



STEVEN A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

BRAD HENRY
Governor

January 9, 2008

Mr. Dan Koons
C.I. Agent Solutions
11760 Commonwealth Dr.
Louisville, Ky 40299

Dear Mr. Koons:

On January 2, 2008, the Department of Environmental Quality (DEQ) received your letter requesting clarification on the proper disposal of solidified hydrocarbons (gasoline, diesel fuel, and refined motor oils). You stated in your letter that the hydrocarbons are collected from miner spills bilges of boats and from underground vaults and manholes containing electrical equipment operated by the electric utilities. You stated that the amounts collected are normally less than five gallons and are always from known sources.

Your letter indicated that you employ a technology in your products that uses a proprietary blend of FDA Certified food grade polymers marketed under the trade name of C.I. Agent. You indicated that C.I. Agent is a dry granular material designed to immobilize petroleum-based liquid spills by coagulating and bonding the hydrocarbon liquid. You stated that the C.I. Agent polymers are composed of long cross linked molecular chains that solidify the organic liquid through "irreversible micro-encapsulation", which changes the viscosity from a liquid to a solid upon contact. You stated that organic liquids encapsulated by C.I. Agent are physically entrapped in the molecular network and cannot be released from the solidified polymer matrix.

Enclosed with your letter were Toxicity Characteristic Leaching Procedure (TCLP) test results for the solidified gasoline, diesel fuel, and motor oil. The submitted TCLP results do not indicate any issues of concern regarding TCLP volatiles (including benzene), TCLP semi-volatiles or TCLP metals present in any of the solidified diesel fuel or bunker oil. No issues of concern were noted regarding the TCLP volatile (including benzene) results on the solidified gasoline.

If the solidified hydrocarbons test <1000 ppm Total Petroleum Hydrocarbon (TPH), they may be disposed at any landfill in the State of Oklahoma permitted to accept that type of waste. If the solidified hydrocarbons test >1000 ppm TPH, they are deemed by the Oklahoma Department of Environmental Quality to be non-hazardous industrial waste (NHIW) and are identified as such in Appendix F of OAC 252:515. NHIW must be disposed at landfills permitted to accept that type of waste and cannot be disposed at landfills that are not permitted to accept it. If the solidified hydrocarbons test >1000 ppm TPH, they must be disposed only at landfills permitted to accept NHIW and equipped with a composite liner.



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Generators of >10 cubic yards of NHIW per month for off-site disposal must submit a certification to the DEQ that the non-hazardous industrial waste is not a hazardous waste. The certification shall be made in accordance with Appendix G of OAC 252:515.

Solidified hydrocarbons may not contain any free liquids prior to disposal at any permitted landfill in the State of Oklahoma.

If the hydrocarbons are collected from manholes containing electrical equipment operated by electric utilities, a polychlorinated biphenyl (PCB) analysis will also be required of the solidified waste stream. Landfills cannot accept waste that is greater than 50 ppm PCB.

Landfills, can, and often do, set their own waste acceptance criteria and refusal policies which may be more stringent than Department standards.

If you have any further questions or require additional information, please feel free to contact me at (405) 702-5216.

Sincerely,



Dee Ready, Environmental Programs Manager
Land Protection Division
Solid Waste Compliance Unit

File: January 2008, NHIW Correspondence file

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