("RCRA") Subtitle C hazardous waste regulations when generated, transported, or used. 50 Fed. Reg. 614, 624 (1985). Accordingly, used parts washing solvents that are collected and consolidated by Safety-Kleen and then used for drum washing without first being reclaimed would not be a RCRA solid waste.

In the case of shipments of used solvents in tanker trucks, if any part of a shipment of solvent is reclaimed, burned for energy recovery, or otherwise defined as solid or hazardous waste (as opposed to being directly used only for drum wash), the entire shipment must be managed according to the

applicable RCRA Subtitle C regulations. In situations in which used solvents collected from multiple sources are handled in separate drums or containers on the same truck, each container must be handled according to the applicable regulations (depending on how the solvent is to be used or managed), including hazardous waste manifest requirements. After the solvents have been used for drum washing, any residual solvents would be subject to a hazardous waste determination and must be managed according to the applicable RCRA Subtitle C requirements.

Furthermore, the Agency is aware of the potential for the "continued use" policy to be abused, and thus, notes that the continued use must be legitimate for the used solvents to be excluded from regulation as a solid waste. The Agency would consider the continued use of the used solvents for drum washing to be legitimate in situations in which: 1) the used solvents are effective for the drum-washing operation, especially if the used solvents substitute for solvents that would otherwise have to be purchased (if the used solvents would not be an effective washing agent for the drums, using the used solvents in lieu of other effective drum-washing agents would not be considered legitimate), 2) the used solvents are used only for washing drums that actually need it (if the used solvents are used as drum-washing agent when the drums do not need washing, using the used solvents would not be considered legitimate), and 3) the used solvents are not used in excess of what would normally be required to wash drums (if the used solvents are being used in excess of the amount of solvents needed for the drum-washing operation, e.g., more than would be necessary to wash the drums effectively, using the used solvents would not be considered legitimate).

The regulatory interpretation provided above is based on the U.S. EPA's interpretation of federal regulations. Some states in which the continued use of the used parts washing solvent occurs may have different regulatory requirements or interpretations. For case-specific determinations on the status of the continued use of the parts washing solvent for drum wash, please contact the appropriate state regulatory agency or EPA Regional Office.

If you have any questions or would like additional information, please contact Jeff Hannapel at (703) 308-8826.

Sincerely,

David Bussard
Director, Hazardous Waste Identification Division
Office of Solid Waste

safety-kleen ®

April 25, 1997

via Federal Express

Ms. Michele Anders, Chief
Generator and Recycling Branch
U.S. Environmental Protection Agency
Office of Solid Waste
401 M Street, S.W.
Washington, D.C. 20460

RE: Written Confirmation of Regulatory Interpretation of 40 CFR 261.2(e)(1)

Dear Ms. Anders:

Safety-Kleen is submitting the following information as Confidential Business Information and has been labeled as such pursuant to 40 CFR Part 2, Subpart B, Section 2.203(b).

The purpose of this letter is to follow up on an April 16 telephone conversation with Mr. Jeff Hannaple about a regulatory interpretation and to request that the interpretation Mr. Hannaple provided be confirmed in writing. The regulatory interpretation was provided in response to Safety-Kleen's request on how used parts washing solvent that was used for drum washing would be regulated, if it was used for the drum washing activity prior to any reclamation.

As previously discussed, Safety-Kleen collects used solvents from customers' parts cleaning operations and consolidates such materials at one of our branch collection facilities for shipment to one of our recycle centers. It is our intent to use a certain quantity of this material for washing drums prior to re-filling them with product. The quantity of solvent used in this manner will be dictated by the volume needed to wash a drum and the total number of drums used to service our customers. None of the solvent used in this manner will be reclaimed prior to its use as drum wash. Safety-Kleen will establish criteria for the amount and type of material to be used for this purpose.

Safety-Kleen believes that the parts washer solvent to be used in this manner is excepted from the definition of solid waste because it will be "used or reused as an effective substitute for [1] commercial product[s]..." (40 CFR 261.2(e)(1)). The preamble to the Definition of Solid Waste, dated January 4, 1985 (50 FR 619), discusses the use of substitutes for commercial products in the following manner:

> "When secondary materials are directly used as substitutes for commercial products, we [the Agency] also believe these materials are functioning as raw materials and therefore are outside of RCRA's jurisdiction and thus, are not wastes."

1000 NORTH RANDALL ROAD ELGIN, ILLINOIS 60123-7857 PHONE 847/697-8460 FAX 847/468-8500

Page 637 of the preamble also states,

> When secondary materials are directly used (or, in the case of previously used materials, reused)... they function as raw materials in normal manufacturing operations or as products in normal commercial applications. We [the Agency] reiterate these positions in the final regulation. These direct use recycling situations represent exceptions to the general principle that accumulated hazardous secondary materials are hazardous wastes.
>
> The final rule consequently states that secondary materials used as ingredients or used directly as commercial products are not wastes and are outside the Agency's RCRA jurisdiction. They thus are not subject to RCRA Subtitle C regulations when generated, transported, or used..."

See also attached guidance from the RCRA/Superfund Hotline.

The discussion on page 624 of the preamble, addresses "continued-use" when distinguishing between spent materials from those that are still fit for use,

> "...where solvents used to clean circuit boards are no longer pure enough for that continued use, but are still pure enough for use as metal degreasers. These solvents are not spent materials when used for metal degreasing. The practice is simply continued use of a solvent. (This is analogous to using/reusing a secondary material as an effective substitute for commercial products.)"

We request that EPA confirm in writing that the solvent Safety-Kleen intends to use for drum wash in the manner described above is not a solid waste pursuant to 40 CFR 261.2(e)(1) and thus not a hazardous waste when it is being used as an effective substitute for a commercial product.

Please contact me at (847) 468-2245, if you have any questions.

Sincerely,

Catherine A. McCord, Manager
Environment and Business Integration

Attachment

cc: Jeff Hannaple

ment must be insta... with special leak detection and collection sy...ms, many existing tank systems may not ha
nism to detect and contain releases. Do the new July 14, 1986 regu...ons have any leak testing requirements for e
systems prior to installation of secondary containment?

Yes. The new hazardous waste tank regulations do provide for leak testing in existing tank systems prior to
of secondary containment. 40 *CFR* 264.193(i) and 265.193(i) require all existing tank systems to be evaluat
in some manner. Non-enterable underground tanks must be tested for leaks at least annually. All other ta
aboveground and enterable underground tanks) under interim status must be leak-tested, inspected internally, (
for cracks, leaks, corrosion and erosion at least annually. Other permitted tanks must be either leak-tested
placed on a schedule for overall integrity assessments. The frequency of assessments would depend on the
construction of the tank, the age of the system, the type of waste stored or treated, the type of corrosion or
tection, and the rate of corrosion or erosion of the tank. The annual leak testing requirement also applies to
equipment. In addition, § 264.191 and § 265.191 require the owner/operator of an existing tank system that d
a secondary containment system meeting the requirements of §§ 264.193 and 265.193 to obtain a written ass
attests to the tank system's integrity by January 12, 1988. All assessments must be certified by an independer
registered professional engineer and must be kept on file at the facility.

[December 1986; Regulatory Cross References: 264.193(i), 265.193(i), 264.191, 265.191]

RCRA-78 Existing Units, Replacement Units, and Minimum Technology Standards

The owner/operator of an existing landfill unit which is holding F006 waste, wants to remove all the waste fron
in order to stabilize it. Once the waste is stabilized, it will be put back in the same landfill and the landfill will th
Will this action change the status of the landfill from an existing unit to a replacement unit? If the landfill was the
a replacement unit, would it have to meet minimum technology requirements under Section 3004(u) of RCR
stabilized waste is replaced?

A unit is considered a replacement if it is taken out of service and all or substantially all waste is removed fror
reused. If the removal, stabilization, and replacement of the waste is part of closure, and no new waste is being
landfill, then EPA does not consider that the unit has been "reused." Therefore, the landfill would retain its
existing unit and would not have to meet minimum technology standards prior to replacing the waste.

[Ed. Note: On January 29, 1992 (57 *FR* 3462), EPA promulgated liner and leak detection system standards for landfills, surface impoundments, and waste piles, effective July 29, 1992. As part of that rulemaking, EPA codified a definition of "replacement unit" that is essentially the same as the one described here.]

[December 1986; Regulatory Cross References: 260.10 "replacement unit," 264.301, 264.310, 265.301(a), 265.310]

RCRA-79 Land Disposal Definition

How is land disposal defined regarding the Section 3004(d) RCRA land disposal restrictions?

Land disposal is defined to include, but not be limited to, any placement of hazardous waste in a landfill, surface
waste pile, injection well, land treatment facility, salt dome formation, or underground mine or cave (Section 3004
EPA also considers placement of hazardous wastes in concrete vaults or bunkers intended for disposal purposes
waste management subject to the land disposal restrictions. However, EPA does not consider open detonation
include open burning, as methods constituting land disposal and has concluded that the land disposal restrictions
applicable to open detonation and open burning [51 *FR* 40580].

[December 1986; Regulatory Cross Reference: 268.2(c)]

RCRA-80 Lab Packs and the Land Disposal Prohibitions

Are lab packs containing wastes restricted from land disposal included in the land disposal restrictions?

Neither the legislative history nor the statute indicates that lab packs can be excluded from the land dispo
if they contain restricted wastes. If a lab pack contains these restricted wastes, the entire lab pack is subj
disposal restrictions [51 *FR* 40585].

[December 1986; Regulatory Cross Reference: 268.1(a)]

RCRA-81 Definition of Solid Waste

A generator generates a 5% solution of sodium hydroxide from his metal cleaning operation. Another facility can us
waste as a substitute for a commercial product in their process of cleaning out tanks, except the waste is too dilute t
effective. If the generator adds 5% sodium hydroxide to his waste to make a 10% solution, would this material be

According to § 261.2(e)(1)(ii), materials are not solid waste when they can be shown to be recycled by being used reused as effective substitutes for commercial products. The waste is employed in a particular function or application an effective substitute for a commercial product (40 *CFR* 261.1(c)(5)(ii)). Since it would function as a product in a norm commercial use, it would not be a solid waste and is not subject to RCRA Subtitle C regulations when generated, tran ported or used (unless accumulated speculatively).

[May 1987; Regulatory Cross References: 261.2(e)(1)(ii), 261.1(c)(5)(ii)]

RCRA-82 Disposal Prior to November 19, 1980

A tank owner closed a tank which contained waste solvent in 1977. The waste solvent was an unlisted, ignitable waste (D00 which was pumped out of the tank. Some ignitable residues remained in the tank. The tank was sealed and has not been us since 1977. Is the tank a RCRA disposal facility?

The preamble of the May 19, 1980 *Federal Register* (40 *CFR* 264 and 265, page 33170) specifically states that the reg latory scheme of Subtitle C is prospective, i.e., it applies to hazardous waste management which takes place after t effective date of the Subtitle C regulations. Inactive (either closed or abandoned) disposal facilities could be subject RCRA Section 7003 enforcement authorities and CERCLA. If the tank was closed in accordance with existing indus practices, it would be an inactive disposal facility not subject to RCRA Subtitle C regulation unless the waste in the ta is subsequently managed in a manner that would constitute treatment, storage or disposal.

[May 1987; Regulatory Cross Reference: 265.197]

RCRA-83 Hazardous Waste Tanks

An existing above-ground hazardous waste tank is moved to another location at the same facility. Does it become subject new tank standards when it is moved? What would the situation be if the tank was underground?

For both above-ground and underground tanks, the tank would be classified as a new tank after being moved and reinstal (see 50 *FR* 25446, July 14, 1986). The tank would be subject to the requirements for new tank systems. The tank wo have to be reinstalled with secondary containment meeting the requirements specified in §§ 264.193(a) or 265.193.

[May 1987; Regulatory Cross References: 264.190, 265.190]

RCRA-84 Applicability of Contingent Closure and Post-Closure Plans for Tanks

Section 264.197(c)(1) and (2) requires that, unless a tank has secondary containment, a contingent plan for closure as a landfill a contingent post-closure plan must be prepared. 40 *CFR* 264.193(a)(3) requires that an existing tank be retrofitted with second containment by the time it reaches 15 years of age. If the owner of an existing tank is planning to install secondary containm before the tank reaches 15 years of age, is the owner/operator required to prepare the contingent plans?

Yes. The contingent closure and contingent post-closure plans are required for all tanks not having secondary containm even if the owner/operator is planning on installing secondary containment. The plans would be required until the second containment meeting the requirements of §§ 264.193 or 265.193 is installed.

[May 1987; Regulatory Cross References: 264.197(c), 264.193(a); 265.197(c), 265.193(a)]

RCRA-85 Dissolved vs. Entrained Metals Subject to the Land Disposal Restrictions

The land disposal restrictions in RCRA Section 3004(d) require that the California List wastes be banned from land disp by July 8, 1987. Concentrations of nickel greater than 134 mg/l are subject to the ban. Is hazardous wastewater contai nickel dispersed by agitation, but not chemically in solution, included in the restriction?

Yes. It does not matter whether the nickel is chemically or physically contained in the wastewater. The ban applies t total concentration of nickel in the filtrate as determined by subjecting a representative sample of wastewater to the E Filter Liquids Test. If the facility were to settle out the pieces of nickel and lower the concentration of nickel below mg/l, the wastewater would no longer be subject to the ban. Until treatment standards are finalized, this method of lowe the concentration is allowable.

[July 1987; Regulatory Cross Reference: 268.32]

RCRA-86 Domestic Sewage Exclusion

A RCRA hazardous waste is transported by truck accompanied by a Uniform Hazardous Waste Manifest to a publicly o treatment works (POTW). Does the domestic sewage exclusion apply to this hazardous waste if it mixes with domestic se prior to treatment? Is the sludge generated from treating the RCRA hazardous waste and the domestic sewage a haza waste due to the "Derived-From Rule" (40 *CFR* 261.3(c) and (d))?

STATE OF COLORADO

Bill Owens, Governor
Jane E. Norton, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION
http://www.cdphe.state.co.us/hm/

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-3300
Fax (303) 759-5355

222 S. 6th Street, Room 232
Grand Junction, Colorado 81501-2768
Phone (970) 248-7164
Fax (970) 248-7198

Colorado Department
of Public Health
and Environment

May 10, 1999

Sean McMahon
Regional Manager, Denver
Safety-Kleen Corp.
3333 Quebec Street, Penthouse A
Denver, Colorado 80207

Dear Mr. McMahon:

Gary Baughman and I appreciated the opportunity to meet you and Catherine McCord on April 22 and to discuss Safety-Kleen's Continued Use Program. We now have a much better understanding of the program and the regulatory status of the solvents used in the program. We have reviewed the August 21, 1998 letter to Catherine McCord from David Bussard of the U.S. EPA (attached) and generally concur with the regulatory interpretation in that letter. We believe that if solvents are managed in the manner you have described for the Continued Use Program that they will qualify for being excluded as an effective substitute for a commercial product in accordance with 6 CCR 1007-3, Section 261.2(e)(1).

The steps that Safety-Kleen has taken to establish criteria for continued use of solvents and segregation of solvents in the continued use program from waste solvents will allow the solvents to not be considered solid wastes. The record keeping and automatic control features of the continued use program are also important for documenting the legitimate continued use of the solvent as an effective substitute for a commercial product.

If you have any questions regarding this matter, please feel free to contact me at (303) 692-3342.

Sincerely,

Frederick R. Dowsett
Compliance Coordinator

cc: Catherine A. McCord, Safety-Kleen
Attachment

AUG. 3 1 1998

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 21 1998

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Ms. Catherine A. McCord
Manager, Environment and Business Integration
Safety-Kleen
1000 North Randall Road
Elgin, Illinois 60123-7857

Dear Ms. McCord:

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Because the material (i.e., used solvent continuing to be employed in solvent uses) remains a product, your question about the applicability of 40 CFR §261.2(e)(1) is moot. That regulatory section is intended to apply to secondary materials, which is not the case for used solvents that are not yet "spent."

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applicable RCRA Subtitle C regulations. In situations in which used solvents collected from multiple sources are handled in separate drums or containers on the same truck, each container must be handled according to the applicable regulations (depending on how the solvent is to be used or managed), including hazardous waste manifest requirements. After the solvents have been used for drum washing, any residual solvents would be subject to a hazardous waste determination and must be managed according to the applicable RCRA Subtitle C requirements.

Furthermore, the Agency is aware of the potential for the "continued use" policy to be abused, and thus, notes that the continued use must be legitimate for the used solvents to be excluded from regulation as a solid waste. The Agency would consider the continued use of the used solvents for drum washing to be legitimate in situations in which: 1) the used solvents are effective for the drum-washing operation, especially if the used solvents substitute for solvents that would otherwise have to be purchased (if the used solvents would not be an effective washing agent for the drums, using the used solvents in lieu of other effective drum-washing agents would not be considered legitimate), 2) the used solvents are used only for washing drums that actually need it (if the used solvents are used as drum-washing agent when the drums do not need washing, using the used solvents would not be considered legitimate), and 3) the used solvents are not used in excess of what would normally be required to wash drums (if the used solvents are being used in excess of the amount of solvents needed for the drum-washing operation, e.g., more than would be necessary to wash the drums effectively, using the used solvents would not be considered legitimate).

The regulatory interpretation provided above is based on the U.S. EPA's interpretation of federal regulations. Some states in which the continued use of the used parts washing solvent occurs may have different regulatory requirements or interpretations. For case-specific determinations on the status of the continued use of the parts washing solvent for drum wash, please contact the appropriate state regulatory agency or EPA Regional Office.

If you have any questions or would like additional information, please contact Jeff Hannapel at (703) 308-8826.

Sincerely,

David Bussard
Director, Hazardous Waste Identification Division
Office of Solid Waste

HIGH FLASH HYDROCARBON BLEND STOCK

MATERIAL SAFETY DATA SHEET FOR USA AND CANADA

safety-kleen.

SECTION 1: CHEMICAL PRODUCT AND COMPANY IDENTIFICATION

PRODUCT NAME: **HIGH FLASH HYDROCARBON BLEND STOCK**

SYNONYMS: Parts Washer Solvent; Petroleum Distillates; Petroleum Naphtha; Naphtha, Solvent; Stoddard Solvent; Mineral Spirits.

PRODUCT PART NUMBERS: Not available.

PRODUCT USE: Cleaning and degreasing metal parts.
If this product is used in combination with other chemicals, refer to the Material Safety Data Sheets for those chemicals.

24-HOUR EMERGENCY TELEPHONES

	MEDICAL:	TRANSPORTATION (SPILL):
These numbers are for emergency use only. If you desire non-emergency information about this product, please call a telephone number listed below.	**1-800-752-7869 (USA) Extension 2**	**1-800-468-1760 (USA)**
	1-312-942-5969 (CANADA)	**1-613-996-6666 (CANADA)**

MANUFACTURER/SUPPLIER: Safety-Kleen Corp.
1000 North Randall Road
Elgin, IL, 60123-7857 USA
1-800-669-5740

TECHNICAL INFORMATION: **1-800-669-5740 Extension 7500**

MSDS FORM NUMBER: 82705 **ISSUE:** Original

ORIGINAL ISSUE: April 17, 1997 **SUPERSEDES:** New

PREPARED BY: Product MSDS Coordinator **APPROVED BY:** MSDS Task Force

SECTION 2: COMPOSITION/INFORMATION ON INGREDIENTS

				OSHA PEL		ACGIH TLV			
WT%	NAME	SYNONYM	CAS NO.	TWA	STEL	TWA	STEL	LD[a]	LC[b]
100	Distillates (petroleum), hydrotreated light	N.Av.	64742-47-8	500[c] ppm	N.Av.	100[c] ppm	N.Av.	>5000[d]	>2000 mg/m^3, 4 hours

N.Av. = Not Available
[a]Oral-Rat LD50 (mg/kg)
[b]Inhalation-Rat LC50
[c]Based on Stoddard Solvent.
[d]Skin-Rat LD50>2000 mg/kg

See 29 CFR 1910.1000(d)(2) and ACGIH *Threshold Limit Values for Chemical Substances and Physical Agents Biological Exposure Indices* booklet (Appendix C) for the determination of exposure limits for mixtures. Consult an industrial hygienist or similar professional to confirm that the calculated exposure limits are appropriate.

SECTION 3: HAZARDS IDENTIFICATION

EMERGENCY OVERVIEW

WARNING!

APPEARANCE
Liquid, brown or black, mild hydrocarbon odor.

IMMEDIATE HAZARDS
Combustible liquid and vapor.
Harmful if inhaled.
Eye and skin irritant.
May be harmful if swallowed.

DELAYED HAZARDS
Contains material which may cause central nervous system damage.

POTENTIAL HEALTH EFFECTS

INHALATION (BREATHING): High vapor or mist concentrations may be harmful if inhaled. High concentrations of vapor or mist may irritate the respiratory tract (nose, throat, and lungs). High concentrations of vapor or mist may cause nausea and vomiting. High concentrations of vapor or mist may cause headaches, dizziness, incoordination, numbness, irregular heartbeat, and other central nervous system effects. Massive acute overexposure may result in rapid central nervous system depression, sudden collapse, deep coma, and death.

EYES: Direct contact with materials or exposure to vapors may cause irritation.

SKIN: Direct contact with materials or exposure to vapors may cause irritation. A single, prolonged exposure is not likely to cause the material to be absorbed through the skin in harmful amounts.

INGESTION (SWALLOWING): May cause throat irritation, nausea, vomiting, and central nervous system effects as noted under **INHALATION (BREATHING)**. Breathing material into the lungs during ingestion or vomiting may cause lung injury and possible death.

MEDICAL CONDITIONS AGGRAVATED BY EXPOSURE: Individuals with pre-existing lung. cardiac, central nervous system. or skin disorders may have increased susceptibility to the effects of exposure.

CHRONIC: Prolonged or repeated inhalation may cause toxic effects. Prolonged or repeated eye contact may cause inflammation of the membrane lining the eyelids and covering the eyeball. Prolonged or repeated skin contact may cause drying, cracking, redness, itching, swelling, or burns.

CANCER INFORMATION: No known carcinogenicity. For more information, see **SECTION 11: CARCINOGENCITY**.

Also see **SECTION 15: CALIFORNIA**.

SECTION 4: FIRST AID MEASURES

INHALATION: (BREATHING) Remove to fresh air. If not breathing, give artificial respiration. If breathing is difficult, give oxygen. Someone should stay with victim. Get medical attention if breathing difficulty persists.

EYES: For direct contact, immediately flush eyes with plenty of water, holding eyelids apart, for 15 minutes. If irritation or redness from exposure to vapor or mist develops, move away from exposure into fresh air. Get medical attention if irritation or pain persists.

SKIN: Remove contaminated clothing and shoes. Wash skin thoroughly with soap and water. Get medical attention if irritation or pain persists.

INGESTION: (SWALLOWING) Immediately get medical attention. Do NOT induce vomiting. If spontaneous vomiting occurs, keep head below hips to avoid breathing material into the lungs.

NOTE TO PHYSICIANS: No specific antidote available. Treat symptomatically and supportively. Administration of gastric lavage, if warranted, should be performed by qualified medical personnel. Call medical emergency telephone number (see **SECTION 1**) for additional information.

SECTION 5: FIRE FIGHTING MEASURES

FLASH POINT: 140°F (60°C) Tag Closed Cup (minimum)

FLAMMABLE LIMITS IN AIR: **LOWER:** 0.5 VOL% (minimum)
UPPER: 9.3 VOL% (maximum)

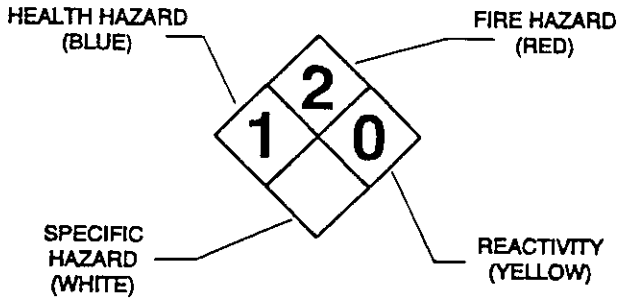
AUTOIGNITION TEMPERATURE: 440°F (227°C) (minimum)

HAZARDOUS COMBUSTION PRODUCTS: Burning may produce carbon monoxide.

CONDITIONS OF FLAMMABILITY: Heat, sparks, or flame.

EXTINGUISHING MEDIA: Carbon dioxide, foam, dry chemical, water spray, or water fog.

NFPA 704 HAZARD IDENTIFICATION: This information is intended solely for the use by individuals trained in this system.



FIRE FIGHTING INSTRUCTIONS: Keep storage containers cool with water spray. Positive-pressure, self-contained breathing apparatus (SCBA) and structural firefighters' protective clothing may provide limited protection.

FIRE AND EXPLOSION HAZARDS: Decomposition and combustion products may be toxic. "Empty" containers may retain residue and can be dangerous. Heated containers may rupture. Vapors can travel to ignition source and flash back. Vapor explosion hazard indoors, outdoors, or in sewers. Run-off to sewer may create fire or explosion hazard. Not sensitive to mechanical impact. Material may be sensitive to static discharge, which could result in fire or explosion.

EMERGENCY RESPONSE GUIDE NUMBER: 128
Reference *North American Emergency Response Guidebook*

SECTION 6: ACCIDENTAL RELEASE MEASURES

Remove all ignition sources. Do not touch or walk through spilled material. Stop leak if you can do it without risk. Wear protective equipment specified in **SECTION 8: EXPOSURE CONTROLS/PERSONAL PROTECTION**. Ventilate area and avoid breathing vapor or mist. A vapor suppressing foam may be used to reduce vapors. Contain away from surface waters and sewers. Contain as a liquid for possible recovery or sorb with compatible sorbent material and shovel with a clean, non-sparking tool into sealable container for disposal.

Additionally, for large spills: isolate hazard area. Keep unnecessary and unprotected personnel from entering. Dike far ahead of liquid spill for collection and later disposal.

SECTION 7: HANDLING AND STORAGE

HANDLING:

Keep away from heat, sparks, or flame. Where explosive mixtures may be present, equipment safe for such locations should be used. Use clean, non-sparking tools and explosion-proof equipment. When transferring material, metal containers, including trucks and tank cars, should be grounded and bonded. Avoid contact with eyes, skin, clothing, and shoes. Use in well ventilated area. Do not breathe vapor or mist.

SHIPPING AND STORING:

Keep container tightly closed when not in use and during transport. Do not pressurize, cut, weld, braze, solder, drill, grind, or expose containers to heat, flame, sparks, static electricity, or other sources of ignition; containers may explode and cause injury or death. Empty product containers may retain product residue and can be dangerous. See **SECTION 14: TRANSPORT INFORMATION** for Packing Group information.

PERSONAL HYGIENE:

Use good personal hygiene. Wash thoroughly with soap and water after handling and before eating, drinking, or using tobacco products. Clean contaminated clothing, shoes, and protective equipment before reuse. Discard contaminated clothing, shoes, or protective equipment if they cannot be thoroughly cleaned.

SECTION 8: EXPOSURE CONTROLS/PERSONAL PROTECTION

ENGINEERING CONTROLS:

Provide general ventilation needed to maintain concentration of vapor or mist below applicable exposure limit. Where adequate general ventilation is unavailable, use process enclosures, local exhaust ventilation, or other engineering controls to control airborne levels below recommended exposure limit. Where explosive mixtures may be present, equipment safe for such locations should be used.

PERSONAL PROTECTIVE EQUIPMENT

RESPIRATORY PROTECTION:

Use NIOSH/MSHA-approved respiratory protective equipment when concentration of vapor or mist exceeds applicable exposure limit. A self-contained breathing apparatus (SCBA) and full protective equipment are required for large spills or fire emergencies. Selection and use of respiratory protective equipment should be in accordance in the USA with OSHA General Industry Standard 29 CFR 1910.134; or in Canada with CSA Standard Z94.4-M1982.

EYE PROTECTION:

Where eye contact is likely, wear chemical goggles; contact lens use is not recommended.

SKIN PROTECTION:

Where skin contact is likely, wear nitrile, Viton®, or equivalent protective gloves; use of butyl rubber, natural rubber, or equivalent gloves is not recommended.

OTHER PROTECTIVE EQUIPMENT:	Where spills and splashes are likely, wear appropriate chemical-resistant boots, apron, or other protective clothing. Clean water should be available in work areas for flushing the eyes and skin.

SECTION 9: PHYSICAL AND CHEMICAL PROPERTIES

PHYSICAL STATE, APPEARANCE, AND ODOR:	Liquid, brown or black, mild hydrocarbon odor.
ODOR THRESHOLD:	30 ppm (based on Stoddard Solvent)
SPECIFIC GRAVITY:	0.78 to 0.82 60°F/60°F (15.6°C/15.6°C) (water = 1)
DENSITY:	6.5 to 6.8 lb/US gal (780 to 820 g/l)
VAPOR DENSITY:	5 (air = 1) approximately
VAPOR PRESSURE:	0.2 mm Hg at 68°F (20°C) (approximately) 0.6 mm Hg at 100°F (38°C) (approximately)
BOILING POINT:	350°F (177°C) (initial)
FREEZING/MELTING POINT:	less than -45°F (-43°C)
pH:	Not applicable.
EVAPORATION RATE:	0.1 (butyl acetate = 1)
SOLUBILITY IN WATER:	Insoluble.
MOLECULAR WEIGHT:	160 (approximately)

SECTION 10: STABILITY AND REACTIVITY

STABILITY:	Stable under normal temperatures and pressures. Avoid heat, sparks, or flame.
INCOMPATIBILITY:	Avoid acids, alkalies, oxidizing agents, reducing agents, or reactive halogens.
REACTIVITY:	Polymerization is not known to occur under normal temperatures and pressures. Not reactive with water.
HAZARDOUS DECOMPOSITION PRODUCTS:	None under normal temperatures and pressures. See also **SECTION 5: HAZARDOUS COMBUSTION PRODUCTS**.

SECTION 11: TOXICOLOGICAL INFORMATION

SENSITIZATION:	Based on best current information, there is no known human sensitization associated with these materials.

CARCINOGENICITY:

IARC classifies chemicals by their carcinogenic risk, including agents that are known, probable, or possible carcinogens. NTP classifies chemicals as either known carcinogens, or for which there is limited evidence of carcinogenicity in humans or sufficient evidence of carcinogenicity in experimental animals. ACGIH recognizes several categories of carcinogens, including confirmed human carcinogens and suspected human carcinogens.

Based on best current information, there is no known carcinogenicity associated with these materials.

Also see **SECTION 15: CALIFORNIA.**

REPRODUCTIVE TOXICITY:

Based on best current information, there is no known reproductive toxicity associated with these materials.

Also see **SECTION 15: CALIFORNIA.**

TERATOGENICITY:

Based on best current information, there is no known teratogenicity associated with these materials.

MUTAGENICITY:

Based on best current information, there is no known mutagenicity associated with these materials.

TOXICOLOGICALLY SYNERGISTIC PRODUCT(S):

Based on best current information, there are no known toxicologically synergistic products associated with these materials.

SECTION 12: ECOLOGICAL INFORMATION

ECOTOXICITY:

A Static Acute Bioassay as per the California Department of Fish and Game WPCL, was done using fathead minnows, and up to 750 ppm of the products in water.

The material passed the bioassay with only 1 out of 10 minnows dying. To fail the bioassay, more than 40% of the fish would die in 750 ppm.

OCTANOL/WATER PARTITION COEFFICIENT:

Not available.

VOLATILE ORGANIC COMPOUNDS:

100 WT%; 6.5 to 6.8 lb/US gal; 780 to 820 g/l
Photochemically reactive as per 40 CFR Part 51.100(s).

SECTION 13: DISPOSAL CONSIDERATIONS

DISPOSAL:

Dispose in accordance with federal, state, provincial, and local regulations. Regulations may also apply to empty containers. The responsibility for proper waste disposal lies with the owner of the waste. Contact Safety-Kleen regarding recycling or proper disposal.

USEPA WASTE CODE(S): Not regulated.
Based on available data, this information applies to the material as supplied to the user. Processing, use, or contamination may make this information inappropriate, inaccurate, or incomplete.

SECTION 14: TRANSPORT INFORMATION

DOT: COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA), NA1993, PGIII

TDG: Not regulated.

SECTION 15: REGULATORY INFORMATION

USA REGULATIONS

SARA SECTIONS 311 AND 312: Materials pose the following physical and health hazards as defined in 40 CFR Part 370 and are subject to the requirements of sections 311 and 312 of Title III of the Superfund Amendments and Reauthorization Act of 1986:

Immediate (Acute) Health Hazard
Delayed (Chronic) Health Hazard
Fire Hazard

SARA SECTION 313: These products do not contain toxic chemicals subject to the requirements of section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 and 40 CFR Part 372.

TSCA: All the components of these products are listed on the TSCA Inventory.

CALIFORNIA: This product is not for sale or use in the State of California.

CANADIAN REGULATIONS

These products have been classified in accordance with the hazard criteria of the Controlled Products Regulations (CPR) and the MSDS contains all the information required by the CPR.

WHMIS: B3, D2B

CANADIAN ENVIRONMENTAL PROTECTION ACT (CEPA): All the components of these products are listed on the Canadian Domestic Substances List.

SECTION 16: OTHER INFORMATION

REVISION INFORMATION: New format.

LABEL/OTHER INFORMATION: Not available.

User assumes all risks incident to the use of this product. To the best of our knowledge, the information contained herein is accurate. However, Safety-Kleen assumes no liability whatsoever for the accuracy or completeness of the information contained herein. No representations or warranties, either expressed or implied, or merchantability, fitness for a particular purpose or of any other nature are made hereunder with respect to information or the product to which information refers. The data contained on this sheet apply to the material as supplied to the user.

Safety-Kleen Corp.
Continued Use Program

FL Department of Environmental Protection
May 24, 1999

20-May-99 1

Background

- Two competitors offer a non-waste option for management of used mineral spirits from parts cleaning
- Competition sells used mineral spirits to third parties for use as a substitute ingredient in manufacture products
- Material is not recycled/reclaimed prior to introduction into production process

20-May-99 2

Background (cont.)

- Material removed by competitors' programs are not considered a waste under the Definition of Solid Waste because it is directly re-used as a substitute ingredient

20-May-99 3

Recycle Center Scrap Wash Program

- New Castle KY Recycle Center has a shredder used to empty drums of industrial wastes destined for fuel program
- Scrap metal has to be washed prior to selling to scrap dealer
- Large volume of material required for scrap washing operation
- Material pre-qualified via sampling

20-May-99 4

Branch Drum Wash Program - Original Design

- At branch, parts washer waste (mineral spirits) is bulked
- Parts washer waste poured into wet dumpster and pumped to waste tank or 10-day transfer tanker
- Level of fluid in wet dumpster controlled by a float switch

20-May-99 5

Branch Drum Wash Program - Original Design (cont.)

- Green and red 16 &30-g drums are washed with waste from customers in a mechanical drum washer that is part of wet dumpster
- Drum washer spins drums against brushes with waste from pool of material at the bottom of wet dumpster being sprayed on interior of drum

20-May-99 6

Branch Drum Wash Program - Original Design (cont.)

- Cleaning material falls back to bottom of wet dumpster with other waste from drum emptying operation
- Float switch again controls level of material in bottom of wet dumpster
- Drums are removed from drum washer unit and re-filled with fresh product

20-May-99 7

Branch Drum Wash Program - New System Design

- SK completed engineering cleaning study to establish standardized cleaning system
- Flow rate, time, and volume established
- Second smaller vat installed next to wet dumpster
- Material from cone shaped bottomed Continued Use vat is preferentially pumped to washer

20-May-99 8

Branch Drum Wash Program - New System Design (cont.)

- When Continued Use vat is empty, new electrical valve box allows system to be converted to former approach of pulling material off the bottom of wet dumpster
- Drums are washed with Continued Use material which falls into the bottom of wet dumpster and is co-mingled with waste from customers

20-May-99 9

Branch Drum Wash Program - Administrative Controls

- Original construction and future maintenance are P.E. certified as to standardized cleaning system
- Drum identification system established
- Material tracked with separate shipping description and code in computer system
- Separate computer designated location for logging material into facility

20-May-99 10

Branch Drum Wash Program - Administrative Controls

- Each branch given capacity for selling
- Capacity monitored electronically

20-May-99 11

Branch Drum Wash Program Operations

- Material balance - use on daily or two business day cycle
- All DOT packaging, labeling, and shipping paper requirements are met
- Spills managed same as product spills - SK generated waste
- No net change in flow of material through SK branches

20-May-99 12

Branch Drum Wash Program Operational Design (cont.)

- Customer acceptance criteria
  - all material must be able to go through Continued Use cleaning system

20-May-99 17

Regulatory Status

- RCRA Definition of Solid Waste (and state equivalent) governs what is and is not a waste
- Solvent initially used by customers, will be used or reused as an effective substitute for commercial products [40 CFR 261.2(e)(1)] for cleaning operations

20-May-99 14

Regulatory Status (cont.)

- Preamble to DSW, 1/4/85 (50 FR 619) discusses use of substitutes for commercial products,
  - "When secondary materials are directly used as substitutes for commercial products, we (the Agency) also believe these materials are functioning as raw materials, and therefore are outside of RCRA jurisdiction and thus, are not wastes

20-May-99 15

Regulatory Status (cont.)

- Rule states that secondary materials used as ingredients or used directly as commercial products are not wastes
- Solvents from customers still have some capacity to clean in low grade use, as demonstrated by SK's use of waste to clean drums

Regulatory Status Summary

- Material in Continued Use program is a substitute for commercial products
- Material is used directly without any reclamation prior to its use
- All material is used for cleaning
- No land storage or speculative accumulation
- Material used for washing becomes SK generated waste

Regulatory Concurrence

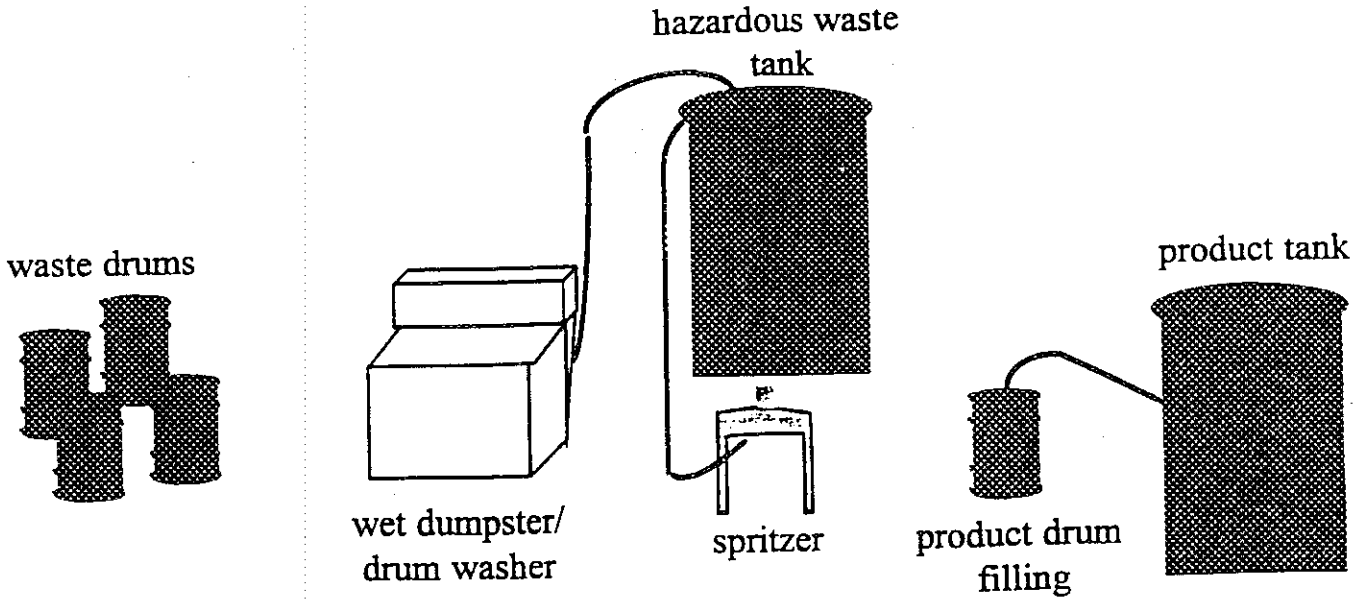
- Competitors obtained letters of concurrence on regulatory determinations from state environmental departments
- S-K has obtained such letters from USEPA, CA, CO, IN, KY, OH, TX, and WV
- Discussions with additional states, but S-K may not seek letters from all states as roll-out of branch program accelerates

Program Status and Roll-Out Schedule

- S-K has registered name "Continued Use"
- Recycle Center Scrap Metal Wash Program
  - program is at capacity (continuously monitored
  - material accepted from different customers in many states
- Branch Drum Wash Program
  - program rolled out in IN and OH
  - next states TX,WV,UT,KY,CA,CO,FL & ID

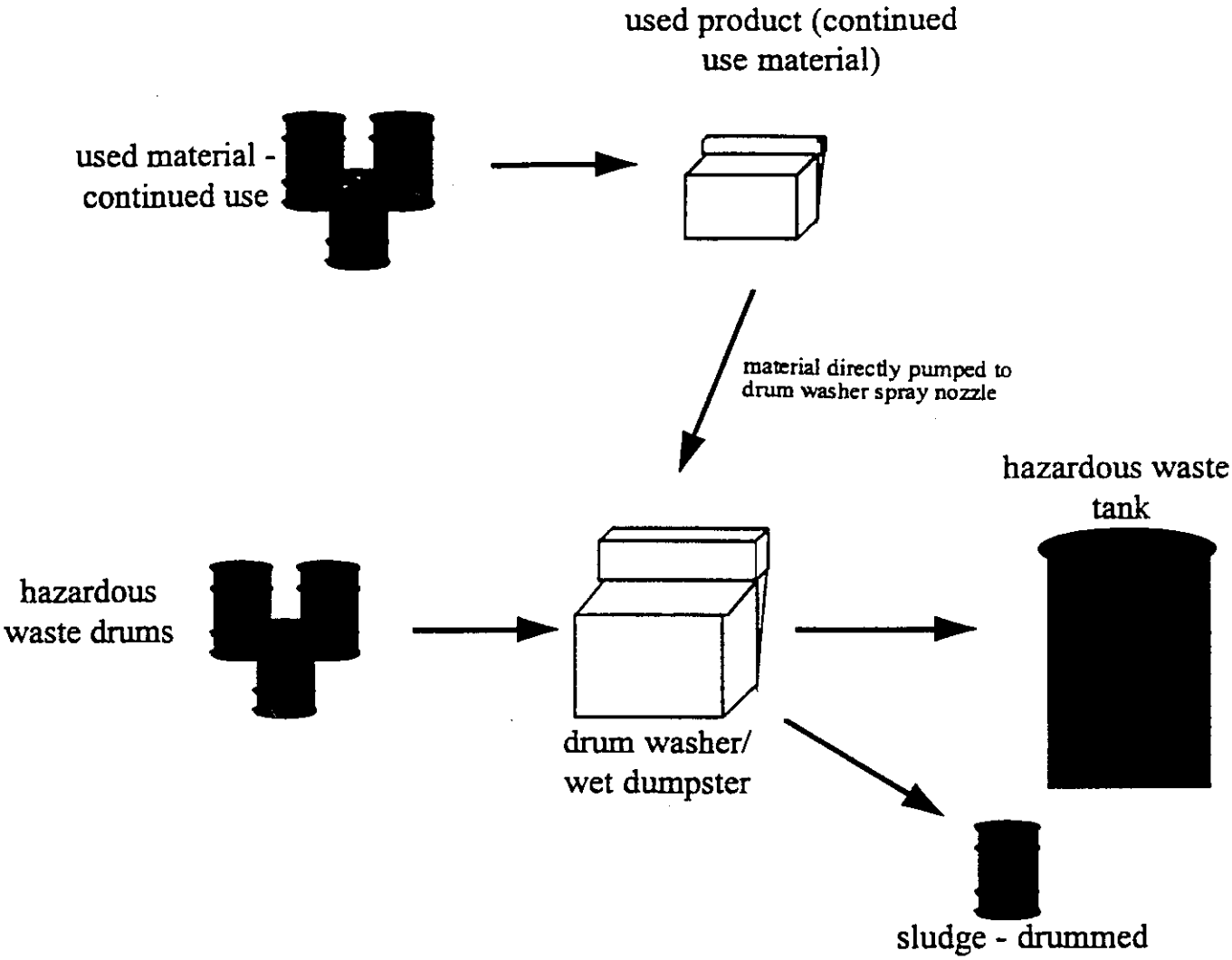
20-May-99 19

CURRENT RETURN & FILL OPERATION



1. Drums poured into wet dumpster.
2. Level indicator maintains fixed level of waste in bottom of wet dumpster.
3. Drum placed on drum washer within wet dumpster.
4. Drum washer brushes spin and spray waste inside of drum.
5. If necessary, product is dispensed on outside and inside drum.
6. Drum placed upside down on wet dumpster drain rack.
7. If non-haz drum, drum placed in drum spritzer for polishing rinse with 150 Premium Gold Product.
8. Drum is filled with 105 or 150 Premium Gold.

PROPOSED ALTERNATIVE OPERATION

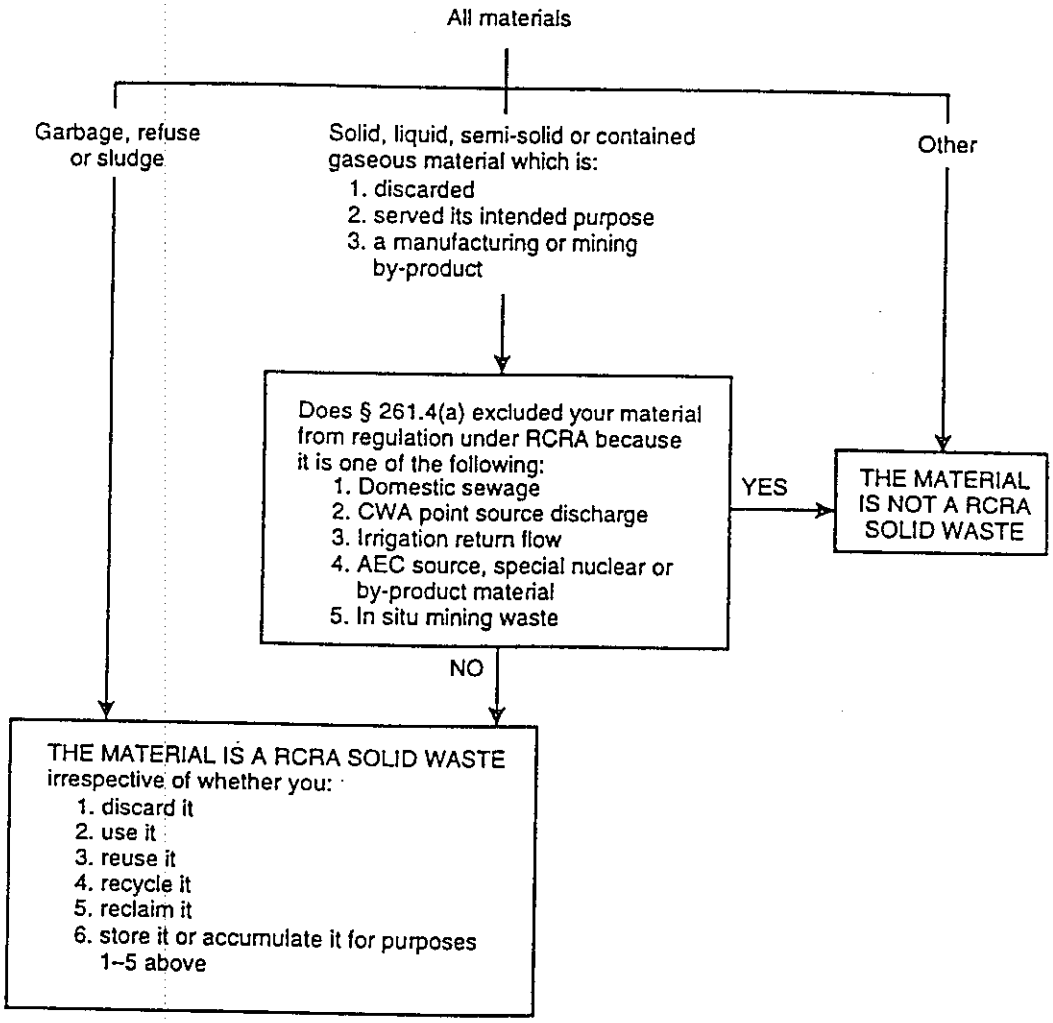


1. Drums of "continued-use product" emptied into separate dumpster/tank.

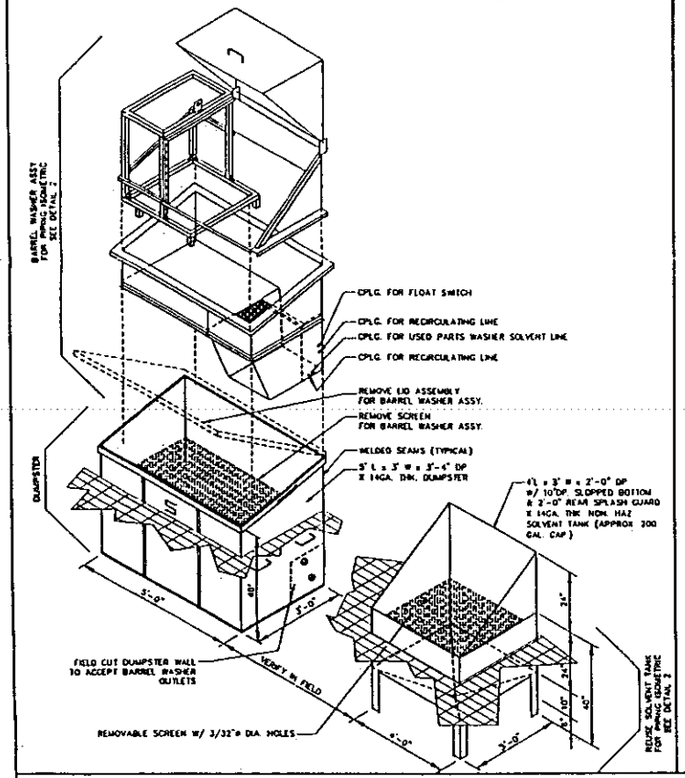
2. Hazardous waste drums are emptied into wet dumpster.

3. To clean drums, continued-use material is pumped to drum washer spray. Material is pumped to hazardous waste tank after use as drum wash. All drums are washed in the drum washer.

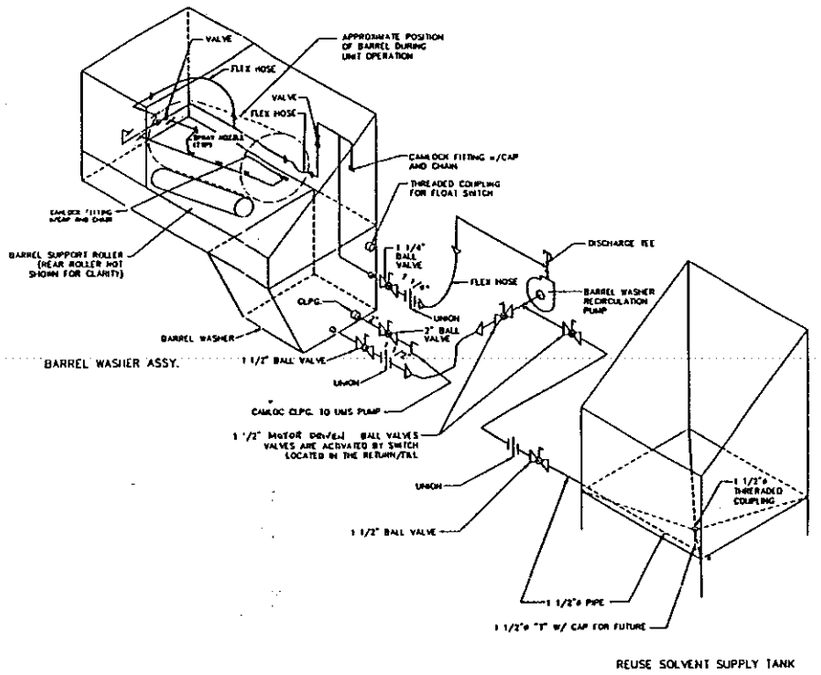
FIGURE 1
DEFINITION OF A SOLID WASTE



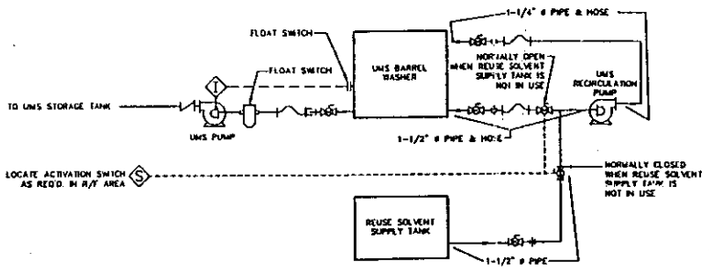
DUMPSTER/BARREL WASHER/REUSE SOLVENT TANK ASSY – DETAIL 1



BARREL WASHER/ REUSE SOLVENT SUPPLY TANK PIPING ISOMETRIC – DETAIL 2



BARREL WASHER/ REUSE SOLVENT SUPPLY TANK PIPING SCHEMATIC – DETAIL 3



GENERAL NOTES

REVISIONS

NO.	DESCRIPTION	BY	CHK	APPR	DATE
A	RELEASED TO DOD FOR REVIEW	MBH	KJM	DOD	040797
B	REVISED PER COMMENTS	MBH	KJM	DOD	040797
C	ADDED SOLENOID VALVES – REVD. FLOAT SWITCH DETAIL & NOTES	MBH	KJM	DOD	042497

PROPRIETARY STATEMENT

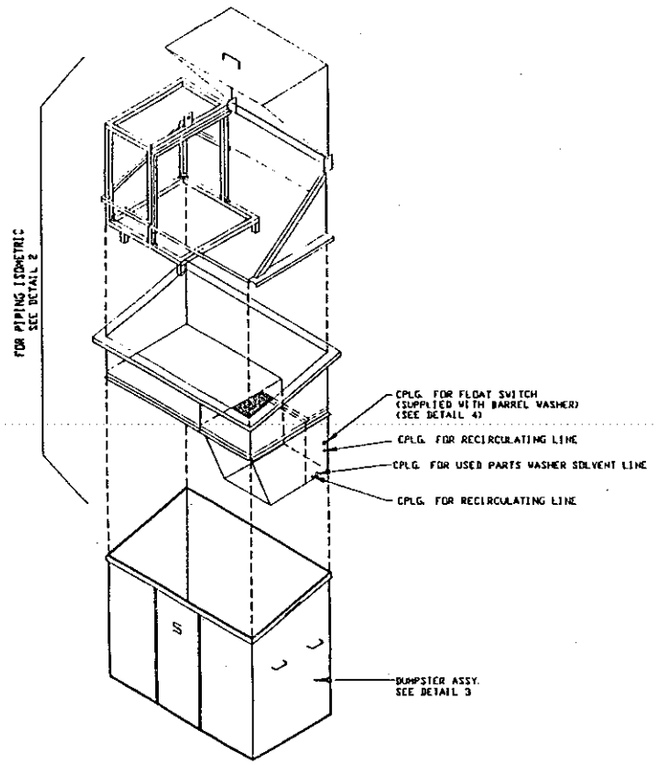
TITLE

BARREL WASHER W/
REUSE SOLVENT
SUPPLY TANK

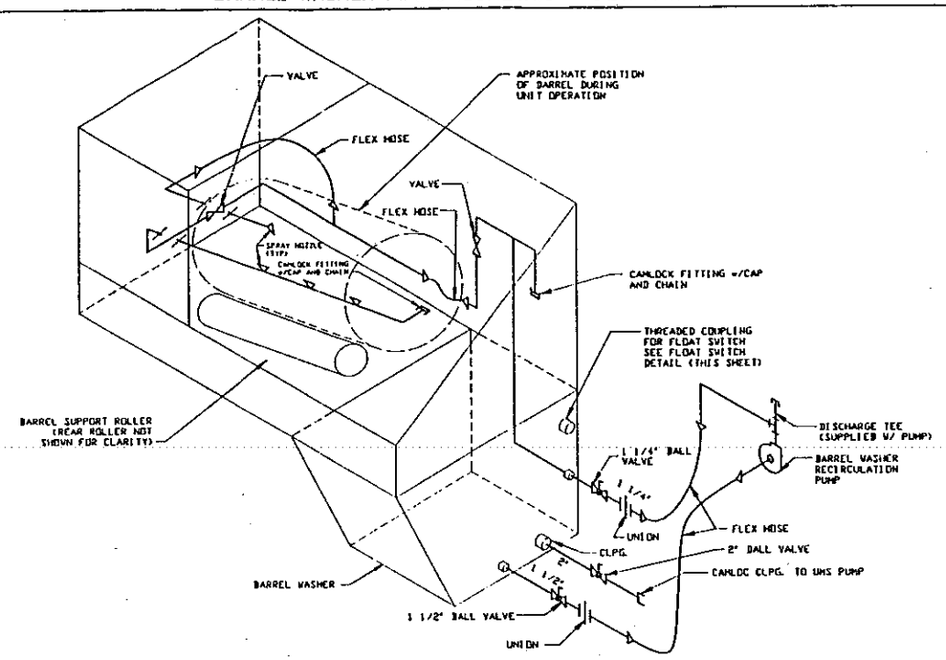
Safety-Kleen Corp.
ONE BRINKMAN WAY ELGIN, ILLINOIS 60123
PHONE (847)697-0460

SCALE	BY	CHKD	APPROVED	OPERATIONS	DATE
AS SHOWN	MBH	KJM	DOD	-	04-07-97
STANDARD TYPE			STD-DWG NUMBER		REV. NO.
MECHANICAL			BSD-333		C

DUMPSTER/BARREL WASHER ASSY – DETAIL 1



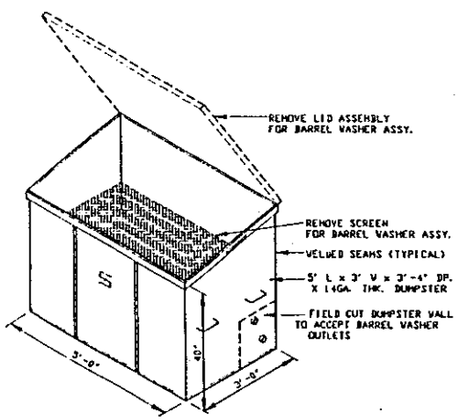
BARREL WASHER PIPING ISOMETRIC – DETAIL 2



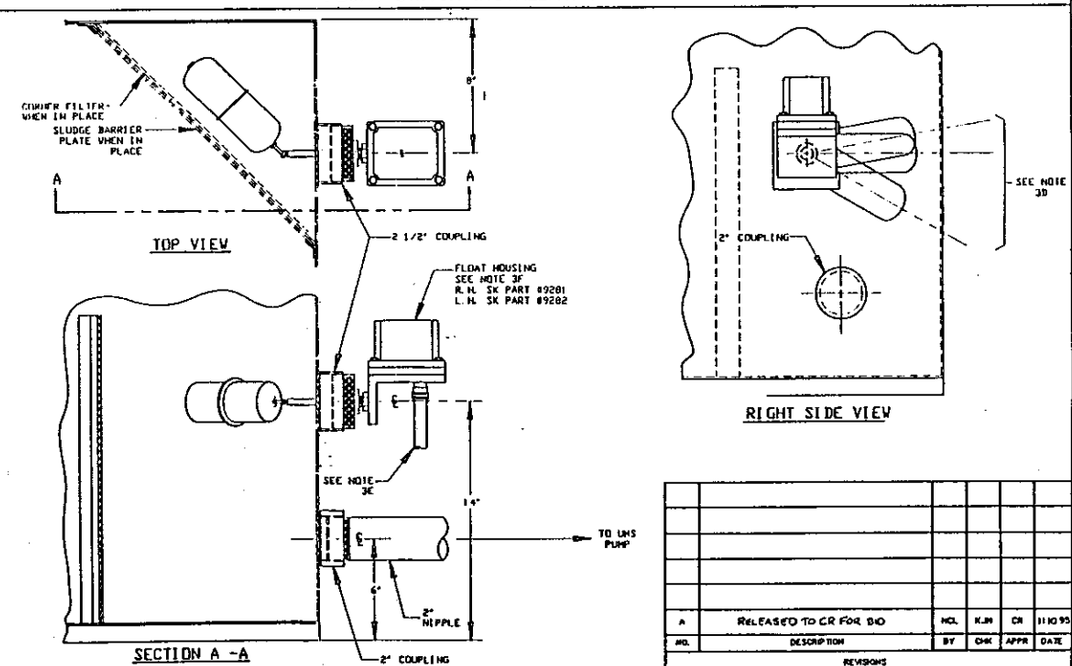
GENERAL NOTES

1. THE BARREL WASHER UNIT AND DUMPSTER ARE SUPPLIED BY SAFETY-KLEEN CORP. AND COMBINED BY CONTRACTOR. RECIRCULATING PUMP, AND VALVES FOR DRUM WASHER ARE SUPPLIED BY SAFETY-KLEEN CORP., AND INSTALLED WITH CONTRACTOR SUPPLIED PIPE UNIONS AND HOSES.
2. ALL ITEMS WITH SAFETY-KLEEN PART NO. REFERENCES WILL BE SUPPLIED TO CONTRACTOR.
3. FLOAT SWITCH INSTALLATION INSTRUCTIONS
   - A. TAKE FLOAT SWITCH AND WRAP CLOCKWISE WITH 2 TEFLON WINDS OF TAPE AND INSTALL INTO 2 1/2" COUPLING ON OUTSIDE OF DUMPSTER
   - B. TAKE FLOAT AND THREAD IT INTO THE FLOAT SWITCH FROM THE INSIDE SHAFT OF THE DUMPSTER AND TIGHTEN SECURELY.
   - C. RELEASE SHIPPING BRACKET BY REMOVING SCREW AND DISCARDING BRACKET.
   - D. FLOAT TRAVEL SETTING ADJUSTMENTS CAN BE ACCOMPLISHED BY LOOSENING ADJUSTMENT SCREWS. THE FLOAT TRAVEL ARC SHOULD BE SET AT 10- TRAVEL UP AND 30° TRAVEL DOWN. (SEE CALIBRATION ON DIAL). SEE RIGHT SIDE VIEW.
   - E. FLOAT SWITCH SHOULD BE WIRED UP ACCORDING TO MFGRS. SPECS AND IN COMPLIANCE WITH ANY LOCAL CODES. (USE RIGID CONDUIT THROUGHOUT).
   - F. FLOAT SWITCH TO BE INSTALLED ON SAME SIDE OF DUMPSTER AS DRAIN LINE. INSTALLATION SHOWN IS FOR RIGHT HAND SIDE OF DUMPSTER. FLOAT SWITCH IS SQUARE D CLASS 9037 NR - 3 (RIGHT HAND) OR NR - 4 (LEFT HAND).
   - G. RE-ADJUST FLOAT STOPS TO THOSE SHOWN ON RIGHT SIDE VIEW.
   - H. WHEN DUMPSTER DOES NOT HAVE A 2 1/2" COUPLING, ONE SHOULD BE ON (LIQUID TIGHT) TO DIMENSIONS SHOWN.

DUMPSTER ASSY. – DETAIL 3



FLOAT SWITCH INSTALLATION – DETAIL 4



NO.	DESCRIPTION	BY	CHK	APPR	DATE
A	RELEASED TO CR FOR BID	NCL	KJH	CR	11/10/95

REVISIONS

PROPRIETARY STATEMENT

TITLE: BARREL WASHER ASSEMBLY 13

Safety-Kleen Corp.
1000 NORTH RANDALL ROAD ELGIN, ILLINOIS 60123
PHONE (708) 697-8460

SCALE	BY	CHKD	APPROVED	OPERATIONS	DATE
NONE	MMH	KJH	CR		02-08-83

SERVICE CENTER LOCATION	SC-DWG NUMBER	REV. NO.
OSHAWA, ONT.	811205-1E06304	A

08795

CC: Compliance
Permitting

Safety-Kleen®

2 October 1996

Sent Via Federal Express
Airbill # 0561882565

00 [illegible]

THIS LETTER WAS SENT TO JOHN FUSCO TO ANSWER QUESTIONS ON OUR RECYCLING OF ANTIFREEZE. NOT SURE IF YOU RECEIVED A COPY. IF YOU HAVE ANY QUESTIONS PLEASE CALL ME 576-5979. THANKS,
RICH MORRIS

Mr. John Fusco
Environmental Specialist
Waste Management
Florida Department of Environmental Protection
160 Governmental Center
Pensacola, Florida 32501-5794

RE: Safety-Kleen Corp. - Tallahassee Facility
FLD 982133159
HO37-257760
Antifreeze Destined for Recycling

Dear Mr. Fusco:

During the inspection of our facility on 27 September 1996 you requested information on the recycling of waste ethylene glycol. Safety-Kleen mixes waste ethylene glycol with used oil in our oil trucks and sends the mixture to our oil re-refinery in East Chicago.

Safety-Kleen extracts the ethylene glycol from the oil by distillation. The ethylene glycol drops out in the Light Ends of the Recovery Tower (LERT). In the LERT the ethylene is stripped (isolated), redistilled for purification, condensed and concentrated. The glycol is approximately 70-80% pure at this stage in the process. The ethylene glycol is then transported to one of three glycol refineries for additional purification.

Safety-Kleen ships the ethylene glycol to the following companies for purification into a pure product which is resold on the open market.

o Dynachem Technologies Inc.
30474 Energy Drive
New Church, Virginia 23415
EPA ID #VAD 105838874

o Consolidated Recycling Company
PO Box 3642
Evansville, Indiana 47735
EPA ID #IND 098958283

P.O. BOX 20008 4426 ENTREPOT BOULEVARD TALLAHASSEE, FL 32316 904/576-9764

from D. Outlaw 2/19/97