



New Mexico Health and Environment Department

GARREY CARRUTHERS  
Governor

DENNIS BOYO  
Secretary

MICHAEL J. BURKHART  
Deputy Secretary

RICHARD MITZELFELT  
Director

March 1, 1990

Mr. Dave Rockwell  
Branch Manager  
Safety-Kleen Corporation  
Albuquerque Facility  
2720 Girard N.E.  
Albuquerque, NM 87107

Mr. Wayne Rose  
Zep Manufacturing Company  
2827 Girard Blvd. NE  
Albuquerque, NM 87190-3853

**RE: Determination of Spent Material as a Hazardous Waste**

Dear Sir:

The New Mexico Environmental Improvement Division (EID) has determined that your company is a purveyor of a material which is not a hazardous waste as a virgin product but which may become a hazardous waste after use. As such, you may not attempt to persuade your clients that your solvent will not become a hazardous waste after use. EID will require anyone claiming a waste solvent is not a hazardous waste to document this fact with laboratory analyses of the specific waste. A material safety data sheet characterizing the virgin product will not be acceptable. Disposal of the waste solvent without an analytical determination that the waste material is not a hazardous waste will be considered a violation of the New Mexico Hazardous Waste Management Regulations and will subject the generator to the penalties authorized under the New Mexico Statutes, §§ 74-4-1 to 74-4-13 NMSA 1978 (1989 Supp.).

Filters and sludges from solvent operations are by nature suspected of being contaminated with heavy metals. Disposal of used filters in other than a licenced hazardous waste disposal facility will be considered a violation of the Federal Land Disposal Restriction regulations. Upon learning of such disposal, EID will refer enforcement of such violations to the United States Environmental Protection Agency unless the disposer can document that the used filters are not a hazardous waste.

If you have any questions on this matter, please contact Dr. Bruce Swanton of my staff at (505) 827-2935.

Sincerely,

Bill Blankenship, Supervisor  
Compliance and Enforcement Section  
Hazardous Waste Section

BB/bas