

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MARCH 13, 1989

David Petersen
President
National Association of Solvent Recyclers
1333 New Hampshire Avenue, N.W., Suite 1100
Washington, D.C. 20036

Dear Mr. Petersen:

This letter is in response to your February 9, 1989 petition wherein you request that 40 CFR Section 261.6 be amended to require that all solvent recyclers be considered stores of hazardous waste and thus be subject to regulation under Subtitle C of RCRA.

The Agency shares your concern that certain solvent recycling activities may present threats to human health and the environment if not properly managed. The Agency is also concerned that it may not have sufficient regulatory authority over these types of operations. However, the Agency must try to strike a balance between its policy of supporting bona fide, well managed and environmentally safe recycling operations and those that are not.

The issue you raised, relative to certain companies avoiding having to obtain RCRA permits for storage by directly pumping used solvent from transportation tanks into distillation equipment, is one that the Agency is currently evaluating as it relates to the regulation of boilers and furnaces. In an upcoming proposed rulemaking, we will be taking comment on whether to continue to allow the direct pumping of hazardous waste from transportation tanks into industrial boilers and furnaces or whether it is significantly more protective of public health and the environment to require the use of storage tanks. We will send you a copy of the proposed rule once it is published in the Federal Register.

The comments we receive on this issue as part of this proposed rulemaking will be useful input in the evaluation of your petition. We will be examining the storage and recycling issues discussed in your petition and, after our analysis, we will make a determination on your petition. In the meantime, if you have any questions, please contact Filomena Chau of my staff at (202)382-4795.

Sincerely,

Sylvia K. Lowrance, Director
Office of Solid Waste