



# Florida Department of Environmental Protection

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March 23, 2009

Mr. Chris Heminger  
Senior Project Manager  
Total Compliance  
5859 Morganwood Square  
Hilliard, Ohio 43026

Dear Mr. Heminger:

Your proposal for the continued use of solvents for the purposes of rail car, tank and tanker washing at the Essroc facility in Logansport, Indiana has been reviewed by staff. According to your February 24, 2009 letter, Resource-One manages waste and recyclable material for several facilities in Florida. Resource-One apparently has a business headquarters located at 6043 Interstate Circle, Cincinnati, OH 45242. FDEP review of on-line records maintained by the Florida Secretary of State, Division of Corporations, did not disclose documentation of any business entity or fictitious name that might correspond to this Ohio company. Please be advised that any corporation, foreign or domestic, doing business in the state of Florida is required to register with the Secretary of State. Please provide documentation that Resource-One is duly registered in Florida.

You have stated that Resource-One and its customers intend to use the recycling exemption and meet the recycling criteria specified in 40 Code of Federal Regulations (CFR) Sections 261.2(e)(1), 261.2(e)(2) and the documentation requirements of 40 CFR 261.2(f). The recycling procedure entails pickup of used solvents from various facilities in Florida and transporting these solvents to Resource-One's bulking facility in Cincinnati, Ohio, using Department of Transportation (DOT) shipping papers. A materials safety data sheet (MSDS) accompanies the used solvent. The solvent contains, but not limited to, acetone, xylene, n-butyl alcohol, methyl ethyl ketone, methyl amyl ketone, n-butyl acetate and isopropyl alcohol. From the bulking facility, the used solvents will be shipped to Essroc Cement Corp., 3084 W. CR. 225, Logansport, Indiana 46947, a Portland cement manufacturing facility that is permitted to burn hazardous waste (EPA ID # IND005081542). The Essroc facility will use the solvent as a substitute for "virgin solvent material" to clean out rail cars and tankers. Once the material is used for tank cleaning, Essroc will burn the hazardous waste solvent in its onsite cement kiln.

Based on review of information submitted in your February 24, 2009 letter, FDEP agrees that used solvents may be reused to clean out rail cars and tankers as described in your letter, so long as the used solvent "co-product" is not reclaimed prior to use; not accumulated speculatively; not used in a manner constituting disposal; and not burned for energy recovery prior to use in the rail car/tanker cleanout process. Please keep in mind that Florida considers this "secondary material" potentially a solid and hazardous waste when recycled. Both the generating facility(s) and Essroc must keep adequate records to document their claim of recycling exemption [40CFR 261.2(f)]. Appropriate documentation includes, but is not limited to, contracts between Essroc, Resource-One, and the generator; training and other explanatory documents provided to the generator by Essroc or

Resource-One; generator records of on-site storage of used solvent; copies of shipping papers that include the dates and amount of shipments; laboratory reports and waste profiles; and Essroc's use of the product and ultimate disposal. All shipments must meet DOT packaging and labeling requirements.

Another point to note: in your response to FDEP's questions, you provided two sample MSDSs. One MSDS, in Attachment A, shows the "Manufacturer/Supplier" of the used solvent to be "Advics Manufacturing," which would be correct, since Advics used the solvent and generated the "co-product." The second MSDS, in Attachment D, shows "Resource-One" to be the Manufacturer. This would not be correct, since Resource-One appears to be a broker/transporter, not the generator of the "co-product." Please let me know if Resource-One operates a facility that generates used solvent, and where such facility(s) are located.

Additionally, the states of Ohio and Indiana may have specific requirements for receiving and managing this material.

**Disclaimer:**

Information in this guidance document is provided by Florida Department of Environmental Protection (FDEP), Hazardous Waste Regulation Section in response to an inquiry submitted by your office. This information is of a general nature and may not apply to a particular set of facts or circumstances and should not be used as a statewide guidance. The interpretations of State and Federal regulations with respect to your inquiry are made to the best of our knowledge and belief. If you have a case specific question/situation, it is advisable to submit a detailed inquiry with supporting documentation.

For questions or comments please contact Mr. Glen Perrigan at (850) 245-8749, or at [glen.perrigan@dep.state.fl.us](mailto:glen.perrigan@dep.state.fl.us). Thank you for your cooperation and assistance.

Sincerely,



Michael X. Redig, Environmental Manager  
Hazardous Waste Regulation

MXR/gp

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