



# Florida Department of Environmental Protection

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January 16, 2009

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

Dear Mr. Heminger:

Thank you for contacting the Florida Department of Environmental Protection (FDEP). This letter serves as a response to your letter dated November 6, 2008 requesting FDEP's guidance on a proposed "Continued Use Program" (CUP) operated by your client, Resource-One.

Your letter states that your client, Resource-One, "manages waste and recyclables for several facilities throughout Florida". Resource-One will "pickup used solvents from various facilities in Florida and transport these solvents to Indiana to use as a cleaning solvent". The used solvent is shipped as a product and not a hazardous waste relying on the exemption provided in Chapter 40, Code of Federal Regulation (CFR) Section 261.2(e). The solvent contains, but not limited to, acetone, xylene, n-butyl alcohol, methyl ethyl ketone, methyl amyl ketone, n-butyl acetate and isopropyl alcohol. The used solvents will be shipped to Essroc, 3084 W. CR. 2255, Logansport, Indiana 46947 (EPA ID # IND005081542). Essroc facility will then use the solvent as a substitute for "virgin solvent material" to clean out rail cars and tankers. Once the material is used Essroc will ship the hazardous waste solvent to a cement kiln where it will be burned as a fuel.

FDEP considers the used solvent a "secondary material" that would otherwise be solid and hazardous waste if not recycled without reclamation. In order for the solvent material to qualify for the recycling exemption it must meet the recycling criteria of 40 CFR Part 261.2(e)(1), 261.2(e)(2) and the documentation requirements of 261.2(f). Additionally, Resource-One must meet all Department of Transportation requirements for transportation of hazardous materials.

FDEP usually asks for certain information from the generator and the recycler to ensure that the recycling is legitimate and not sham. These are examples of such requests:

1. Describe your CUP-solvent management practices in detail, from arrival of the transporter at the generator facility, to determination of CUP compliance, through transportation, to arrival at the tank-washing facility, to testing for quality control and hazardous waste determination, to preparation of solvent for use in tank-washing, through the tank-washing process, to accumulation prior to use, and through the settling and distillation process. Please be specific with respect to tank-washing: if mixtures of CUP and virgin solvents are involved, provide ratios. Diagrams will be appreciated.
2. Provide specifications and material safety data sheets for the CUP-eligible solvent.

3. Describe how the transporter and the recycler will verify that used solvent qualifies for the CUP. Identify the criteria and methods by which the transporter and the recycler would deem the material useless in the CUP, and provide details as to how the transporter and the recycler will handle solvents that do not qualify for use in the CUP.
4. Provide details of all record keeping practices. How often do solvents arrive at the recycling facility and in what quantities? How often does tank-washing occur? How many tanks of different sizes are washed per day, month, or week?
5. Please compare the volume of virgin solvent required with the volume of CUP solvent required to wash a given unit of tanks.
6. Provide details on solid waste generation that might result from the washing of any tanks and reclamation of the spent solvent. The recycler must make a hazardous waste determination on all sludge and still bottoms. What determinations have been made with respect to sludge and still bottoms generated at the recycling facility?
7. Provide details on employee training and any training programs for the generators of CUP solvents. Provide copies of any agreements that CUP generators would be required to enter with the transporter and the recycler.

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

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