



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

September 30, 1998

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Mr. Michael Merashoff  
Facility Manager  
Safety-Kleen  
170 Bartow Municipal Airport  
Bartow, Florida 33830

Dear Mr. Merashoff,

This letter responds to your July 23, 1998 and September 3, 1998 letters to Mr. Ezequiel Velez of EPA Region IV in which you ask for guidance regarding the reporting requirements under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). As I understand your letters, while Safety-Kleen performs several hazardous waste services, at present, it is only asking for clarification regarding its fuel blending operations. Specifically, Safety-Kleen receives from generators hazardous wastes containing EPCRA section 313 toxic chemicals. After being stored in tanks, the wastes are blended and then transferred off site, for burning as a fuel and disposal, to hazardous waste boilers or industrial furnaces regulated by the Resource Conservation and Recovery Act (RCRA).

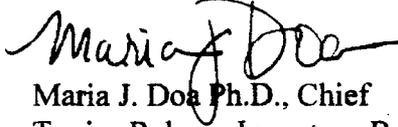
You are correct in your assertion that this fuel blending operation does not fall under the manufacturing, processing, or otherwise use activities as those terms are defined in the EPCRA section 313 regulations (40 CFR Part 372). The storage, blending and subsequent transfer off site of the listed toxic chemicals in hazardous wastes for burning and disposal is not manufacturing, processing or otherwise use of the listed chemicals and therefore, your facility would not consider this activity toward a threshold determination. If the toxic chemicals in a waste fuel are burned on site, then this would be considered an otherwise use activity subject to threshold calculations. However, because the fuels are sent off site for burning this is not a covered activity. Further, Laidlaw should keep in mind that if it exceeds an activity threshold for these toxic chemicals elsewhere at the facility, then those chemicals involved in the fuel blending operation should be reported in the appropriate sections of 6.2 and 8 of the Form R.

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I hope this information is helpful to you in making threshold determinations and release and other waste management calculations for section 313 of EPCRA. If you have any other questions, or desire further information, please call either Larry Reisman at 202.260.2301 or me at 202.260.9592.

Sincerely,

A handwritten signature in black ink that reads "Maria J. Doa". The signature is fluid and cursive, with a long horizontal stroke at the end.

Maria J. Doa Ph.D., Chief  
Toxics Release Inventory Branch