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Dept. of Environmental
Protection

May 16, 2006

MAY 25 2006

Mr. Jeff Curtis
Safety-Kleen Corporation
5610 Alpha Drive
Boynton Beach, Florida 33426

Southwest District

Dear Mr. Curtis:

It is the intention of this letter to inform Safety-Kleen and other commercial hazardous waste handlers that a blanket policy which profiles waste descriptions is an unacceptable method for making a hazardous waste determination on a client's behalf.

As you are no doubt aware, it is the responsibility of each hazardous waste generator to make a hazardous waste determination (40 CFR 262.11). The Florida Department of Environmental Protection (DEP) understands that many generators utilize similar processes when generating solid waste. However, waste streams cannot be characterized solely according to the type of facility. It is improper to use a "blanket profile" as a method for labeling any waste stream as non-hazardous.

A generator may use process knowledge of its waste stream when making a determination. However, the determination must be correct. If subsequent testing demonstrates that waste characterized by the generator as non-hazardous is in fact hazardous waste, DEP enforcement action may ensue.

Consider, for example, parts washers used in various facilities. The generator is required to ensure that heavy metals and volatiles have not contaminated the waste sludge. If the generator uses process knowledge in making a hazardous waste determination, DEP would recommend a representative sample analysis be conducted at least every two to three years, as long as the process remains the same. If there is a change in the process a new determination must be made immediately.

If you have any questions, please call Michael Redig or John Erickson of the Hazardous Waste Regulation Section at (850) 245-8707.

Sincerely,

Timothy J. Bahr, Administrator
Hazardous Waste Regulation

TJB/JEP

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"More Protection, Less Process"

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