

February 14, 2008 Conference Call Highlights Between NEWMOA and States at 10 AM
TOPIC: Secondary use of Contaminated Solvents

States represented during this teleconference included Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York and Vermont. The USEPA was not on this call.

Participants: William Cass, NEWMOA and 30 state participants. State presenters are identified below

Each state was asked to briefly outline their requirement regarding the secondary use of contaminated solvents. This also included a review of the 1998 EPA Letter to Catherine McCord, Safety Kleen from David Bussard OSW. The following summarizes the comments made during this teleconference.

Connecticut- Paul Hassler

They reviewed the EPA letter, and don't have any current facilities using this policy. Safety Kleen stopped and closed out their facilities back in mid 1990s. They did try to call this a commodity and proposed to use dirty solvent for drum washing. They did have one facility Total Recycling Services start to collect used oil and attempted to ship to facility in PA calling the used oil a commodity for cleaning filters prior to becoming scrap metal. They brought this to PA attention who issued a cease and desist order and shut them down. They had another facility shipping 5000 gal bulk loads thru Clean Harbors, MA then on to Canada for use as a roofing compound, never identified end user and generator stopped shipping.

Maine Joan Jones:

Maine has one Safety Kleen facility under a TSD license. In Maine's rules, the state never fully adopted EPA's definition of hazardous wastes as it pertains to "reclaimed" under 40 C.F.R. Sec. 261.2 (c)(1)-(4), these materials are specifically included and in addition Maine did NOT adopt 40 C.F.R. Sec 261.2(e) which outlines "materials that are not solid waste when recycled." This is the section cited in the 1998 EPA response letter to Safety Kleen. Safety Kleen did approach Maine about the CUP program and were told they needed to get a modification to their permit to do this, and they never applied. No information on Heritage at this time.

Massachusetts Bill Sirull:

The state currently does allow for continued use of solvents for only on-site use. However anytime a facility ships HW off site it is considered spent waste requiring use of a manifest unless they facility obtains a recycling permit. With a permit the waste can be shipped under a bill of lading. Consolidated Recycling Technologies??? of Bridgewater (CRT) distributes degreasing solvent for parts cleaning and collects the used solvent to reuse in washing auto filters at its Bridgewater site. (other uses????). Also eCRT collects the waste oil drained on-site from used auto filters that can be and burned it on-site in space heaters. After used solvent is reused to wash auto filters, it is redistilled on-site and recycled back to customers as fresh solvent. Mass. Generators must obtain recycling permits to ship to this facility and it is not viewed as "continued use." New Hampshire asked "how do out of state generators legitimately ship to CRT?" Generators are shipping under a bill of lading but have no permit from MA. That is acceptable for out-of-state generators.

New Hampshire- Tod Leedberg

State is in process of writing a paper/policy for continued use. They plan to outline what is needed to be done for paperwork to generators who ship to CRT. Have a number of questions such as “is it effective?”, “is it legitimate?”, “is this being done under controlled conditions?” They want to think some more about limiting this to on-site use only. Is this end use of the solvent really an effective substitute? Asked if other states have similar letters to the PA?

New Jersey Bret Reburn

State follows the federal rules. Did not have any specific issues; no knowledge of any problems.

New York- Bill Yeaman

Safety Kleen approached NY for approval of their CUP program in 2000. They had concerns that the 1998 EPA letter was missing an attachment that was critical to understanding what EPA was approving. They suspected that an attachment had a cleaner material specifications in the proposal but could not find the document. They do think the program has merits however the specs on the solvent are still too dirty. The 2000 proposal had very modest specs and every customer's waste was eligible. NY did not concur with request. Safety Kleen did challenge NY and a second letter was sent. They do not restrict continued use to on site. They did deny Heritage their request for a similar program

Vermont Steve Simoes

They received a request from Safety Kleen for their CUP program. They also denied approval and relied on NY correspondence. Key point, SK acknowledged the potential for contaminants to be introduced into material. They used information from North Carolina that stated that spent solvent was not effective in rinsing out drums as proposed. They have a letter that can be distributed to states. They have had a number of requests from SK on how to manage this as a non-hazardous waste or tried to manage as spent oil. Used oil cannot include solvents and have language to that effect in their rules.

Questions raised:

How are other states managing this material after reuse? What is its status?

Points made:

- Continued Use process needs to remain same process as for the solvent. If it changes, then it becomes a waste.
- States receiving CUP solvents from out of state need to get involved. This can't just be known by the shipping states.
- Proposed this topic for a discussion at the annual meeting; “what can TSDs allow to go to their facilities”.

Last topic were questions about Heritage. When Heritage collects solvents from clients on bills of lading, the BOL changes at each step in the process. Heritage claims this is okay for the DOT exemption. Generator never knows what happens to their “waste.” Connecticut has denied approval since generators fail to document their claim to receive the exemption. New Hampshire has stated the same thing.