



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

July 7, 2003

Mr. Bob Mulholland, Division Manager
US Liquids Southeast
7202 East 8th Avenue
Tampa, Florida 33619

Dear Mr. Mulholland:

The Florida Department of Environmental Protection (FDEP) has reviewed your request for a regulatory determination regarding the use of Mobile Solvent Recovery Units.

The Department would like to prevent any misunderstanding regarding the difference between the exemption in 40 CFR 261.6 for recyclable material and the exemption in 40 CFR 264.1(g)(2) for the owner or operator of a facility managing recyclable material. At this time a recycling unit is exempt from permitting regulations under 40 CFR 264.1(g)(2). However, the generator of the recyclable material, and a transporter of the material before recycling, are both subject to the applicable requirement of RCRA section 3010. See 40 CFR 261.6(b).

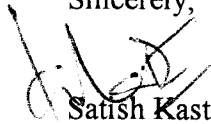
Assuming that US Liquids plans to recycle without storing the recyclable material, 40 CFR 261.6(c)(2) would apply. This section requires notification; use of the manifest and manifest discrepancy reports; and compliance with 40 CFR Part 264 (or 265) Subparts AA and BB regarding air emission standards for process vents and equipment leaks respectively. The Department would express to see a Subpart AA/BB compliance plan.

More information about your service, equipment, and procedures would greatly assist us determining how, or if, RCRA regulations apply to your recycling proposal. Specifically, we would like to know more about the sites you service, the amount of solvents intended for recycling, the frequency of still bottoms generation, and how still bottoms are handled. We would also like information regarding secondary containment and other spill control procedures and your methods of documentation.

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The interpretations of state and federal regulations with respect to your inquiry are made to the best of our knowledge and belief, based on the specific processes and methods described in your correspondence. If representations in your correspondence are incorrect, incomplete, or change over time the interpretation may not be applicable. This information may not apply to a particular set of facts or circumstances and should not be used as a statewide guidance. If you have any questions please call Michael Redig or John Erickson of the Hazardous Waste Regulation Section at (850) 245-8707.

Sincerely,



Satish Kastury, Administrator
Hazardous Waste Regulation Section

SK/jep

cc: RCRA CE Tech Committee
Susan N. Horlick
Agusta Posner
Michael Redig
John Erickson
Reading File