

## Thursby, Kim

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**From:** Stuart Stapleton [Stuart.Stapleton@eqonline.com]  
**Sent:** Monday, February 01, 2010 12:38 PM  
**To:** Epost HWRS  
**Subject:** Re: EQ Florida, Inc;FLD981932494;Consolidation of material in 10-day transfer facility.  
**Attachments:** Stuart Stapleton.vcf

Message received.

Stuart Stapleton, CHMM  
Regulatory Specialist  
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>>> Epost HWRS <[EpostHWRS@dep.state.fl.us](mailto:EpostHWRS@dep.state.fl.us)> 2/1/2010 11:03 AM >>>

In an effort to provide a more efficient service, the Florida Department of Environmental Protection's Hazardous Waste Regulation Section is forwarding the attached document to you by electronic correspondence "e-correspondence" in lieu of a hard copy through the normal postal service.

We ask that you verify receipt of this document by sending a "reply" message to [epost\\_hwrs@dep.state.fl.us](mailto:epost_hwrs@dep.state.fl.us). (An automatic "reply message" is not sufficient to verify receipt). If your email address has changed or you anticipate that it will change in the future, please advise accordingly in your reply. You may also update this information by contacting Kim Thursby at (850) 245-8792.

The attached document is in "pdf" format and will require Adobe Reader 6 or higher to open properly. You may download a free copy of this software at [www.adobe.com/products/acrobat/readstep2.html](http://www.adobe.com/products/acrobat/readstep2.html).

Please note that our documents are sent virus free. However, if you use Norton Anti-virus software, a warning may appear when attempting to open the document. Please disregard this warning.

Your cooperation in helping us affect this process by replying as requested is greatly appreciated. If you should have any questions about the attached document(s), please direct your questions to the contact person listed in the correspondence.

Tim Bahr  
Environmental Administrator  
Hazardous Waste Regulation  
Department of Environmental Protection  
E-Mail Address: [epost\\_hwrs@dep.state.fl.us](mailto:epost_hwrs@dep.state.fl.us)



# Florida Department of Environmental Protection

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Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

February 01, 2010

Sent via e-mail

[Stuart.stapleton@eqonline.com](mailto:Stuart.stapleton@eqonline.com)

Stuart Stapleton  
EHS Manager  
EQ Florida, Inc.  
7202 East 8<sup>th</sup> Avenue  
Tampa, Florida 33619

Subject: Consolidation of material in 10-day transfer facility.

Dear Mr. Stapleton:

The Department has received your letter of January 11, 2010 requesting guidance concerning the process of consolidating like material into a larger container at a permitted 10-day hazardous waste transfer facility. The facility does need to comply with the requirements of 40 Code of Federal Regulations (C.F.R.) Part 262. One consideration in meeting those requirements is that the transfer facility cannot be consigned as a "designated facility" as per the definition in 40 C.F.R. 260.10, and as a result the transfer facility must generate a cover manifest as the shipping paper per Part 262 of the same chapter. Then the designated facility must sign off each manifest for the consolidated load and return the copies to the original generator. This must be the same designated facility indicated on the original manifests. In addition, since the Department of Transportation shipping description includes the quantity and type of containers and amount of waste, the TSDf would have to fill out the "discrepancy" section on each manifest. The Transporter is not authorized to do so.

You would be subject to generator standards, but the mixing does not generate a new waste and you would not be considered a generator. As such you could not make use of the 90/180/270-day accumulation provisions associated with generating. The waste would keep the 10-day clock associated with the transfer facility regulations. You also could not reset the 10-day clock by mixing a 10-day waste with a 1-day waste and considering it a 1-day waste.

The act of opening the containers for consolidation would subject you to all applicable regulations such as 40 C.F.R. Part 265 subparts B, C, D, I, and possible AA, BB, CC considerations.

Similarly, the Department would not allow this activity as a means to avoid compliance with these sections for fuel blending activities. Previous experience with similar operations has shown that it is difficult to track land disposal restriction information when bulking. We would

also need to know how you intend to track land disposal restriction information from the original LDR notice to the outgoing load.

There are numerous RCRA Online (RO) guidance documents available for further clarification [RO 11425, 11563, 12458, 13272, 14137, 11567, 12087, and 11567]. If you have any questions or wish to discuss the contents of this letter contact me at (850) 245-8766 or [anthony.tripp@dep.state.fl.us](mailto:anthony.tripp@dep.state.fl.us)

Sincerely,

Handwritten signature of Anthony R. Tripp in black ink.

Anthony R. Tripp, Ph.D., P.E.

cc: Augusta Posner, OGC/Tallahassee, [augusta.posner@dep.state.fl.us](mailto:augusta.posner@dep.state.fl.us)  
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