

Fellabaum, Pamela

From: Hughes, Jonas <Jonas.Hughes@Crystal-Clean.com>
Sent: Tuesday, June 10, 2014 2:01 PM
To: Fellabaum, Pamela
Subject: RE: Manifests
Attachments: Florida.pdf

Sorry, Here's the right attachment for the reuse program.

From: Fellabaum, Pamela [mailto:Pamela.Fellabaum@dep.state.fl.us]
Sent: Monday, June 09, 2014 4:17 PM
To: Hughes, Jonas
Subject: RE: Manifests

Thanks Jonas!

From: Hughes, Jonas [mailto:Jonas.Hughes@Crystal-Clean.com]
Sent: Monday, June 9, 2014 1:28 PM
To: Fellabaum, Pamela
Subject: RE: Manifests

Hey Pam, Sorry for the delay. Crazy day
Please see attach and let me know if you need anything else.

From: Fellabaum, Pamela [mailto:Pamela.Fellabaum@dep.state.fl.us]
Sent: Monday, June 09, 2014 1:15 PM
To: Hughes, Jonas
Subject: Manifests

Hey,

Please don't forget to send me copies of the manifest for the trailer that went out and for the vac truck that was off-loaded Friday.

Thanks,

Pam

Pamela Fellabaum
Environmental Specialist III
Northeast District
Hazardous Waste Section
8800 Baymeadows Way West, Suite 100
Jacksonville, FL 32256
Pamela.Fellabaum@dep.state.fl.us
O: 904-256-1670
F: 904-256-1588

For more information, please visit these Websites:

<http://www.dep.state.fl.us/northeast/waste/default.htm>
<http://www.dep.state.fl.us/northeast/waste/default.htm>
<http://www.dep.state.fl.us/northeast/waste/default.htm>

http://www.dep.state.fl.us/waste/quick_topics/publications/default.htm
<http://dwmedms.dep.state.fl.us/Oculus/servlet/login>
http://appprod.dep.state.fl.us/www_rcra/reports/handler_sel.asp



Please note: Florida has a very broad public records law. Most written communications to or from state officials are public records and may be made available to the public or media upon request. This e-mail communication, your reply, and future e-mails to my attention may therefore be subject to public disclosure.



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Department of Environmental Protection

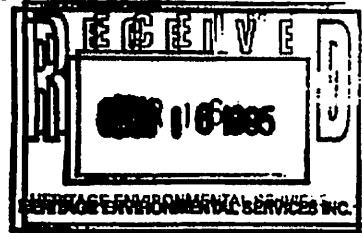
Lawton Chiles
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Virginia B. Wetherell
Secretary

March 10, 1995

Mr. Gary F. Lindgren, CHMM
Heritage Environmental Services, Inc.
7901 West Morris Street
Indianapolis, Indiana 46231



RE: Exemption of Petroleum Naphtha As a Solid Waste

Dear Mr. Lindgren.

The Florida Department of Environmental Protection (FDEP) has received a confidential position paper from Heritage Environmental Services, Inc. (Heritage), dated May 27, 1994, in which Heritage's Crystal Clean Parts Washer Service (Crystal Clean) was seeking confirmation of the application of the exemption from the definition of solid waste for a material that is used by Crystal Clean. Specifically, Crystal Clean wants to recycle used petroleum naphtha (naphtha) by utilizing it as a substitute feedstock in the manufacturing of roof lapping compound. Please accept my apology for the delay in our response to your correspondence.

As was stated in your correspondence, Crystal Clean provides virgin naphtha to their customers for use as parts washer fluid. These units use virgin naphtha as a degreaser to remove oils and dirt from automotive/heavy equipment parts. Periodically, Crystal Clean collects the used naphtha from its customers and replaces it with virgin naphtha. The used naphtha is then utilized as a substitute for virgin naphtha in the manufacturing of roof lapping compound, as long as it meets certain standards set forth by the roof lapping compound manufacturer. This substitution may be feasible, as you contend, assuming the used naphtha is not a solid waste, and therefore, not a hazardous waste.

After extensive review of the position paper provided by Heritage, FDEP concurs with your determination and considers used naphtha substituted for virgin naphtha in the manufacturing of roof lapping compound to be exempt from classification as a solid waste according to 40 CFR 261.2(e)(ii), as adopted by reference in Chapter 62-730, Florida Administrative Code, and is not subject to regulations as a solid or hazardous waste.

However, in order for this activity to proceed in the state of Florida several conditions must be met by Heritage and the roof lapping compound manufacturer to avoid the appearance of sham recycling.

- In your correspondence it was stated that Crystal Clean and the roof lapping compound manufacturer have proper testing procedures, proper handling procedures, and proper documentation procedures already in place to verify that this activity does not constitute sham recycling. All of these procedures, as set forth in Sections 4.0 and 5.0 of

Mr Gary F Lindgren
Heritage Environmental Services, Inc
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the "Regulatory Position Paper Regarding the Crystal Clean Petroleum Naphtha Use/Reuse Program", are required for this activity to be considered legitimate recycling, and must be implemented in your business operations in the state of Florida

- Also, the roof lapping compound manufacturer cannot change or modify the manufacturing process in any way in order to accommodate the used naphtha. The used naphtha must be introduced to the original, unaltered manufacturing process and it must be introduced in the exact same manner as the virgin material

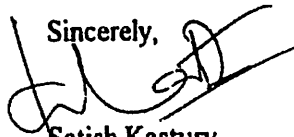
- Another point that needs to be addressed is the transportation requirements of the used naphtha. Please be advised that the used naphtha would still be considered a hazardous material and that Crystal Clean must comply with all pertinent US and Florida DOT requirements

- Next, the naphtha that does not meet the end users specifications would be considered hazardous waste due to the characteristic of ignitability pursuant to 40 CFR 261.21 and possibly by the toxicity characteristic pursuant to 40 CFR 261.24 (unless proven otherwise by testing) and would need to be handled according to 40 CFR 262-270. The generator of the waste, in this case the operator of the parts washer units, would need to conform to all of the applicable regulations of 40 CFR 262 as adopted by 62-730 FAC, while Crystal Clean would need to meet the requirements for the transportation of hazardous waste pursuant to 40 CFR 263 as adopted by 62-730.170 FAC. Furthermore, if Crystal Clean treats this off-specification naphtha on-site, they must meet all of the pertinent requirements as set forth in 40 CFR 264 and 265 as adopted by 62-730 FAC. If, on the other hand, Crystal Clean found a legitimate recycling use for this off-specification naphtha, authorization would be needed from FDEP before this new activity could begin.

- Lastly, this exemption of used naphtha extends only to the process stated above, that is, utilizing as a substitute for virgin naphtha in the manufacturing of roof lapping compound. This used naphtha may not be utilized in any other fashion without the explicit authorization of FDEP.

If you have any questions pertaining to the issues discussed above, please call Michael Redig or Subra Putcha at (904) 488-0300

Sincerely,



Satish Kastury
Environmental Administrator
Hazardous Waste Regulation

SK/sp

cc: Subra Putcha, BS&HW-FDEP
Susan Horlick, BS&HW-FDEP
Diana Coleman, OGC-FDEP
Waste Program Administrators