



BRUCE KING  
GOVERNOR

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March 19, 1993

Robert Wachsmuth  
Environmental Engineer  
Safety-Kleen  
777 Big Timber Road  
Elgin, Illinois 60123

Dear Mr. Wachsmuth:

Thank you for your letter of March 4, 1993 requesting a regulatory interpretation of a newly proposed product/service rollout for Safety-Kleen Service Centers in New Mexico. The data on the new SK6605 Premium Solvent does indicate that it is non-hazardous, and the effort to provide your customers with a waste minimization program alternative is certainly commendable and timely.

However, we do have some concerns about this product, as well as any other solvent, when it becomes spent. First, we would like to evaluate how the customers will be trained to ensure that the resulting waste remains non-hazardous. We believe that regardless of how much training is provided, the waste may contain characteristic contaminants, particularly heavy metals. The generator should always be informed that any solvent could under certain circumstances become contaminated to the extent that it becomes a hazardous waste when spent. Second, the generator will still be held responsible for making a hazardous waste determination as per 40 CFR 262.11. Third, Safety-Kleen must continue to accept responsibility for ensuring that it is not accepting a hazardous waste when it picks up the spent solvent. Occasional representative sampling of "customer waste" may not be sufficient in all cases.

Concerning compliance with the facility permit, we do not believe that the permit would be affected so long as no new hazardous waste codes and no new hazardous waste management units beyond those already identified in the permit are used in your new SK6605 Premium Solvent process. Should any of this spent solvent received be determined to be a hazardous waste which is not specified in the permit or if new units are needed to manage the spent hazardous waste, then a permit modification may be required.

Mr. Robert Wachsmuth  
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If you have any questions or if we can be of further assistance,  
please feel free to contact Mr. Jim Seubert of my staff at  
(505)827-4308.

Sincerely,



Edward L. Horst  
RCRA Program Manager  
Hazardous and Radioactive Materials Bureau

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