

Comments on proposed Solid Waste Rules:

R18-13-610. Solid waste facilities that are used for the collection of glycol based antifreeze, or CESQG waste generated off site

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The word “spent” should remain at both places. Glycol-based antifreeze should also be defined to exclude glycerol-based antifreeze.

Spent glycol based antifreeze could be regulated in this subsection, provided that you make provisions to exclude recycling facilities from being designated a solid or liquid waste facility. This is reasonable because some recyclers just bring in spent antifreeze and other non-hazardous liquids from off site locations just for recycling to remove impurities.

Provisions must be made to exclude antifreeze and other non-hazardous liquids that have already been recycled as part of the 180 cubic yard limit for storage. Without doing so, you unfairly penalize a facility for storage of useable recycled (and now virgin) product on site and thus effectively limiting recyclers to approximately 90 cubic yards of available storage of the spent product before recycling.

Consideration should also be given to apply the storage limitation only at 100% concentration of the regulated constituent(s), and not just consider the total volume of various dilute solutions containing the constituent.. Otherwise a facility would be severely punished for bringing in 20% solutions of spent product for recycling instead of just 50% solutions or higher. This would create a negative environmental and economic impact on recycling and a disincentive to recycle the most dilute solutions.

B. “Material recovery facility” means a facility that collects, compacts, repackages, sorts, or processes solid waste for the purpose of recycling and transport, and where the incoming materials are commingled with other non-recyclable solid waste.

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Confusing Verbiage. A Recycling facility that filters or distills non-hazardous liquids such as antifreeze, solvents, or used oils should NOT be considered a Material recovery facility. In most cases a small amount of solids could be captured and removed from these liquids during the recycling process, but such solids generation should NOT result in a recycling facility being improperly designated as a “material recovery facility”. You may wish to change the term “processing” to pre-processing to designate sorting and separation before being sent to a recycling facility... or just exclude free-flowing Liquids from this definition.

R18-13-717. Recycling facilities; Additional requirements

Recycling Facilities should NOT be considered a Solid Waste Facility. Solid waste facilities process waste “through treatment” to make the waste less hazardous for disposal.... Or separate mixed waste components for disposal or to make amenable for recycling elsewhere. Recycling facilities process the entire “waste” to remove minor amounts of impurities from the recyclable material so that it can be fully reused as virgin product.

Most recycling activities are Small Businesses and cannot afford costly new requirements. There needs to be more consideration of the costs for compliance with these rules before

implementing such sweeping solid waste changes. EPA must make such determinations before proceeding on many of its proposed rules.

Recycling Facilities may best be regulated under the BEST Management Practices Provisions of this proposed Rule... if they should be regulated at all.

R18-13-700. Solid Waste Facilities Subject to Self-Certification; Applicability

For purposes of determining if a site is a recycling facility, the following recyclable solid wastes have a significant adverse effect on the environment when treated or processed as described:

3. Glycol based antifreeze, or CESQG waste treated or processed by chemical or physical methods such as filtering or distillation.

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5. Spent industrial solvents,

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Glycol based antifreeze should NOT be grouped with CESQG waste, which are hazardous wastes that have been exempted under RCRA, but nonetheless still contain hazardous characteristics. Spent or used Glycol based antifreeze exhibits NO hazardous waste characteristics whatsoever. It is appears to be rather arbitrary and capricious to single out glycol based antifreeze under these provisions when they are the only substance that does NOT contain or exhibit any hazardous waste characteristics.

Recycling facilities that do NOT handle CESQG wastes or other hazardous wastes should be put into a separate category with much less stringent provisions than other Waste Facilities mentioned in these regulations.

R18-13-717. Recycling facilities; Additional requirements

Again, Recycling facilities should be subdivided into two categories:

1. Those recycling facilities that manage ONLY wastes that do NOT exhibit a hazardous waste characteristic under existing RCRA regulations, and
2. Those recycling facilities that manage CESQG wastes and other wastes that DO exhibit hazardous waste characteristics, or otherwise contain RCRA non-regulated hazardous wastes.

Those facilities that fall into the first category should be regulated under the Best Management Practices provisions with a minimum amount of extemporaneous procedures and documentation to manage their non-hazardous spent materials awaiting recycling and eventual reuse. Those facilities should also not be roped back into more stringent regulatory framework just because they store and transport non-hazardous spent materials on site prior to their being recycled for reuse.

The other recycling facilities listed in the second category require much more stringent oversight and control because their recycling methodologies may be complex and require segregation and chemical treatment of the waste (similar to a material recovery facility) prior to any “recycling” activity leading to the actual reuse of any portion of the waste materials.