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United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

May 28, 1992

Mr. Mark A. Johnson
Treasurer
Crush-A-Matic
2805 Urbandale Lane N.
Minneapolis, Minnesota 55447

Dear Mr. Johnson:

Thank you for your letter of November 5, 1991 regarding the regulatory status under the Resource Conservation and Recovery Act (RCRA) of reclaiming solvent from used dry cleaning filters. I apologize for the delay in responding to your inquiry.

You requested a regulatory determination regarding a process to crush spent dry cleaning filters to remove the solvents from the solid portion of the filters. This office cannot provide you with a definitive determination on how waste generators using your process would be regulated because, in the 46 authorized States, RCRA has been delegated to the State to administer as a matter of State law. However, under the federal regulations were they to apply, crushing the spent dry cleaning filters before removing the solvents and the subsequent reclamation of the removed solvents would generally be considered a recycling activity, subject to 40 CFR 261.6(c). Thus, the actual recycling activities themselves would not require a RCRA permit; however, the storage of the spent dry cleaning filters prior to recycling may be subject to permitting requirements, or may be subject to reduced requirements under 40 CFR 262.34 or 261.5, depending on factors unique to each generator. The use of a crushing device is not prohibited by federal regulations, and in fact the use of a crusher will not affect the regulatory status of most generators under federal rules. However, as mentioned above, each authorized State would have to make these determinations based on its own individual State law provisions.

RO 11670

According to your letter, you have not yet designed your crushing unit. Even under federal law, the applicable regulatory requirements for waste generators may vary greatly according to several site-specific circumstances. Examples of such circumstances include whether (or how long) the filters are stored before and after recycling or whether the reclamation takes place on the premises of the dry cleaning facility. Because a regulatory determination for each generator is dependent upon such site-specific factors, you may wish first to consult the Waste Management Division of EPA's Region V Office in Chicago, Illinois. By discussing in advance which requirements would apply under different scenarios, you may be able to minimize your costs while helping your customers maintain full compliance with RCRA regulations.

I also urge you to contact each State in which your operations will be located. As emphasized earlier, States with authorized RCRA programs may impose more stringent requirements, and they also have the authority to make regulatory determinations about the materials which constitute hazardous wastes under their programs.

I hope this letter has addressed your concerns. If you have any further questions, please contact Marilyn Goode of my staff at (202)-260-8551.

Sincerely,
Sylvia K. Lowrance
Director
Office of Solid Waste