

PPC 9475.1986(01a)

REQUIREMENTS OF A FACILITY GENERATING, STORING, AND MANIFESTING F001

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

OCT 30 1986

Honorable Rudy Boschwitz  
United States Senator  
210 Bremer Building  
419 N. Robert Street  
St. Paul, Minnesota 55101

Dear Senator Boschwitz:

Thank you for your September 16, 1986, letter regarding your constituent, Mr. Win Sabatka, President of Finishing Equipment, Inc. In the correspondence which you enclosed, Mr. Sabatka raised several questions about the application of Minnesota's hazardous waste program to Finishing Equipment's operations.

Minnesota has been authorized to implement and enforce the Federal Resource Conservation and Recovery Act (RCRA) program in lieu of the Environmental Protection Agency (EPA) since February 1985, Mr. Sabatka's concerns, therefore, are most appropriately addressed by the Minnesota Pollution Control Agency (MPCA) with whom he has been corresponding. Nevertheless, we have spoken with EPA Region V and MPCA representatives to try to clarify the situation.

With respect to Finishing Equipment's manifests, Mr. Sabatka states in his letter to you that the waste was "properly manifested as [waste] F001". While the waste was correctly identified by the F001 category, MPCA has informed us that it was incorrectly described as waste oil, rather than as still bottoms.

Mr. Sabatka also stated that he does not believe Finishing Equipment's operations are subject to the financial assurance regulations. From the information we have obtained, it appears that Finishing Equipment is a storage facility, as defined in both the EPA and MPCA regulations. Consequently, the owner or operator of the facility must comply with the financial responsibility regulations (among others). The Federal financial regulations were published in large part on April 7 and 16, 1982. Copies of these rules, along with a summary of them, are enclosed. EPA also made minor changes to the rules on May 2 and July 11, 1986, but these are not yet effective in Minnesota. Otherwise, Minnesota's financial rules are substantially equivalent.

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-2-

I hope this response is helpful. Please feel free to contact Matthew Straus on (202) 475-8551 or Carole Ansheles on (202) 382-4761 of my staff if you have any further questions on manifesting or financial responsibilities, respectively.

Sincerely,

J. Winston Porter  
Assistant Administrator