

**From:** [Russell, Merlin](#)  
**To:** ["Curtis, Jeffery S"](#)  
**Cc:** [Baker, Bryan](#); [McBride, Ashanti](#); [Blandin, Norva](#)  
**Subject:** RE: SK Medley  
**Date:** Monday, February 19, 2018 8:18:00 AM  
**Attachments:** [150400 Waste Analysis at Facilities that Generate, Treat, Store, and Disposal of HW.pdf](#)  
[image001.png](#)  
[image002.png](#)

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Jeff,

Below are the pertinent portions of EPA's guidance document *Waste Analysis at Facilities that Generate, Treat, Store, and Dispose of Hazardous Wastes*, EPA/530/R-12/001. I am also attaching the entire guidance document as a .pdf for your information. Below are snapshots from that document that explain TSDf responsibilities when accepting wastes from generators. As is noted, although you can use the generator-supplied information to assist you in management requirements, Safety Kleen is responsible for managing the waste in accordance with your permit and relevant requirements:

### 1.1.2 TSDF Waste Analysis Requirements

As a TSDF, you must comply with the applicable §§264/265.13 requirements for waste analysis and WAPs. Part 264 covers the requirements for permitted facilities/units, whereas Part 265 covers interim status facilities/units. Figure 1-3 provides an overview of these analytical requirements. The figure identifies the requirement for a WAP at §§264/265.13, as well as the analytical requirements found elsewhere in the RCRA regulations that must be addressed in the WAP (e.g., the Part 268 requirements for treaters and disposers to test treated waste for LDR compliance).<sup>10</sup>

A TSDF receiving waste from off-site may use generator-supplied information to aid in its understanding of the waste it receives and manages. However, the TSDF is ultimately responsible for understanding the wastes to ensure compliance with its permit/regulations and manage the wastes in a protective manner. **If the TSDF relies on generator-supplied information, it is important for the TSDF to review and verify this information to ensure its adequacy (e.g., by performing fingerprint analyses to determine if a shipment matches the manifest).**

#### TSDF Analytical Responsibilities

Sections 264/265.13(a) establish two broad analytical responsibilities that you as a TSDF must perform at a minimum:

- **Pre-acceptance.**<sup>11</sup> Before you can treat, store, or dispose of candidate hazardous waste, you must obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, the analysis must contain all the information which must be known to properly treat, store, or dispose of the waste in accordance with Part 264 or 265 and the LDR program. The analysis may include information developed under Part 261, and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes. For example, studies conducted on hazardous waste generated from similar processes as the waste to be managed at the facility may be included in the analysis, as specified. The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part of the information required, except as otherwise specified in §268.7(b) and (c). **If the generator does not supply the information or**

<sup>9</sup> The WAP must also contain procedures for re-treating the waste if it is determined that the waste, after testing, does not meet the applicable UTS. It is also important to note that these procedures must be in compliance with all Part 268 requirements including, for example, the LDR storage prohibition.

<sup>10</sup> The figure does not address all analytical requirements that may potentially apply to a TSDF.

<sup>11</sup> Other terms may be used such as "pre-qualification."

**supplies incomplete or inadequate information and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required for compliance.**

The analysis must be repeated as necessary to ensure that it is accurate and up to date. As with the initial analysis, the owner or operator of an off-site TSD facility may arrange for the generator of the hazardous waste to supply part of the information required. At a minimum, the analysis must be repeated:

- When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous wastes, or non-hazardous wastes if applicable under §§264/265.113(d), has changed; and
  - For off-site facilities, when the inspection of incoming shipments, described below, indicates that the waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.
- **Waste acceptance.** If you are the owner or operator of an off-site facility, you must inspect and, if necessary, analyze each hazardous waste shipment received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.

As we have done in the past, we will remove condition Part II Subpart A.5.a and proceed with the Intent to Issue but removal of the condition does not relieve Safety Kleen from any liability associated with mismanagement of any particular hazardous waste that Safety Kleen accepts.

merlin

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**From:** Curtis, Jeffery S [mailto:Jeff.Curtis@safety-kleen.com]  
**Sent:** Thursday, February 08, 2018 11:16 AM  
**To:** Russell, Merlin <Merlin.Russell@dep.state.fl.us>  
**Cc:** Baker, Bryan <Bryan.Baker@dep.state.fl.us>  
**Subject:** RE: SK Medley

Hi Merlin,

Just one question regarding the draft permit: In the past there had been language in the draft permits Safety-Kleen had objected to and it was subsequently removed for the final permit. The old language was "The permittee is liable for waste profiles supplied to generators". In this draft permit the sentence has been changed to "The permittee is liable for waste profiles supplied by generators". Can you provide some clarification on the word change from "to" to "by"? Also, what is the intent of this specific language; for instance if a generator supplies Safety-Kleen with a profile, and after receipt of the waste it is found that it does not conform to the profile, what liability does the Department contend Safety-Kleen has?

Other than that I don't have any comments on the draft.

Thanks, Jeff

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**From:** Russell, Merlin [mailto:Merlin.Russell@dep.state.fl.us]  
**Sent:** Wednesday, February 07, 2018 12:29 PM  
**To:** Curtis, Jeffery S <Jeff.Curtis@safety-kleen.com>  
**Cc:** Baker, Bryan <Bryan.Baker@dep.state.fl.us>  
**Subject:** FW: SK Medley

Hi Jeff,

How is the review coming?

merlin

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**From:** Russell, Merlin  
**Sent:** Friday, February 02, 2018 10:01 AM  
**To:** Curtis, Jeff <[Jeff.Curtis@safety-kleen.com](mailto:Jeff.Curtis@safety-kleen.com)>  
**Cc:** Baker, Bryan <[Bryan.Baker@dep.state.fl.us](mailto:Bryan.Baker@dep.state.fl.us)>; Blandin, Norva <[Norva.Blandin@dep.state.fl.us](mailto:Norva.Blandin@dep.state.fl.us)>; Cinquino, Dawn <[Dawn.Cinquino@dep.state.fl.us](mailto:Dawn.Cinquino@dep.state.fl.us)>  
**Subject:** SK Medley

Jeff,

Draft permit attached, a little later than anticipated. Please review as quickly as practicable. We'd like to go with the intent next week. Call if you wish to discuss.

Have a good weekend,

merlin

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